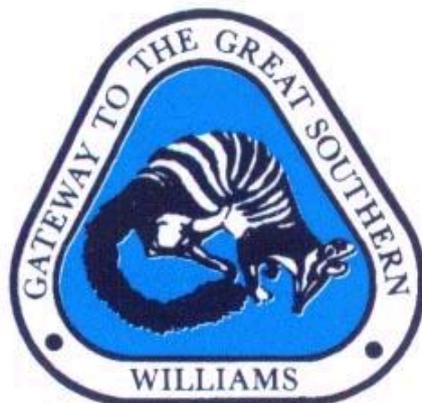


# ***SHIRE OF WILLIAMS***

***MINUTES ORDINARY MEETING HELD ON WEDNESDAY  
17TH OCTOBER 2018***



## **COUNCIL DIARY**

**WEDNESDAY 17<sup>TH</sup> OCTOBER 2018**

1.00pm

Ordinary Meeting

**TUESDAY 13<sup>TH</sup> NOVEMBER 2018**

2.00pm

Audit Committee Meeting

**WEDNESDAY 21<sup>ST</sup> NOVEMBER 2018**

1.00pm

Ordinary Meeting



## MINUTES – ORDINARY MEETING OF COUNCIL HELD 17<sup>TH</sup> OCTOBER 2018

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### Separate Documents

1. Minutes – Council; BF AGM
2. CEO General Report
3. Appendices to CEO Report
4. Appendices to EDO Report
5. Appendix to Work Supervisor’s Report
6. Payment Listing
7. Monthly Financial Report
8. Municipal Bank Reconciliation
9. Status Report
10. Info Statement



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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.



# MINUTES

## 1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Deputy President Cr Jarrad Logie declared the Meeting open at 1.01pm.

## 2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Cr Jarrad Logie Deputy President/Presiding Member  
Cr Moya Carne  
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 (3.41pm to 3.55pm)  
Tony Kett Works Supervisor (1.28pm to 1.52pm)  
Gordon Tester Environmental Health Officer/Building Surveyor  
(1.53pm to 2.11pm)  
Manuela Lenehan Minute Taker

Leave of Absence: Cr John Cowcher, President

Apologies: Cr Gil Medlen

## 3.0 PUBLIC QUESTION TIME

## 4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

## 5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	Cr Simon Harding / Councillor
Item No. / Subject	8.4.7 Potential Purchase of Lot on Albany Hwy
Type of Interest	Indirect Financial Interest



<b>DECLARATION OF INTEREST</b>	
Name / Position	Cr Jarrad Logie / Deputy President
Item No. / Subject	8.4.10 Waiver of Swimming Pool Family Pass
Type of Interest	Impartiality Interest

## 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 6.1 ORDINARY COUNCIL MEETING HELD 19<sup>TH</sup> SEPTEMBER 2018

**Officer's Recommendation**

That the Minutes of the Ordinary Meeting held on 19<sup>th</sup> September 2018, as previously circulated, be confirmed as a true and accurate record.

**Council Resolution**

***Watt/Cavanagh***

That the Minutes of the Ordinary Meeting held on 19<sup>th</sup> September 2018, as previously circulated, be confirmed as a true and accurate record.

**Carried 7/0  
Resolution 53/19**

### 6.2 BUSH FIRE BRIGADES ANNUAL GENERAL MEETING HELD 10<sup>TH</sup> OCTOBER 2018

**Officer's Recommendation**

That the Minutes of the Bush Fire Brigades Annual General Meeting held on 10<sup>th</sup> October 2018, as previously circulated, be received.

**Council Resolution**

***Major/Cavanagh***

That the Minutes of the Bush Fire Brigades Annual General Meeting held on 10<sup>th</sup> October 2018, as previously circulated, be received.

**Carried 7/0  
Resolution 54/19**



## 7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

## 8.0 REPORTS

### 8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

#### 8.1.1 GENERAL PROJECTS UPDATE

<b>File Reference</b>	EDO Files
<b>Statutory Reference</b>	N/A
<b>Author &amp; Date</b>	Heidi Cowcher 10 <sup>th</sup> October 2018

#### Background

The EDO manages and supports the management of a variety of projects, initiatives and Shire facilities. A brief report in the current status of active projects is following, together with facilities report.

#### Comment

##### Williams Lions Park Redevelopment

This project is has now been completed, with the official opening held on Friday 28<sup>th</sup> September. The event was well attended with around 200 visitors enjoying all the Park has to offer. Since this, it has been fantastic to see the Park having increased visitor numbers, including many locals who are enjoying the extensive play, picnic and BBQ areas.

The project implementation would not have been possible without the support provided by our funding partners:

Building Better Regions Funding	\$360,000
Lotterywest	\$200,000
Newmont Boddington Gold	\$50,000
Department of Parks & Wildlife	\$30,000
Project Numbat	\$26,000
South32/Worsley Alumina	\$20,000

Attracting over 75% funding to this project is a significant achievement, and is testament to the strong relationships that the Shire has established and maintained with these funding partners over many years.

Funding acquittals have been completed for Lotterywest and South32. Acquittals are being finalised for Building Better Regions and Newmont funding and should be submitted by late October/early November. The CEO has advised that he will be sending a letter of appreciation to the Department of Parks and Wildlife and Project Numbat in recognition of their contributions and partnership in the delivery of the project.



Appreciation is also extended to Ben Fowler and Bruce Taylor for the donation of rocks and timber logs to the Park redevelopment. Sourcing local materials gives a sense of community engagement and involvement in the project which is appreciated.

#### Willi Wag Tails Childcare Centre

A continued review of the childcare centre operation income and expenditure has resulted in a review of the contracted hours of staff. All staff have had their contracts reviewed and updated to reflect the revised hours. This has been primarily to address low numbers that attend during holidays, and therefore lessen the need for staff at the same levels as term time. This review is still taking place, with a resolution and outcome anticipated in the next month.

Over the next few months a review will be completed on the fees and charges with a view of increasing the fees in line with the new government subsidies available for childcare. The aim is to maximise the rebates that can be achieved without impacting adversely on our families and users of the service. A meeting with the families at the centre will be initiated to discuss these proposed increases so their understanding can be achieved before the implementation of the increased fees. Council support for this increase will be requested at the next meeting.

#### Digital Survey

The 4WDL Regional Group has identified telecommunications as a major focus for the region. The group invited Jim Wyatt (Digital Strategist and Implementation Advisor from Optimi Digital) to attend a 4WDL meeting and brief the members on the merits of undertaking a digital survey.

The Shire of Williams agreed to participate in the project to help to identify future strategies, plans and actions to position the Shire competitively for the digital future. Over the 4 weeks that the survey was 'live', a total of 49 responses (13%) were received, with 63% from business and 37% from homes. A draft report is currently being prepared and will be circulated for comment once received.

Once all individual reports are received across the 4WDL Regional Group, a collective report will be prepared and possible funding is identified for implementation of initiatives.

#### 2018 LG Professionals State Conference

During 2018, I have participated in an LG Pro Lift-Off Mentor program that is aimed at supporting the career development of local government's future leaders. As part of this program, I have been offered the opportunity to be a speaker at the 2018 LG Professionals State Conference that is attended by CEOs, Directors and Senior Managers in local government annually.

