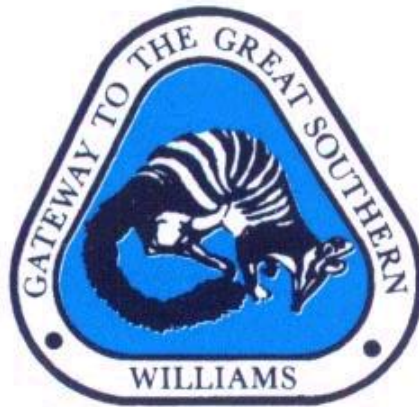


# ***SHIRE OF WILLIAMS***

***MINUTES ORDINARY MEETING HELD ON  
WEDNESDAY 20 FEBRUARY 2019***



## **COUNCIL DIARY**

**TUESDAY 19 FEBRUARY 2019**

5.30pm

Councillors' Briefing Session

**WEDNESDAY 20 FEBRUARY 2019**

1.00pm

Ordinary Meeting

**WEDNESDAY 20 MARCH 2019**

1.00pm

Ordinary Meeting



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### Separate Documents

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



# AGENDA

## 1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Deputy President Cr Jarrad Logie declared the Meeting open at 1.03pm.

After the Declaration of Opening a one minute silence was observed by all present in memory of the late President, Cr John Cowcher.

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

Cr Jarrad Logie Deputy President  
 Cr Moya Carne  
 Cr Gil Medlen  
 Cr Natalie Major  
 Cr Greg Cavanagh  
 Cr Alex Watt  
 Cr Bob Baker

Geoff McKeown Chief Executive Officer  
 Cara Ryan Manager of Finance (4.24pm to 4.38pm)  
 Tony Kett Works Supervisor (1.12pm to 1.33pm)  
 Gordon Tester Environmental Health Officer/Building Surveyor  
 (1.33pm to 1.51pm)  
 Manuela Lenehan Minute Taker

Apologies:  
 Cr Simon Harding

## 3.0 PUBLIC QUESTION TIME

## 4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

## 5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	Cr Alex Watt
Item No. / Subject	8.4.4 Request to Sub-Let Lot 403 Marjidin Way
Type of Interest	Proximity Interest



## 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 6.1 ORDINARY COUNCIL MEETING HELD 19 DECEMBER 2018

#### **Officer's Recommendation**

That the Minutes of the Ordinary Meeting held on 19 December 2018, as previously circulated, be confirmed as a true and accurate record.

#### **Council Resolution**

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

That the Minutes of the Ordinary Meeting held on 19 December 2018, as previously circulated, be confirmed as a true and accurate record.

**Carried 7/0  
Resolution 122/19**

### 6.2 HWEDA MEETING HELD 11 DECEMBER 2018

#### **Officer's Recommendation**

That the Minutes of the HWEDA Meeting held on 11 December 2018, as previously circulated, be received.

#### **Council Resolution**

##### ***Medlen/Baker***

That the Minutes of the HWEDA Meeting held on 11 December 2018, as previously circulated, be received.

**Carried 7/0  
Resolution 123/19**



### 6.3 HWEDA MEETING HELD 31 JANUARY 2019

#### **Officer's Recommendation**

That the Minutes of the HWEDA Meeting held on 31 January 2019, as previously circulated, be received.

#### **Council Resolution**

##### ***Cavanagh/Watt***

That the Minutes of the HWEDA Meeting held on 31 January 2019, as previously circulated, be received.

**Carried 7/0  
Resolution 124/19**

### 7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

### 8.0 REPORTS

#### **8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT**

Nil Report

*The Works Supervisor, Mr Tony Kett, attended the Meeting at 1.12pm to discuss his report.*



## 8.2 WORKS SUPERVISOR'S REPORT

File Reference	12.15.36	
Statutory Reference	N/A	
Author & Date	Tony Kett	6 February 2019
Attachments	Appendix 1	

### 8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (km)
Top End Rd	1.3
Playle Rd	3.7
McKenzie Rd	5.4
Westmere Rd	5.1
Yarrabin Rd	4.5
Zilko Rd	19.3
Mundays Rd	8.7
Marling Rd	7.1
Waldock Rd	1.8
Curteis Rd	4.2
Phillippe Rd	1.7
Culbin-Boraning Rd	17.7
Congelin-Narrogin Rd	6.1
Pingelly Rd	4.1
Higham Rd	3.3
Glenfield Rd	8.6
Graham Rd	1.9
Culbin-South Rd	2.4
Hurley Rd	13.8
Sattler Rd	5.4
Dardadine Rd	21.5
English Rd	6.5
Hillman-Dardadine Rd	1.7
Taylor Rd	9.1
Pig-Gully Rd	11.0
Extracts Rd	12.2
Wilkie Rd	3.0
Martin Rd	3.8
Quindanning-Darkan Rd	14.0
Cowcher Rd	4.4





<b>Tin Shed Rd</b>	<b>2.3</b>
<b>Nash Rd</b>	<b>5.8</b>
<b>Andersons Rd</b>	<b>2.2</b>
<b>Folland Rd</b>	<b>2.9</b>
<b>Plank Rd</b>	<b>4.7</b>
<b>Total Length for the Month</b>	<b>231.2 Km</b>

**8.2.2 ROAD MAINTENANCE WORKS (SEE APPENDIX)**

- Medlen Rd storm damage repair completed
- Started works on culverts for Wangeling Gully Rd

**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				COMPLETED
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				COMPLETED
23	Wangeling Gully Road	Install Culverts and Gravel Sheet						Culverts are in now tree trimming and picking up spoil.
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 8/11/2018	Works Completed this Month
Mazda CX5 WL 16	Light Vehicles	C Ryan	Aug 18	6,000	
Toyota Prado 16 WL		G McKeown	Sep 16	76,000 km	
Isuzu 4x2 Dual Cab Utility WL 76		Outside staff	Nov 04	200 km	Fit new 2 way
Holden Colorado Dual Cab WL 19		T Kett	Sep 17	45,000 km	
Isuzu 150 WL 36		J Cowan	Nov 18	200 km	
Isuzu D-Max WL 5802		A Wood	Nov 14	132,854 km	
Isuzu 4x2 Single Cab Ute WL 5826		Maintenance	Nov 16	22,325 km	Fit new 2 way
Holden Rodeo Single Cab Utility WL 826		Outside staff	Nov 06	127,726 km	
Isuzu 4x2 Single Cab Ute WL 915		J Lenahan	Nov 16	17,756 Km	
Skid Steer Track Loader 1EVV725		Construction Equipment	Outside staff	Sep 15	888 hr
Multipack Multi-Tyre Roller WL 49	Outside staff		Oct 04	7,239 hr	
Vibromax Roller WL 126	Outside staff		Sep 04	4,615hr	
Caterpillar 12M Grader WL 61	D Munday		Dec 11	6,340 hr	
Caterpillar 12M Grader WL 361	A Wood		Oct 14	3,466 hr	
721E Case Loader WL 5639	R Gillett		May 12	6,953 hr	
Volvo EC210BLC Excavator WL 499	P Reed		Jul 07	7,745 hr	
John Deere 315SE4 Backhoe WL 745	T Palframan		Sep 01	3,159 hr	
Toro Reelmaster SP Mower WL 5827	Works		Aug 09	1,327 hr	
Kubota Generator	Refuse Site			4,829 hr	
Toro Groundmaster 360 WL917	Parks & Gardens	J Cowan	Nov 16	1,280 hr	
Toro Kholer Ride on Mower WL 5302		J Cowan	Aug 05	674 hr	
Honda TRX 4-wheel M/cycle WL 429		J Cowan	Mar 00	1,529 hr	
Toyota DA115 Tip/Water Truck WL 595		J Lenahan	Aug 94	237,400 km	
Isuzu FVZ1400 Tip Truck WL093			Dec 03	312,323 km	New water pump
Merc Benz Actross P-Mover WL91	Trucks & Trailers	P Reed	Dec 05	355,951 km	
Isuzu Giga CXZ Tip Truck WL 128		J Murdock	Dec 08	245,533 km	Welded up cracks in tipper body
Isuzu NPR 300 Truck WL 5825		K Sandilands	Jan 13	107,574 km	
SFM S-Tip Trailer WL 3730		Works	Dec 05	163,500 km	
Howard Port. L-Loader 1TIF238		Works	Aug 07	155,500 km	Replaced 1 brake booster
Howard Port. Pig Trail. WL3792		J Murdock	Dec 08	164,500 km	Replaced 1 brake booster
'08 Nissan Patrol Fire Ute 1CXV788		BFB Fast attack	Received Feb 16	167,853 km	Repair leaking hose and service