The Conference is being held at the Crown from 7-9 November. The presentation I am making is titled 'Playing nicely in the sandpit together – that is the answer' – with the theme being regional collaboration and how this can save local government money, increase efficiencies and achieve long term sustainability and development, using the example of the 4WDL Well Aged Housing Project as the supporting evidence.



### Williams Swimming Pool

Swimming season is almost here with the pool scheduled to open on Thursday 1<sup>st</sup> November. The pool has been cleaned and sampled in anticipation of opening, and by the weekend the thermal covers will be on and the heat pumps turned on to warm the pool. Depending on the seasonal conditions, we may consider opening the pool one week earlier on Thursday 25<sup>th</sup> October, an extension which is possible under our contract with Contract Aquatic Services. A second reason for considering opening the pool earlier, is due to the imminent closure of the Narrogin Pool for roof repairs. When this work commences, YMCA and the Shire of Narrogin have advised that the pool may be closed for up to a month. Narrogin Swimming Club train at the Narrogin pool every day and with the competition season about to commence, this has a significant and detrimental effect on the ability for the Club to continue their training regime. We have extended an offer for the Narrogin Swimming Club to train at the Williams Pool for the duration of the Narrogin Pool closure. The Club will be meeting later this week to discuss this offer and will advise us in due course.

### **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 as a place to live, work, play and invest.
- SCD 1.1 Provide, maintain and improve community infrastructure.
- SCD 1.3 Maintain a safe and secure environment for the community.
- 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.
- CL 1.2 Ensure the community remains well informed, well connected and engaged and has the opportunity to actively participate.
- 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 3.1 Participate in, and actively collaborate with, the 4WDL VROC on resource sharing opportunities.
- CL 4.2 Provide professional development opportunities for all staff.

### **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**

**Baker/Watt**

That the General Projects update be received.

**Carried 7/0  
Resolution 55/19**

**8.1.2 ALBANY HIGHWAY SHARED USE PATHWAY**

<b>File Reference</b>	12.21.40
<b>Statutory Reference</b>	N/A
<b>Author &amp; Date</b>	Heidi Cowcher 10 <sup>th</sup> October 2018
<b>Attachment</b>	<b><i>Shire of Williams Local Bike Plan 2005-2020</i></b> <b><i>Shire of Williams Connectivity Map</i></b>

**Background**

With the planned upgrade of the Coalling Creek Bridge, Main Roads WA included pedestrian access on the new bridge where the current one has no dedicated, separated pedestrian access. This prompted the Shire to consider the extension of the shared use path network to link to the new bridge path and connect the northern residential and business area with the main town precinct.

**Comment**

Council supported this project for the previous funding round and the Shire was successful with the Expression of Interest stage of the funding. An invitation was extended to the Shire to submit a full proposal, however due to the Main Roads program being delayed, it was deferred for 12 months.

The project has once again been successful with the Expression of Interest stage of the funding, and now has been invited to submit a full proposal. Applications close 17<sup>th</sup> October 2018. Funding, if approved, will be made available after 1<sup>st</sup> July 2019 for the 2019/2020 financial year.

**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:

- SCD 1.1 Provide, maintain and improve community infrastructure
- SCD 2.7 Support implementation of initiatives identified in DAIP, Williams Local Bike Plan, LEMA and other related Plans for the Shire.
- LUE 1.1 Ensure that the townsite is maintained to a high standard
- LUE 2.2 Ensure townsite amenities are maintained and improved where required.
- CL 2.1 Maximise and leverage grant funding opportunities to balance and support Council investment.
- CL 2.2 Maintain accountability, transparency and financial responsibility.



**Financial Implications**

Council has budgeted this project in the 2018/19 budget (\$70,084). Funding, if secured will only be made available after the 1<sup>st</sup> July 2019, so this project will need to roll over into the next budget. The total estimated cost for this project is \$62,340, with a funding request of \$31,170 to the Department of Transport.

**Voting Requirements**

Simple Majority

**Officer's Recommendation**

That Council endorses the updated Shire of Williams Local Bike Plan 2005-2020 as presented. Further, that Council supports the submission of a funding request to the Department of Transport's WA Bicycle Network Grants Program for \$31,170.

**Council Resolution**

***Watt/Major***

That Council endorses the updated Shire of Williams Local Bike Plan 2005-2020 as presented. Further, that Council supports the submission of a funding request to the Department of Transport's WA Bicycle Network Grants Program for \$31,170.

**Carried 7/0  
Resolution 56/19**



The Works Supervisor, Mr Tony Kett, attended the Meeting at 1.28pm to discuss his report.

## 8.2 WORKS SUPERVISOR'S REPORT

File Reference	12.15.36	
Statutory Reference	N/A	
Author & Date	Tony Kett	9 <sup>th</sup> October 2018
Attachments	Appendix 1	

### 8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (km)
Congelin-Narrogin Rd	6.4
Pingelly Rd	3.1
Hamon Rd	0.8
Rintoul Rd	1.6
Medlen Rd	8.2
Wangeling Gully Rd	8.8
Nash Rd	5.8
Gillett Rd	1.1
Old Soldiers Rd	3.9
Bates Rd	3.5
Cowcher Rd	4.4
Tin Shed Rd	2.3
Chapman Rd	2.1
Top End Rd	1.3
Glenfield Rd	13.6
Graham Rd	1.9
<b>Total Length for the Month</b>	<b>68.8 Km</b>

### 8.2.2 ROAD MAINTENANCE WORKS (SEE APPENDIX)

- Patching Williams-Darkan Rd, Clayton Rd and York-Williams Rd
- Completed the following 2017 flood damage repairs: Hardie Rd, Fawcett Rd, Petchell Rd, Old Soldiers Rd, Glenfield Rd and culvert on Bates Rd
- Started repairing 2017 flood damage on various other roads



**8.2.3 2018/19 ROAD CONSTRUCTION PROGRAM**

Road Construction Program 2018-2019								
Road No	Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Start Date	Finish Date	Comments
10	Pingelly Rd	Seal 7m wide	5.00	6.50				
128	Williams Darkan Road	Reseal	0.00	7.00				
7	Clayton Road	Seal Shoulder	2.00	4.00				
7	Clayton Road	Widen Shoulders	4.00	6.00				
1	York Williams Road	Reseal 3kms	6.10	9.10				
23	Wangeling Gully Road	Install Culverts and Gravel Sheet						
12	Zilko Road	Widen over Culverts						
15	Glenfield Road	Tree Trimming			2.00kms			
9	Dardadine Road	Tree Trimming			2.00kms			
31	Extracts Road	Tree Trimming			2.50kms			
	Townsite Drainage	Drainage plan and upgrade						
58	Kelly Road	Replace Culvert						
12	Zilko Road	Gravel Sheet (3kms)						
11	Marradong Road	Drainage and seal failures						
	Various Roads	Gravel Sheeting and Reforming						



**8.2.4 MECHANICAL REPORT**

Plant Description		Driver	Date Purchased	Hours/Km 22/5/2018	Works Completed this Month
Mazda CX5 WL 16	Light Vehicles	C Ryan	Aug 18	negligible	
Toyota Prado 16 WL		G McKeown	Sep 16	62,000 km	
Holden Rodeo Dual Cab Utility WL 5499		Outside staff	Nov 04	258,568 km	
Holden Colorado Dual Cab WL 19		T Kett	Sep 17	29,345 km	
Kia 2 Tonne Truck WL 954		J Cowan	Oct 07	161,170 km	
Isuzu D-Max WL 5802		A Wood	Nov 14	119,403 km	Serviced
Isuzu 4x2 Single Cab Ute WL 5826		Maintenance	Nov 16	18,627 km	
Holden Rodeo Single Cab Utility WL 826		Outside staff	Nov 06	124,448 km	
Isuzu 4x2 Single Cab Ute WL 915		J Lenehan	Nov 16	13,829 Km	
Skid Steer Track Loader 1EVV725		Outside staff	Sep 15	727 hr	
Multipack Multi-Tyre Roller WL 49	Construction Equipment	Outside staff	Oct 04	6,973 hr	Serviced and fitted new exhaust.
Vibromax Roller WL 126		Outside staff	Sep 04	4,590hr	
Caterpillar 12M Grader WL 61		D Munday	Dec 11	6000 hr	
Caterpillar 12M Grader WL 361		A Wood	Oct 14	3000 hr	
721E Case Loader WL 5639		R Gillett	May 12	6,527 hr	
Volvo EC210BLC Excavator WL 499		P Reed	Jul 07	7,576 hr	New cutting edge on batter bucket.
John Deere 315SE4 Backhoe WL 745		T Palframan	Sep 01	3,070 hr	
Toro Reelmaster SP Mower WL 5827	Works	Aug 09	1,254hr		
Kubota Generator	Parks & Gardens	Refuse Site		4,512 hr	
Toro Groundmaster 360 WL917		J Cowan	Nov 16	177 hr	
Toro Kholer Ride on Mower WL 5302		J Cowan	Aug 05	661hr	
Honda TRX 4-wheel M/cycle WL 429		J Cowan	Mar 00	1,482 hr	
Toyota DA115 Tip/Water Truck WL 595		J Lenehan	Aug 94	237,320km	
Isuzu FVZ1400 Tip Truck WL093	Trucks & Trailers		Dec 03	310,893km	
Merc Benz Actross P-Mover WL91		P Reed	Dec 05	348,108 km	
Isuzu Giga CXZ Tip Truck WL 128		J Murdock	Dec 08	237,626 km	
Isuzu NPR 300 Truck WL 5825		K Sandilands	Jan 13	99,733 km	Serviced
SFM S-Tip Trailer WL 3730		Works	Dec 05	161,500 km	
Howard Port. L-Loader 1TIF238		Works	Aug 07	153,550km	Checked and re- greased wheel bearings.
Howard Port. Pig Trail. WL3792		J Murdock	Dec 08	160,600 km	
'08 Nissan Patrol Fire Ute 1CXV788		BFB Fast attack	Received Feb 16	167,500 km	



**8.2.5 STAFF**

- Final interview scheduled for plant operator position on Friday 19/10/18

**8.2.6 TOWN AND FACILITIES REPORT**

- Patching around town
- Footings completed for the new niche wall at the cemetery
- Repaired grass around the cricket pitch
- Asphalt has been laid in the Industrial Area at 4x4 Mechanical and Prime Ag

**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**

**Major/Cavanagh**

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

**Carried 7/0  
Resolution 57/19**

*Mr Tony Kett left the Meeting at 1.52pm.*

*The Environmental Health Officer/Building Surveyor, Mr Gordon Tester, attended the Meeting at 1.53pm to discuss his report.*



### 8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

#### 8.3.1 BUILDING PERMITS

File Reference 13.34.10  
 Statutory Reference *Building Act 2011, Building Regulations 2012*  
 Author & Date Gordon Tester 10 October 2018

Comment  
 Nil

Permit Number	Owner	Address	Description
411	Simon Maylor	Lot 4, 19 Growse Street, Williams	Demolish Shed and Rear of House.
413	Alexander Anderson	Lot 1899, 918 Glenfield Road Williams	New Steel Roofed, Timber Framed Brick Veneer House.

Voting Requirements  
 Simple Majority Required

**Officer's Recommendation**

That the Building Report as presented be endorsed by Council.

**Council Resolution**

**Watt/Major**

That the Building Report as presented be endorsed by Council.

**Carried 7/0  
 Resolution 58/19**

*Mr Gordon Tester left the Meeting at 2.11pm.*



## 8.4 CHIEF EXECUTIVE OFFICER'S REPORT

### 8.4.1 CHIEF EXECUTIVE OFFICER'S GENERAL REPORT

<b>File Reference</b>	4.1.20
<b>Statutory Reference</b>	N/A
<b>Author &amp; Date</b>	Geoff McKeown      11 <sup>th</sup> October 2018
<b>Attachment</b>	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 October 2018 be received by Council.

#### Council Resolution

##### *Baker/Harding*

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

**Carried 7/0**  
**Resolution 59/19**



#### 8.4.2 RESEAL WORKS – WILLIAMS DARKAN ROAD AND YORK WILLIAMS ROAD

<b>File Reference</b>	12.15.32
<b>Statutory Reference</b>	Section 3.57 <i>Local Government Act 1995</i> and <i>Local Government (Functions and General) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown 10 <sup>th</sup> October 2018
<b>Attachment</b>	Nil

#### Background

It is proposed to undertake reseal works on the Williams Darkan Road and York Williams Road this financial year. The areas to be resealed are 49,000m<sup>2</sup> and 21,000m<sup>2</sup> respectively.

#### Comment

The value of the work was expected to exceed \$150,000; therefore the Shire needed to either:

- Seek at least three (3) quotations from a supplier included in the relevant WALGA Preferred Supplier Arrangement and / or another tender exempt arrangement; or
- Conduct a Public Request for Tender process in accordance with the *Local Government Act 1995* and relevant Shire Policy requirements.

The *Local Government (Functions and General) Regulations 1996* provides the limit on the value of a contract where tenders must be invited.

At the September 2018 Ordinary Council Meeting the following resolution was passed:

#### **Council Resolution**

#### **Cavanagh/Medlen**

*That Council invite quotes through the WALGA Preferred Supplier Program to undertake bitumen reseal works on the Williams Darkan Road and York Williams Road.*

**Carried 8/0  
Resolution 44/19**

This decision was acted on with quotes invited through the WALGA Preferred Supplier Program. The closing date for quotes was Tuesday, 9<sup>th</sup> October 2018. Three (3) suppliers were invited to quote and all responded. A summary of the quotes received follows:

Quote Summary - Williams Darkan Road Reseal 49,000m <sup>2</sup> and York Williams Road Reseal - 21,000m <sup>2</sup>				
Company	Price per m <sup>2</sup> excluding GST	Traffic Management	Seal Design	Total
Bitutek Pty Ltd	\$2.90	Included	Included	\$203,000.00
Colas Western Australia Pty Ltd	\$3.37	Included	Included	\$235,900.00
Fulton Hogan Industries Pty Ltd	\$3.43	Included	Included	\$240,100.00



The selection criteria included in the request for quote mentioned the following:

- Price.
- The demonstrated ability of the Contractor to complete the works within the specified timeframes.
- Demonstrated experience in completing similar works.

All Suppliers have indicated that they can complete the works within the timeframe, which states that the reseal must be finished by the 31<sup>st</sup> March 2019. Similarly all have demonstrated experience in completing similar works. Therefore on this occasion price is the principal determining factor.