### 8.2.5 STAFF

- Roger Gillett has handed in his resignation – he finished work on 15 February 2019.
- Tim Dunn, the new Grader Operator, has also left.
- Both the above positions have been advertised.

### 8.2.6 TOWN AND FACILITIES REPORT

- The new niche wall at the cemetery has been completed.



**8.2.7 PRIVATE WORKS**

- Water Deliveries

**8.2.8 WORKS SUPERVISOR REPORT ACCEPTANCE**

**Voting Requirements**

Simple Majority Required

**Officer's Recommendation**

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

**Council Resolution**

**Medlen/Major**

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

**Carried 7/0  
Resolution 125/19**

*Tony Kett left the Meeting at 1.33pm.*

*The Environmental Health Officer/Building Surveyor, Mr Gordon Tester, attended the Meeting at 1.33pm 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 13 February 2019

**Comment**  
 Nil

Permit Number	Owner	Address	Description
415	Deborah Martin	Lot 11, 16 Fry Street, Williams	Timber Framed and Steel Roofed Front Verandah Addition to Existing House.

**Voting Requirements**  
 Simple Majority Required

#### Officer's Recommendation

That Building report as presented above be endorsed by Council.

#### Council Resolution

##### *Watt/Carne*

That Building report as presented above be endorsed by Council.

**Carried 7/0**  
**Resolution 126/19**

#### 8.3.2 WILLIAMS PUBLIC SWIMMING POOL & RECLAIMED IRRIGATION

**File Reference** 11.20.20  
**Statutory Reference** *Health (Aquatic Facilities) Regulations 2017*  
**Author & Date** Gordon Tester 13 February 2019

#### Comment

Water samples as regularly obtained from the Williams Swimming Pool and Reclaimed Waste Water were laboratory analysed and determined to be satisfactory.

#### Officer's Recommendation

That the information on water samples as obtained from the Williams Swimming Pool and Reclaimed Waste Water be received.



**Council Resolution**

***Carne/Medlen***

That the information on water samples as obtained from the Williams Swimming Pool and Reclaimed Waste Water be received.

**Carried 7/0  
Resolution 127/19**

*Gordon Tester left the Meeting at 1.51pm.*



## 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      14 February 2019
<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 February 2019 be received by Council.

#### Council Resolution

##### *Medlen/Watt*

That the Chief Executive Officer's General Report for February 2019 be received by Council.

**Carried 7/0**  
**Resolution 128/19**



#### 8.4.2 FAMILY DAY CARE – PROVIDER SUPPORT SERVICE

<b>File Reference</b>	8.50.40
<b>Statutory Reference</b>	<i>Education and Care Services National Law and Education and Care Services National Regulations, Local Government Act 1995, Local Government (Functions and General) Regulations 1996.</i>
<b>Author &amp; Date</b>	Geoff McKeown      1 February 2019
<b>Attachment</b>	Appendix 1 Business/Strategic Plan 2018/2019 Appendix 2 Draft Budget 2019 Appendix 3 Draft Employment Contract

#### Background

The Shire of Williams is considering an expansion of child care services in regard to becoming a Family Day Care Provider (“Provider”) to support Family Day Care Centres (“Educators”). It is a requirement that Educators operating their own centre have this support in order to meet their obligations under the National Quality Framework. The Provider offers support to ensure the maintenance of high quality education and care at Family Day Care Centres.