**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):

- LUE 4.1 Strive for high-quality, well-construction and maintained local road network
- CL 2.2 Maintain accountability, transparency and financial responsibility

**Financial Implications**

Funds to undertake these projects have been included in the 2018-19 Budget.

**Voting Requirements**

Simple Majority

**Officer’s Recommendation**

That Council accept the quote from Bitutek Pty Ltd to undertake reseal works on the Williams Darkan Road and York Williams Road in accordance with the quote information supplied.

**Council Resolution**

**Harding/Watt**

That Council accept the quote from Bitutek Pty Ltd to undertake reseal works on the Williams Darkan Road and York Williams Road in accordance with the quote information supplied.

**Carried 7/0  
Resolution 60/19**

**8.4.3 REPLACEMENT OF PRIME MOVER TRUCK AND LIGHT TRUCK**

<b>File Reference</b>	12.37.05
<b>Statutory Reference</b>	Section 3.57 <i>Local Government Act 1995</i> and <i>Local Government (Functions and General) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown 11 <sup>th</sup> October 2018
<b>Attachment</b>	<b>Appendix 1</b> – Summary of Quotes



### Background

The 2018/19 Annual Budget includes the replacement of the Mercedes Prime Mover Truck WL91 and the Kia Light Truck WL5414. The changeover value in the budget for the Mercedes is \$225,000, with the purchase up to \$250,000 and the trade-in estimated at \$25,000. The changeover for the Kia is \$40,000, with the purchase up to \$45,000 and trade-in estimated at \$5,000.

### Comment

The value of the purchase of the Prime Mover Truck was expected to exceed \$150,000; therefore the Shire needed to either:

- Seek at least three (3) quotations from a supplier included in the relevant WALGA Preferred Supplier Arrangement and / or another tender exempt arrangement; or
- Conduct a Public Request for Tender process in accordance with the *Local Government Act 1995* and relevant Shire Policy requirements.

The *Local Government (Functions and General) Regulations 1996* provides the limit on the value of a contract where tenders have to be invited.

At the September 2018 Ordinary Council Meeting the following resolution was passed:

#### **Council Resolution**

#### **Carne/Major**

*That Council invite quotes through the WALGA Preferred Supplier Program for the purchase of a new Prime Mover Truck and the trade-in of the Mercedes Prime Mover Truck WL91 and the purchase of a new Light Truck and the trade-in of the Kia Light Truck WL5414. Further, Council will offer both the Mercedes Prime Mover Truck and the Kia Light Truck for outright purchase.*

**Carried 8/0  
Resolution 45/19**

This decision was acted on with quotes invited through the WALGA Preferred Supplier Program. The closing date for quotes was Thursday, 4<sup>th</sup> October 2018. In addition, the outright purchase option was facilitated by WALGA via a public tender. This was required as the likely value of the Prime Mover exceeds \$20,000 and Shire is required to offer it for sale at a public auction, public tender or go through the procedure of sale to an individual as outlined in r 30(2a)(c) *Local Government (Functions and General) Regulations 1996*.

At the closing date for quotes for the replacement of the Mercedes Prime Mover Truck WL91, a total of seven (7) companies responded offering ten (10) prime mover truck options. In addition three (3) offers were received for the outright purchase of the Shire's Mercedes Prime Mover Truck WL91. A summary of the quotes is attached as **Appendix 1** to this report.

With regard to quotes for replacement of the Kia Light Truck WL5414, three (3) companies responded offering six (6) light truck options. Three (3) offers were received for the outright purchase of the Kia Light Truck WL5414. Again a summary of the quotes is included in the attached **Appendix 1** to this report.



The selection criteria mentioned in the request for quote included the following:

- Price.
- The demonstrated ability to supply the vehicle on time and with all requested options and extras.
- Demonstrated experience with after sales service and support.
- Demonstrated ability of the vehicle being offered to carry out the works required by the Shire of Williams.

Elected Members on the Plant Committee met informally on the 11<sup>th</sup> October 2018 to offer guidance to the administration on the selection of the most advantageous quote.

### **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):

- LUE 4.1            Strive for high-quality, well-construction and maintained local road network  
CL 2.2            Maintain accountability, transparency and financial responsibility

### **Financial Implications**

Funds to undertake these projects have been included in the 2018-19 Budget.

### **Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That Council accepts the quote from Truck Centre (WA) Pty Ltd or a new Volvo FM450 Prime Mover Truck and accepts the trade-in quote for the Shire's Mercedes Prime Mover Truck WL91 submitted by Smith Broughton & Sons. Further, that Council accepts the quote from South West Isuzu for a new Isuzu NLR 45-150 Light Truck and accepts the trade-in quote for the Shire's Kia Light Truck WL5414 submitted by RE Wright Pty Ltd.

### **Council Resolution**

#### ***Harding/Major***

That Council accepts the quote from Truck Centre (WA) Pty Ltd or a new Volvo FM450 Prime Mover Truck and accepts the trade-in quote for the Shire's Mercedes Prime Mover Truck WL91 submitted by Smith Broughton & Sons. Further, that Council accepts the quote from South West Isuzu for a new Isuzu NLR 45-150 Light Truck and accepts the trade-in quote for the Shire's Kia Light Truck WL5414 submitted by RE Wright Pty Ltd.

**Carried 7/0**  
**Resolution 61/19**

**8.4.4 DEVELOPMENT APPROVAL – PET GROOMING BUSINESS – LOT 105 (6) GULL STREET, WILLIAMS**

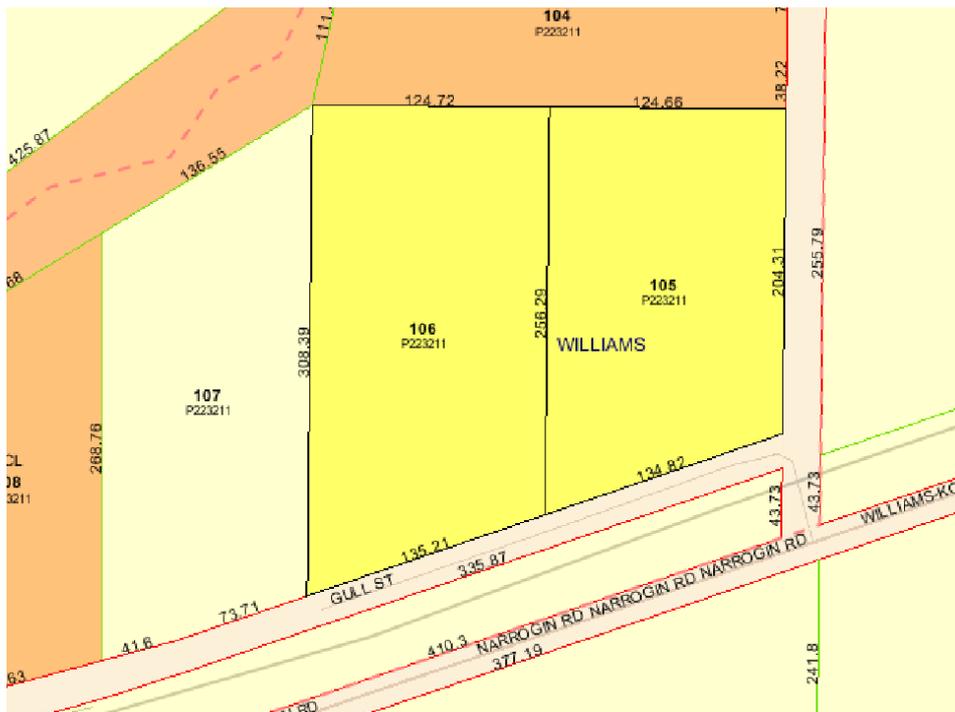
<b>File Reference</b>	10.60.15
<b>Statutory Reference</b>	Shire of Williams Town Planning Scheme No.2
<b>Author &amp; Date</b>	Geoff McKeown 10 <sup>th</sup> October 2018
<b>Attachment</b>	Nil

**Background**

A development application has been submitted by Mrs Madeline George to undertake a pet grooming business on Lot 105 (6) Gull Street, Williams. The owner of the property, Mr Joseph Shaw, has also signed the development application form.

Lot 105 is zoned ‘Rural’ under the Shire of Williams Town Planning Scheme No 2 (‘the Scheme’).

The lot is approximately of 2.87ha in size and has a house and associated outbuildings located on it.



**Comment**

Detail provided by the applicant includes:

1. Hours of Operation – Monday to Friday 8.30 to 4.30, Saturday 8.30 to 12.30.
2. Frequency – 4 dogs per day.
3. Waste disposal – Faeces buried and composted. Hair bagged and binned for disposal through the general waste stream.
4. Parking – Pickup and drop off at 20min intervals. Clients attend by appointment.



There is no landuse definition for pet grooming under the Scheme, so it is a 'use not listed'. As the activity is going to be undertaken in a small area of the dwelling (one bedroom and one bathroom), and by a person resident therein, it can be considered a home occupation. The Scheme has the following definition of home occupation:

*Home occupation: means a business or activity carried on with the written permission of the Council within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant.*

Council has two options for dealing with a 'use not listed' as outlined in Clause 4.3.2 of the Scheme:

Option 1 - Determine that the 'pet grooming' use is not consistent with the objectives and purposes of the Rural zone and is therefore not permitted; or

Option 2 - Determine by Absolute Majority that the proposed 'pet grooming' use may be consistent with the objectives and purpose of the Rural zone and thereafter follow the advertising procedures of Clause 2.6 in considering the application for planning consent.



It is recommended that Council pursue Option 2 as the proposed business is unlikely to create detrimental impacts as the main activity is isolated inside the dwelling.

The Shire is required to advertise the application for public comment. Advertising can consist of a notice being displayed in a prominent location on the property; or a notice placed in a newspaper circulated locally; or a notice to adjoining owner(s) in the vicinity which Council considers to be likely to be affected by the proposed development. Submissions are invited for a period of fourteen (14) days.

In this situation it is recommended that Council issue a notice to the owner of the neighbouring property at Lot 106 Gull Street, Williams

To expedite processing of the application it is further recommended that Council delegate authority to the Chief Executive Officer to determine the application after completion of advertising, subject to no adverse submission being received.

### **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**

The Applicant has paid the appropriate development application fee.

### **Voting Requirements**

Absolute Majority

### **Officer's Recommendation**

That Council:

1. Determine that the proposed 'pet grooming' use may be consistent with the objectives and purpose of the Rural zone, and note that the application is being advertised in accordance with the Shire of Williams Town Planning Scheme No 2.
2. In accordance with Regulation 82 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* delegate authority to the Chief Executive Officer to determine the planning application for a pet grooming activity as a home occupation at Lot 105 (6) Gull Street, Williams, subject to no adverse submissions being received.



**Council Resolution**

**Major/Watt**

That Council:

1. Determine that the proposed ‘pet grooming’ use may be consistent with the objectives and purpose of the Rural zone, and note that the application is being advertised in accordance with the Shire of Williams Town Planning Scheme No 2.
2. In accordance with Regulation 82 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* delegate authority to the Chief Executive Officer to determine the planning application for a pet grooming activity as a home occupation at Lot 105 (6) Gull Street, Williams, subject to no adverse submissions being received.

**Carried by Absolute Majority 7/0  
Resolution 62/19**

**8.4.5 DEVELOPMENT APPROVAL – DRIVE THRU COFFEE KIOSK, 50 ALBANY HIGHWAY, WILLIAMS**

<b>File Reference</b>	10.60.15
<b>Statutory Reference</b>	Shire of Williams Town Planning Scheme No.2
<b>Author &amp; Date</b>	Geoff McKeown 11 <sup>th</sup> October 2018
<b>Attachment</b>	<b>Appendix 2</b> – Design drawings for proposed drive thru coffee kiosk

**Background**

The Proprietors of The Williams Woolshed have submitted a development application seeking approval to install a drive thru coffee kiosk at their premises. The proposal includes an alteration to the existing building at 50 Albany Highway to incorporate the kiosk on the south side of the building. It is proposed that customers accessing the drive-thru will use the Right of Way (R.O.W) off Richardson Street and exit using the existing crossover to Albany Highway.

**Comment**

In the Applicant’s proposal the following additional information has been provided:

1. *Increased traffic in the Public R.O.W.*  
*In the initial stages we are planning on opening 4 days per week based on what we believe are our peak coffee days which are Friday, Saturday, Sunday and Monday. On these days we expect around 30 cars per day to use the drive thru. This figure is based on the number of takeaway only coffees we currently sell during this period and presuming these coffees supplement the ones that we currently sell inside the premises.*



2. Traffic conflict of the R.O.W.

*In order to ensure the cars using our drive thru travel in the one direction on the R.O.W. it is proposed that signage is placed on our property giving direction to our customers. This will not be regulatory signage but we feel that it would be sufficient to ensure a one way traffic flow is achieved. Proposed signage is indicated on the attached plan. In doing this, the adjoining property owners and general public who occasionally use the R.O.W. would be free to do so in whichever direction they please, although our observations in the 3 years of owning the business would suggest that this is not an issue.*

3. Parking

*By installing the drive thru kiosk we will lose 5 public car bays, the access car bay and two owner parking bays. The access car bay and ramp will be relocated as indicated. The loss of the public car bays could be justified by stating that at any time a number of customers who would normally take up existing cars parking would be coming in solely for takeaway coffee and instead of parking in marked bays they would now be in the drive thru area therefore the car parking arrangements for our business remain compliant.*

4. Advertising Signage

*Our existing Woolshed signage will be updated and two new advertising/directional signs will be installed as per plan submitted.*

In considering this application it is important to understand the legality and right of access to the R.O.W. Comment has been obtained from the Shire's Planning Consultant, Liz Bushby, Town Planning Innovations. The following summarises some key points.

Firstly, it is important to establish whether the R.O.W. is a public right of way vested in the Crown under the *Transfer of Land Act 1893* for public use, or a private right of way which is balance of title from a subdivision held in private ownership over which adjacent owners have an implied right of access under Section 167A of the *Transfer of Land Act 1893*.

A Diagram of Survey from Landgate has been obtained showing the laneway as a public right of way:





### 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

The Applicant has paid the appropriate development application fee.