#### Comment

Educators can have up to seven (7) children in their care at any one time. The support offered helps existing services and newly established services with ongoing phone and email contact provided by a Coordinator employed by the Provider. Regular site visits are also a requirement.

A Business/Strategic Plan (**Appendix 1**) has been prepared which makes a number of assumptions in order that the service is viable. A draft budget (**Appendix 2**) is also provided including the following key aspects:

1. Each Educator averages 4 children for 8 hours per day of operation;
2. A minimum of fifteen (15) Educators are required;
3. A fee per child per hour is set;
4. Costs to employ the Coordinator and deliver the service are comparable to an existing service; and
5. Income and expenditure are estimated at breakeven levels.

Individual Educators can choose who they want to access Provider support from. As private businesses they can move from one service Provider to another.

Initial consideration of this proposal by Council prompted a request for further information on the following matters:

1. The process and timing to register as a Provider;
2. Draft Employment Contract for a Coordinator;
3. Targets for the take up of Educators;
4. Clarification of the Shire's obligations under National Competition Policy; and
5. Implications for the Shire's Public Liability and Professional Indemnity Insurances.



The following additional information is provided for Council's consideration:

Process and timing to register as a Provider

As the Shire already holds a Provider Approval and operates a long day care service it can apply to operate another service under that provider approval. The obligations of the approved provider and service are set out in the Education and Care Services National Regulations 2012 and *Education and Care Services National Law (WA) Act 2012*.

Draft Employment Contract for Co-Ordinator

A draft employment contract (**Appendix 3**) is attached.

Targets for the take up of Educators

In the first year of receiving Provider Approval the service is restricted to a maximum of 15 Educators. After the first year the number can increase, however it is capped at 25 per support person. The Business/Strategic Plan indicates that the service will aim to have 15 Educators signed up in the first twelve months. With assumptions on average number of children per Educator and hours in care, the service needs a minimum of 15 Educators to be viable.

Shire's obligations under National Competition Policy

The following information addresses matters contained in state legislation and the National Competition Policy.

The first consideration for the Shire is outlined in Section 3.18(3) of the *Local Government Act 1995*. This section deals with the functions of local government and the legislation states:

**3.18. Performing executive functions**

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
- (2) In performing its executive functions, a local government may provide services and facilities.
- (3) A local government is to satisfy itself that services and facilities that it provides —
  - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and
  - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
  - (c) are managed efficiently and effectively.

As mentioned in the Act the local government is to satisfy itself that the service does not duplicate a service provided by a public or private body to an extent it considers inappropriate. In regard to this point the Shire understands that Provider services are delivered by other local governments,





not-for-profit and private entities. Further, an Educator can choose which Provider it wishes to access the service from.

With regard to National Competition Policy, Local Government is required to apply legislation review and reform, competitive neutrality and structural reform principles at local government level.

To meet its obligations under the National Competition Policy the Shire should undertake an analysis of the service. Importantly, competitive neutrality requires that competition between local government and private sector businesses be fair. Any advantages or disadvantages that the government may experience as a result of government ownership must be neutralised. Any prices charged by the local government should recover the full cost of the business activity and not be subsidised.

The draft budget for the service is based on achieving financial viability. It does not include items that give the Shire a financial advantage over other providers.

A further consideration, under state legislation, is whether the activity is likely to trigger the threshold as a major trading undertaking. Section 3.59 of the *Local Government Act 1995* states in part:

### 3.59. Commercial enterprises by local governments

(1) In this section —

**acquire** has a meaning that accords with the meaning of **dispose**;

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**land transaction** means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

**major land transaction** means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition;

**major trading undertaking** means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;



**trading undertaking** means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

- (2) Before it —
- (a) commences a major trading undertaking; or
  - (b) enters into a major land transaction; or
  - (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

The *Local Government (Functions and General) Regulations 1996* prescribe a dollar amount where an activity is considered a major trading undertaking. In the case of local governments that are non-metropolitan and not major regional centres the threshold is \$2,000,000. Therefore, the service as proposed does not constitute a major trading undertaking.

#### Implications for the Shire's Public Liability and Professional Indemnity Insurances

Provision of the service will be covered under the Shire's existing liability and indemnity policy. Calculation of the premium is based on the Shire's total revenue. Revenue from the service will increase the Shire's total revenue by approximately 4%, therefore adding approximately \$560 to the liability policy annual premium.

The business plan indicates that the service can secure the number of Educators to make it viable for the Shire of Williams. In establishing the service, the Shire should take the following into consideration:

1. The need to expend funds to establish the service before Educators join and income is received.
2. That the service will not duplicate other services to the extent that it is inappropriate.
3. Is there any reputational risk in a local government providing a service that is offered by not-for-profit and private entities?
4. What action is to be taken if a minimum numbers of educators do not sign up to make the service viable?

If the service is established by the Shire, and more than the minimum number of Educators join, there is the potential to deliver a surplus. This will enhance the overall viability of the combined child care services offered by the Shire.

Research of Providers in the State indicates that they generally have a catchment area where they provide support services. In the metropolitan region these services include individual suburbs.

Interestingly, the Shire of Mundaring operates the Eastern Region Family Day Care service (ERFD). This service has operated for more than 30 years and grew from when two family day care services (Shire of Mundaring and City of Belmont) amalgamated. Its Educators are located throughout the local government areas of Mundaring, Swan, Kalamunda, Belmont, Bassendean



and Bayswater and several in neighbouring areas. Its administrative base is in Midvale and its focus is recruiting Educators no more than one hour travel from Midland.

In this region a service is provided by Regional Early Education and Development Inc. (REED), a not-for-profit organisation which recently formed and assumed the responsibilities of the Narrogin Regional Child Care Centre Inc. It is understood that REED currently supports 21 Educators in rural and regional WA.

The approach the Shire of Williams should take in becoming a Provider is to be an additional service to that currently offered by REED, to look for new opportunities to support Educators and expand the service where it is not currently supported.

### **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 Draft Budget has been prepared. It shows expenditure required to establish the service in the three months of this financial year, from April to June 2019. Income will not match expenditure as it will take time to sign up Educators. The Draft Budget does not include capital expenditure that will be required for the purchase of a vehicle, laptop and mobile phone.

All expenditure needs to be approved by Council will require a resolution carried by absolute majority.

It is a requirement of the *Local Government Act 1995* that any expenditure incurred from the Municipal Fund, that is not included in the Annual Budget, is authorised by Council by absolute majority. Section 6.8 states:

### **6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

- (1a) In subsection (1) —  
additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
  - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and



- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

If approval is given for the Shire to become a Provider, the Council can consider adoption of appropriate fees & charges for the service. This can be done at a future meeting of Council.

### **Voting Requirements**

Absolute Majority

#### **Officer's Recommendation**

That Council endorses becoming a Family Day Care Provider to provide support services to Family Day Care Educators and agrees to undertake the following:

1. Seek Provider Approval from the Department of Communities' Education and Care Regulatory Unit;
2. Undertake recruitment of a Family Day Care Coordinator; and
3. Incur the necessary operating and capital expenditure before the end of the financial year to establish the service.

#### **Motion**

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

That Council endorses becoming a Family Day Care Provider to provide support services to Family Day Care Educators and agrees to undertake the following:

1. Seek Provider Approval from the Department of Communities' Education and Care Regulatory Unit;
2. Undertake recruitment of a Family Day Care Coordinator; and
3. Incur the necessary operating and capital expenditure before the end of the financial year to establish the service.