### Voting Requirements

Absolute Majority

### Officer's Recommendation

That Council grant development approval to Mr Ryan Duff and Mr Simon Maylor to operate a drive-thru coffee kiosk as an addition to The Williams Woolshed, 50 Albany Highway, Williams subject to the detail contained in the plans submitted and the with following conditions:

1. Adjacent property owners that currently have access to the R.O.W. between Brooking Street and Richardson Street are provided with detail of the application and invited to comment for a period of fourteen (14) days;
2. In accordance with Regulation 82 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* delegate authority to the Chief Executive Officer to determine the development approval subject to no adverse submissions being received;
3. A Building Permit for the proposed development must be issued; and
4. The applicant is to meet all health and safety requirements to the satisfaction of the Shire.

### Council Resolution

#### ***Cavanagh/Major***

That Council grant development approval to Mr Ryan Duff and Mr Simon Maylor to operate a drive-thru coffee kiosk as an addition to The Williams Woolshed, 50 Albany Highway, Williams subject to the detail contained in the plans submitted and the with following conditions:

1. Adjacent property owners that currently have access to the R.O.W. between Brooking Street and Richardson Street are provided with detail of the application and invited to comment for a period of fourteen (14) days;
2. In accordance with Regulation 82 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* delegate authority to the Chief Executive Officer to determine the development approval subject to no adverse submissions being received;
3. A Building Permit for the proposed development must be issued; and
4. The applicant is to meet all health and safety requirements to the satisfaction of the Shire.

**Carried by Absolute Majority 7/0**

**Resolution 63/19**



**8.4.6 AUTHORISED OFFICERS UNDER LEGISLATION**

<b>File Reference</b>	4.50.60
<b>Statutory Reference</b>	<i>Local Government Act 1995, Bush Fires Act 1954, etc.</i>
<b>Author &amp; Date</b>	Geoff McKeown      11 <sup>th</sup> October 2018
<b>Attachment</b>	Nil

**Background**

At the Annual Meeting of Fire Control Officers held on the 10<sup>th</sup> October 2018 a resolution was passed recommending the appointment of Fire Control Officers and Dual Registered Fire Control Officers for the coming Fire Season.

**Comment**

The recommendation below includes an updated list of Fire Control Officers to reflect the most recent changes. Under the *Bush Fire Act 1954* local governments may appoint Bush Fire Control Officers.

**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 appoint the following persons as Bush Fire Control Officers in accordance with the *Bush Fires Act 1954* hereunder, effective immediately:

Chief Bush Fire Control Officer	Geoff McKeown
Deputy Chief Bush Fire Control Officer	David Carter

**Bush Fire Control Officers**

Boraning	George Lavender & Dennis Cowcher
Congelin	Philip Martin & Stuart Rintoul
Glenfield	Nicholas Panizza
Narrakine	Ashley Chadwick
Tarwonga	Gilbert Medlen
West Culbin	Wayne Duffield
Williams Townsite	Trevor Palframan (Williams Gazetted Fire District only)



**Dual Registered Bush Fire Control Officers**

The following are appointed as Dual Registered Bush Fire Control Officers with neighbouring local governments:

Shire of West Arthur	Gilbert Medlen & Wayne Duffield
Shire of Wagin	Gilbert Medlen
Shire of Wandering	Philip Martin & Stuart Rintoul
Shire of Cuballing	Philip Martin & Stuart Rintoul
Shire of Narrogin	Nicholas Panizza & Geoff McKeown
Shire of Boddington	Ashley Chadwick

**Dual Bush Fire Control Officers**

The following are appointed as Dual Bush Fire Control Officers from neighbouring local governments:

Shire of West Arthur	Trevor Bunce
Shire of Wagin	Chris Piesse
Shire of Wandering	Peter Monk & Tim Hardie
Shire of Cuballing	Nelson Young
Shire of Narrogin	Barry Hardie & Brenton Hardie
Shire of Boddington	Wayne Littleton & Brad Morgan

**Council Resolution**

***Carne/Baker***

That Council appoint the following persons as Bush Fire Control Officers in accordance with the *Bush Fires Act 1954* hereunder, effective immediately:

Chief Bush Fire Control Officer	Geoff McKeown
Deputy Chief Bush Fire Control Officer	David Carter

**Bush Fire Control Officers**

Boraning	George Lavender & Dennis Cowcher
Congelin	Philip Martin & Stuart Rintoul
Glenfield	Nicholas Panizza
Narrakine	Ashley Chadwick
Tarwonga	Gilbert Medlen
West Culbin	Wayne Duffield
Williams Townsite	Trevor Palframan (Williams Gazetted Fire District only)



**Dual Registered Bush Fire Control Officers**

The following are appointed as Dual Registered Bush Fire Control Officers with neighbouring local governments:

Shire of West Arthur	Gilbert Medlen & Wayne Duffield
Shire of Wagin	Gilbert Medlen
Shire of Wandering	Philip Martin & Stuart Rintoul
Shire of Cuballing	Philip Martin & Stuart Rintoul
Shire of Narrogin	Nicholas Panizza & Geoff McKeown
Shire of Boddington	Ashley Chadwick

**Dual Bush Fire Control Officers**

The following are appointed as Dual Bush Fire Control Officers from neighbouring local governments:

Shire of West Arthur	Trevor Bunce
Shire of Wagin	Chris Piesse
Shire of Wandering	Peter Monk & Tim Hardie
Shire of Cuballing	Nelson Young
Shire of Narrogin	Barry Hardie & Brenton Hardie
Shire of Boddington	Wayne Littleton & Brad Morgan

**Carried 7/0  
Resolution 64/19**

*Cr Harding declared an Indirect Financial Interest for the following Item 8.4.7 ‘Potential Purchase of Lot on Albany Hwy’ and left the Meeting at 3.06pm. The nature of his interest relates to the subject of the item being associated with property that is adjacent to property owned by his parents.*

**8.4.7 POTENTIAL PURCHASE OF LOT ON ALBANY HIGHWAY**

<b>File Reference</b>	4.50.60
<b>Statutory Reference</b>	Local Government Act 1995
<b>Author &amp; Date</b>	Geoff McKeown 11 <sup>th</sup> October 2018
<b>Attachment</b>	Nil

**Background**

Several years ago Main Roads acquired a parcel of land on the Albany Highway within the Williams Townsite. It is understood that this land was useful to Main Roads at the time when realignment was being considered to the west of the current Albany Highway alignment.

In May 2018 the Shire wrote to Main Roads to express the Shire’s interest the property, if it was proposed to be sold.

**Comment**

Main Roads has responded to this request indicating that it has obtained independent valuation advice in respect to the property and is prepared to offer it to the Shire of Williams subject to management approval.

A plan showing the property follows:



A copy of the Certificate of Title is shown on the following page.



MINUTES – ORDINARY MEETING OF COUNCIL HELD 17<sup>TH</sup> OCTOBER 2018

LT. 37

ORIGINAL—NOT TO BE REMOVED FROM OFFICE OF TITLES

Application G13200      WESTERN      AUSTRALIA

Volume 401 Folio 47

REGISTER BOOK  
**CT 2057      309**

**CERTIFICATE OF TITLE**

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

0 9 21 9 7  
0 9 3 8 4 0

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

*G Sack*  
REGISTRAR OF TITLES

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

Page 1 (of 2 pages)      309 FOL.  
2057 VOL.