#### **Amendment to Motion**

Cr Baker proposed to amendment to the motion as follows:

#### **Amended Motion**

##### ***Baker/***

That Council endorses becoming a Family Day Care Provider to provide support services to Family Day Care Educators and agrees to undertake the following:

1. Seek Provider Approval from the Department of Communities' Education and Care Regulatory Unit;
2. Consider recruitment of a Family Day Care Coordinator; and
3. If necessary, incur operating and capital expenditure before the end of the financial year to establish the service.

**Motion Lapsed for want of a Seconder**



**Council Resolution**

**Major/Cavanagh**

That Council endorses becoming a Family Day Care Provider to provide support services to Family Day Care Educators and agrees to undertake the following:

1. Seek Provider Approval from the Department of Communities’ Education and Care Regulatory Unit;
2. Undertake recruitment of a Family Day Care Coordinator; and
3. Incur the necessary operating and capital expenditure before the end of the financial year to establish the service.

**Carried by Absolute Majority 7/0  
Resolution 129/19**

**Afternoon Tea**

The Deputy President adjourned the Meeting for afternoon tea at 3.09pm and the Meeting resumed at 3.37pm.

**8.4.3 EXTRAORDINARY VACANCY**

<b>File Reference</b>	4.1.40
<b>Statutory Reference</b>	<i>Local Government Act 1995</i>
<b>Author &amp; Date</b>	Geoff McKeown      7 February 2019
<b>Attachment</b>	Nil

**Background**

Council is asked to consider options in relation to the elected member vacancy that has arisen with the recent passing of Cr John Cowcher.

**Comment**

Section 4.8 of the *Local Government Act 1995* indicated that an extraordinary election is to be held if a vacancy occurs. Section 4.17 outlines circumstances where a vacancy can remain unfilled for the term of the office that would have ended at the next Ordinary Election date.

This item proposes that Council seek the necessary approval to have the vacancy remain unfilled until the 2019 Ordinary Election that will be held on the 19 October 2019. This approval is necessary from the WA Electoral Commissioner.

Section 4.17 includes various scenarios depending on when the vacancy occurred and how much time it is before the next Ordinary Election. In regard to this vacancy, Sections 4.17 (3) and 4.17 (4A) apply. The Act states:

**4.17. Cases in which vacant offices can remain unfilled**

- (3) If a councillor’s office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the



office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

\* *Absolute majority required.*

(4A) Subsection (3) applies —

(a) if —

(i) the office is for a district that has no wards; and

(ii) at least 80% of the number of offices of member of the council in the district are still filled;

As the Shire does not have wards and currently over 80% of the offices of member of the council are filled, the WA Electoral Commissioner can approve a request for the vacancy to remain unfilled.

### 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

If a decision is made to have an extraordinary election there will be costs incurred that have not been included in the 2018/19 Annual Budget.

### Voting Requirements

Absolute Majority

### Officer's Recommendation

That Council seek approval of the WA Electoral Commissioner to have the current vacancy on Council remain unfilled until the 2019 Ordinary Election, indicating that the Shire of Williams currently meets the requirements of Section 4.17 (4A) of the *Local Government Act 1995*.

### Council Resolution

#### **Major/Medlen**

That Council seek approval of the WA Electoral Commissioner to have the current vacancy on Council remain unfilled until the 2019 Ordinary Election, indicating that the Shire of Williams currently meets the requirements of Section 4.17 (4A) of the *Local Government Act 1995*.

**Carried by Absolute Majority 7/0  
Resolution 130/19**

*Cr Watt declared a proximity interest for the following item 8.4.4 Request to Sub-Let Lot 403 Marjidin Way, Williams and left the Meeting at 3.40pm. The nature of his interest relates to being the owner of land that is adjacent to Lot 403 Marjidin Way, Williams.*



**8.4.4 REQUEST TO SUB-LET LOT 403 MARJIDIN WAY, WILLIAMS**

<b>File Reference</b>	13.60.55
<b>Statutory Reference</b>	Shire of Williams Town Planning Scheme No.2
<b>Author &amp; Date</b>	Geoff McKeown      8 February 2019
<b>Attachment</b>	Nil

**Background**

Mr Andrew Martin has requested approval to sub-let a portion of the property he leases at Lot 403 Marjidin Way, Williams. He wishes to allow office space at the premises to be used by his partner who has an accounting business.

**Comment**

The detail of Mr Martin’s request includes the following supporting information:

1. The activity is an Accounting and Bookkeeping business;
2. Name of business is Elect Accounting and the proprietor is Cassandra Charmaine Fiorentino;
3. Area of Premises to be used is the front office;
4. The period requested for sub-letting is for the duration of the principal lease for the Premises;
5. Hours of operation will be from 8:30am to 5.00pm; and
6. Clients will visit the Premises primarily between July to September and only occasionally outside these months.

There are two matters for Council to consider with regard to this request. Firstly, approval is necessary according to the terms of the current lease of the Premises. The lease states that the Lessee must not sub-let any part of the Premises without the prior written consent of the Lessor.

Secondly, the carrying on of an activity that is different from the original approved use of the Premises needs Council approval. As the office will be used for an accounting and bookkeeping business, which will be independent from the motor vehicle repairs business and will service a range of external clients, it will require separate planning approval. An Office is an 'AA' use in the Industrial zone under the Shire’s Town Planning Scheme, so Council has discretion to approve it.

**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 1.5      Encourage business and community groups’ initiatives to promote the Shire as a place to live, work, play and invest
- 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 grant approval to Mr Andrew Martin to sub-let part of the Premises at Lot 403 Marjidin Way, Williams for an accounting and bookkeeping business subject to the following conditions and arrangements:

1. Approval is granted in accordance with the Shire of Williams Town Planning Scheme No.2, noting that an Office use in the ‘industrial’ zone is an activity that Council can permit; and
2. The accounting and bookkeeping activity is independent of the motor vehicle repairs business and operates in accordance with the detail provided by the applicant.

**Council Resolution**

**Cavanagh/Medlen**

That Council grant approval to Mr Andrew Martin to sub-let part of the Premises at Lot 403 Marjidin Way, Williams for an accounting and bookkeeping business subject to the following conditions and arrangements:

1. Approval is granted in accordance with the Shire of Williams Town Planning Scheme No.2, noting that an Office use in the ‘industrial’ zone is an activity that Council can permit; and
2. The accounting and bookkeeping activity is independent of the motor vehicle repairs business and operates in accordance with the detail provided by the applicant.