Dated 25th October, 1995

ESTATE AND LAND REFERRED TO

Estate in fee simple in portion of Williams Location D, delineated on the map in the Third Schedule hereto.

FIRST SCHEDULE (continued overleaf)

~~Kenneth George Ford and Michael Thomas Ford both of "Millbrook", Williams~~  
~~as Executor of the Will of Francis John Ford, deceased~~

SECOND SCHEDULE (continued overleaf)

As to portion only:  
1. SUNDRY FB79783. Notice of Intention to Resume Gov. Gaz. 12.5.95 Page 1798. Registered 17.5.95 at 15.30 hrs.

THIRD SCHEDULE

LAND ACQUISITION & PUBLIC WORKS ACT 1902  
 Gaz. 8.5.95. Resumption 2071 & 2099  
 7/11/95. Resumption and vestition  
 for 1915  
 Sundry Documents 628772

LAND ACQUISITION & PUBLIC WORKS ACT 1902  
 In the portion resumed Gaz. 8.5.95  
 the right to mines of coal or other minerals  
 is resumed and revealed in Her Majesty as  
 of her former estate.  
 Sundry Documents 628772

LAND ADMINISTRATION ACT 1987 (Sec. 82)  
 PARTIAL RESUMPTION 28 OCT 97  
 As to 70.24ha of 01 28 20540 Only  
 Doc. 6561252 portion REVESTED  
 AND REMOVED FROM OPERATION OF  
 THE TRANSFER OF LAND ACT  
 This Certificate Partially CANCELLED

SCALE 1:4000  
K.

NOTE: ENTRIES MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

01700/1/08-208-L/0884



Discussion of this matter is considered to be confidential in nature as it may result in entering into a contract and/or disclosing information that has a commercial value. As such the Council can close the meeting to the public. The relevant section of the *Local Government Act 1995* follows:

**5.23. Meetings generally open to public**

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees; and
  - (b) the personal affairs of any person; and
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret; or
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;and
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



### 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 1.4 Promote land availability within the Shire for residential, industrial and commercial development.
- ED 1.8 Consider future land acquisition for the Shire for recreation, commercial, residential or industrial purposes.
- CL 2.2 Maintain accountability, transparency and financial responsibility

### Financial Implications

A decision to purchase the land in question will require allocation of funds in the current budget or a future budget.

### Voting Requirements

Simple Majority

### Officer's Recommendation

That Council negotiate with Main Roads on the potential purchase of Williams Location D on Albany Highway as identified on Certificate of Title Volume 2057 Folio 309.

### Council Resolution

#### *Cavanagh/Major*

That Council negotiate with Main Roads on the potential purchase of Williams Location D on Albany Highway as identified on Certificate of Title Volume 2057 Folio 309.

**Carried 6/0  
Resolution 65/19**

### Afternoon Tea

The Deputy President adjourned the Meeting for afternoon tea at 3.11pm and the Meeting resumed at 3.39pm. Councillor Harding was in attendance at the resumption of the Meeting.



#### 8.4.8 USE OF THE COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY

<b>File Reference</b>	4.50.60
<b>Statutory Reference</b>	Sections 5.42 and 9.49A <i>Local Government 1995</i>
<b>Author &amp; Date</b>	Geoff McKeown 11 <sup>th</sup> October 2018
<b>Attachment</b>	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:

- **Investment of Shire Monies – Delegation LGA4**

**Delegation** - The Chief Executive Officer has delegated authority, subject to Part 3 of the *Trustees Act 1962*, to invest money held in the Municipal Fund or the Trust Fund that is not, for the time being, required by the local government for any other purpose.

**Action** - The Chief Executive Officer approved a transfer of:

1. \$800,000.00 from the Municipal Fund to the Municipal Fund Cash Management Account to generate an interest return.
2. \$1,200,000.00 from the Municipal Fund Cash Management Account to a Term Deposit to generate additional interest return.

- **Common Seal – Delegation LGA7**

**Delegation** - The Chief Executive Officer has delegated authority to affix the common seal of the Shire of Williams to any document which requires the affixing of the common seal to be validly executed.

**Action** - The President and Chief Executive Officer affixed the common seal to the Lease of portion of Lot 403 (6) Marjidin Way, Williams to Mr Andrew Martin (trading as Great Southern 4x4 and Mechanical).

**Action** - The President and Chief Executive Officer affixed the common seal to the Contract of Sale for portion of Lot 13311 (12573) Pinjarra-Williams Road, Williams relating to land purchased by Main Roads on the Albany Highway south of Bridge 25.



- **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 2018/19 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 month of September 2018.

**Council Resolution**

***Watt/Carne***

That Council accepts the report “Use of Common Seal and Actions Performed under Delegated Authority” for the month of September 2018.

**Carried 7/0  
Resolution 66/19**

*The Manager of Finance, Mrs Cara Ryan, attended the Meeting at 3.41pm to discuss her report.*



## 8.5 MANAGER OF FINANCE'S REPORT

### 8.5.1 ACCOUNTS FOR PAYMENT

<b>File Reference</b>	4.23.15	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Cara Ryan	12 <sup>th</sup> October 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 104715 – 104717 totalling \$237,599.54 approved by the Chief Executive Officer be endorsed.



**Council Resolution**

***Carne/Watt***

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104715 – 104717 totalling \$237,599.54 approved by the Chief Executive Officer be endorsed.

**Carried 7/0  
Resolution 67/19**

**8.5.2 FINANCIAL STATEMENTS**

<b>File Reference</b>	4.23.15	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Cara Ryan	12 <sup>th</sup> October 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 30<sup>th</sup> September 2018 be received.

**Council Resolution**

***Cavanagh/Harding***

That the financial statements presented for the period ending 30<sup>th</sup> September 2018 be received.

**Carried 7/0  
Resolution 68/19**



*Cara Ryan left the Meeting at 3.55pm.*

## **8.6 COUNCILLORS' REPORTS**

Cr Cavanagh reported that South 32 – Boddington Bauxite Mine is having an open day on the 10<sup>th</sup> November 2018. He suggested that the Shire could support the event by publicising it on the Shire's Facebook site.

The Chief Executive Officer reported on the outcomes from the HWEDA Meeting held on the 9<sup>th</sup> October 2018 at Shire of Boddington in the absence of Cr Cavanagh who was unable to attend. An update of the self-drive trail project was presented at the meeting. In addition, HWEDA is supporting the Shire of Williams' approach to Main Roads regarding the deteriorating condition of Albany Highway.

Cr Carne reporting on her attendance at the 4WDL VROC Meeting held in Lake Grace on the 9<sup>th</sup> October 2018. The major item for discussion was the State Government's planning work on a future outer harbour for Western Australia. A local government working group has been formed to provide input. The 4WDL VROC expressed an interest in participating in this group and resolved to nominate Cr Trevor Young. The 4WDL VROC also supported an approach to Main Roads concerning the deteriorating condition of Albany Highway.

The Chief Executive Officer advised that the Minister for Regional Development; Agriculture and Food, the Hon. Alannah MacTiernan MLC, recently announced a successful funding program that will deliver fast, reliable, cost-effective broadband service to more than 100 agricultural enterprises near Myalup, Wagerup, Williams, Boddington, Capel and Busselton, across a total of 3,000 square kilometres.

## **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**

Cr Cavanagh commented on the State Government's initiative to address puppy farming with the introduction of new legislation. He raised concern at the initial information proposing the compulsory de-sexing of dogs unless in an approved kennel facility. He acknowledged that WALGA had received objections from local governments on this matter, particularly due to the imposition on farmers with working dogs, and that WALGA had withheld support on this matter.



Cr Watt raised the issue of proposed increases in water licence fees imposed by the Department of Water and Environmental. It was noted that it has limited impact in the Shire of Williams as there is no need for a licence to take water, or a permit for the collection of 'run-off' water in a dam on your own property, as long as the off-stream dam does not intercept the water table.

## 10.2 OFFICERS

### **Council Resolution**

#### ***Cavanagh/Major***

That the following late items be accepted for discussion.

**Carried 7/0  
Resolution 69/19**

## 8.4 CHIEF EXECUTIVE OFFICER'S REPORT – LATE ITEMS

### 8.4.9 SUPPLY OF FILL MATERIAL

<b>File Reference</b>	12.15.33
<b>Statutory Reference</b>	<i>Local Government Act 1995</i>
<b>Author &amp; Date</b>	Geoff McKeown 16 <sup>th</sup> October 2018
<b>Attachment</b>	Nil

#### **Background**

At the May 2018 Ordinary Council Meeting consideration was given to an alternative fee for the supply of gravel, than that included in the Schedule of Fees and Charges. The Schedule lists the fee for gravel at \$12.00m<sup>3</sup>, inclusive of GST, ex-pit. This amount reflects the cost to the Shire for pushing and stockpiling, and maintenance and rehabilitation of the pit area.

At the time Main Roads and Lend Lease were intending to push and stockpile gravel for the bridge bypass works on the Albany Highway. The quantity required was estimated at 6,000m<sup>3</sup>. The Council passed the following resolution:

### **Council Resolution**

#### ***Major / Watt***

*That Council agrees to grant a concession for the scheduled fee for sale of gravel and will charge \$6.00m<sup>3</sup>, plus GST, for gravel supplied to Main Roads and its Contractors working on the project to replace Bridges 24 and 25, along with the reconstruction of the Albany Highway between the bridges.*

***Carried by Absolute Majority 7/0  
Resolution 193/18***



### Comment

The supply of gravel for this purpose has been ongoing and most recently with the preparation for seal of the Bridge Bypass tracks. Narrogin Earthmoving & Concrete is the prime sub-contractor undertaking the pushing, stockpiling and carting of the gravel.

In undertaking this work Zefari Pty Ltd (trading as Narrogin Earthmoving & Concrete) also expressed an interest in obtaining material for the filling of the block it owns at Lot 401 Marjidin Way, Williams. They were quoted the same per cubic metre rate.

A discussion was held with the Shire's Works Supervisor and it was agreed to push the floor of the gravel pit to determine the quality of the material. It resulted in a decision that the material was of poor quality and not suitable for subbase or pavement layer purposes. However Zefari Pty Ltd expressed an interest in the material nonetheless as fill material for its Marjidin Way lot. A price of \$2.00m<sup>3</sup>, plus GST, was negotiated.

The *Local Government Act 1995* includes powers for the Council to defer, grant a discount, waive or grant a concession and write off debts. In this situation Council is asked to agree to a concession on the scheduled fee for gravel.

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.*

### 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 2.3 Monitor revenue streams and implement opportunities where appropriate. Consistently review rate income.

### Financial Implications

A decision to sell this material at the agreed price will generate income of \$960.00, plus GST.

### Voting Requirements

Absolute Majority

### Officer's Recommendation

That Council agrees to grant a concession for the scheduled fee for sale of gravel and will charge \$2.00m<sup>3</sup>, plus GST, for fill material supplied to Zefari Pty Ltd (trading as Narrogin Earthmoving & Concrete) for its property located at Lot 401 Marjidin way, Williams.



**Council Resolution**

***Cavanagh/Baker***

That Council agrees to grant a concession for the scheduled fee for sale of gravel and will charge \$2.00m<sup>3</sup>, plus GST, for fill material supplied to Zefari Pty Ltd (trading as Narrogin Earthmoving & Concrete) for its property located at Lot 401 Marjidin way, Williams.

**Carried by Absolute Majority 7/0**

**Resolution 70/19**

*Cr Logie declared an Impartiality Interest for the following Item 8.4.10 Waiver of Swimming Pool Family Pass. The nature of his interest relates to his children participating in the Boddington Swimming Club. Cr Logie remained in the meeting, took part in the discussion and voted on the item.*

**8.4.10 WAIVER OF SWIMMING POOL FAMILY PASS**

<b>File Reference</b>	11.20.20
<b>Statutory Reference</b>	<i>Local Government Act 1995</i>
<b>Author &amp; Date</b>	Geoff McKeown 17 <sup>th</sup> October 2018
<b>Attachment</b>	Nil

**Background**

The Chief Executive Officer has been approached by a representative of parents from Williams who have their children trained by a Coach from the Boddington Swimming Club, asking if the Coach could be exempted from paying the Swimming Pool Admission Fee for the coming pool season.

**Comment**

At the commencement of the swimming season last year the Shire agreed to Karen Vlastuin from the Boddington Swimming Club coming to Williams for the purpose of undertaking swim coaching. Previously swimmers travelled to Boddington for this coaching.

This arrangement will continue for the coming pool season.

Having a dedicated Coach visit Williams twice a week has increased participation in swimming. The sale of family passes increased from 22 in 2016/17 to 41 in 2017/18. Single passes increased as well going from 9 to 14 over the same period.

Last year Karen Vlastuin purchased her own family pass for entry to our pool. The request is for the Shire to waive this cost for the coming pool season on the basis that she is providing a valuable service to this community and increasing usage of the pool.



The *Local Government Act 1995* includes powers for the Council to defer, grant a discount, waive or grant a concession and write off debts. In this situation Council is asked to agree to a waiver of the scheduled fee for pool entry.

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) *wave 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.*

**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**

A decision to waive the family pass fee will reduce revenue by \$230.

**Voting Requirements**

Absolute Majority

**Officer's Recommendation**

That Council agrees to grant a waiver to the scheduled family pass fee for Karen Vlastuin to have entry to the Williams Swimming Pool for the 2018/19 pool season in recognition of her valued contribution to the promotion of swimming to the Williams Community.

**Council Resolution**

***Major/Carne***

That Council agrees to grant a waiver to the scheduled family pass fee for Karen Vlastuin to have entry to the Williams Swimming Pool for the 2018/19 pool season in recognition of her valued contribution to the promotion of swimming to the Williams Community.

**Carried by Absolute Majority 7/0**

**Resolution 71/19**

## 11.0 APPLICATION FOR LEAVE OF ABSENCE

Nil



## **12.0 INFORMATION SESSION**

Cr Baker provided an update of the progress of the Williams Men's Shed and their desire to establish a new facility for their activities. The group has secured a suitable site with the assistance of the Shire, developed plans for the facility and explored opportunities for grant funding. It recently received approval to go to the next stage of an application for a Stronger Communities Programme Grant. However, the members have decided not to proceed with the project for the time being, while they review community and member support.

## **13.0 CLOSURE OF MEETING**

There being no further business for discussion the Deputy President declared the Meeting closed at 4.42pm.