**Carried 6/0  
Resolution 131/19**

*Cr Watt returned to the Meeting at 3.42pm.*

**8.4.5 PROPOSED SUBDIVISION – LOT 3 MUNDAYS ROAD, WILLIAMS**

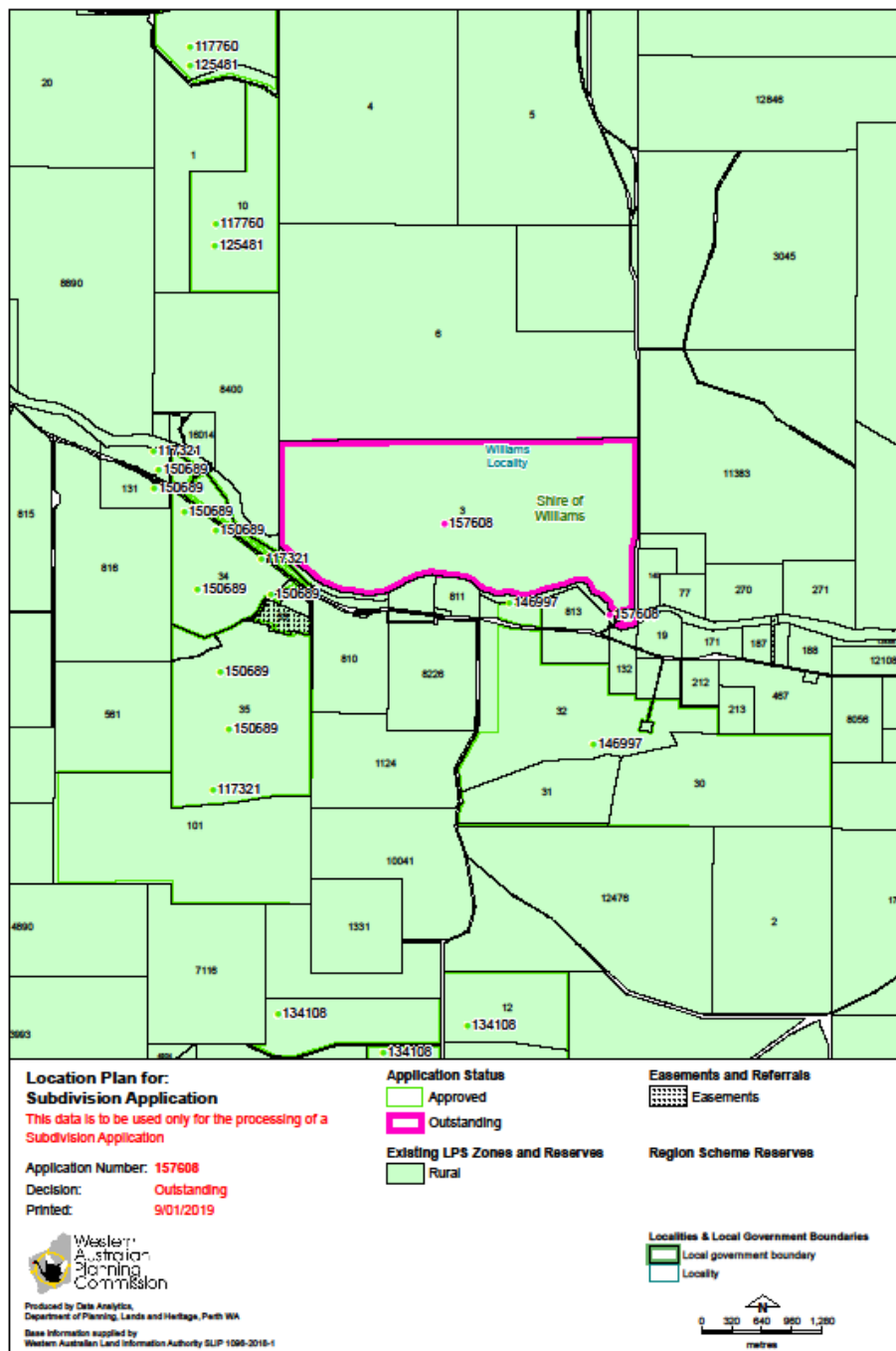
<b>File Reference</b>	10.64.20
<b>Statutory Reference</b>	Shire of Williams Town Planning Scheme No 2
<b>Author &amp; Date</b>	Geoff McKeown 8 February 2019
<b>Attachments</b>	Nil

**Background**

An application has been lodged with the Western Australian Planning Commission (WAPC) seeking approval to subdivide Lot 3 Mundays Rd, Williams. The WAPC has referred the application to the Shire of Williams for comment (by 28 February 2019).

The lot included in the proposal is shown on the following plan:





**Comment**

➤ **Description of Application**

In 2014, Colin and Trevor Cowcher wrote to the Shire indicating their wish to subdivide their property for farm succession planning. They sought Council’s opinion as to whether it would support such an application. The proposal was to split Lot 3 on Plan 8738, which has a total area of 487.20ha, into two separate lots.

At the Council Meeting held on the 16 May 2014 the following resolution was passed:



**Council Resolution**

**Major/Cavanagh**

*That Council advises the applicant that it would support the subdivision of Lot 3 of Plan 8738 into two titles subject the following;*

- 1. Each Lot is a minimum of 200ha*
- 2. Each new lot will front a properly constructed road*
- 3. That a memorial be placed on the title restricting the numbers of dwellings on each lot to one.*

**Carried 9/0**  
**Resolution 225/14**

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

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

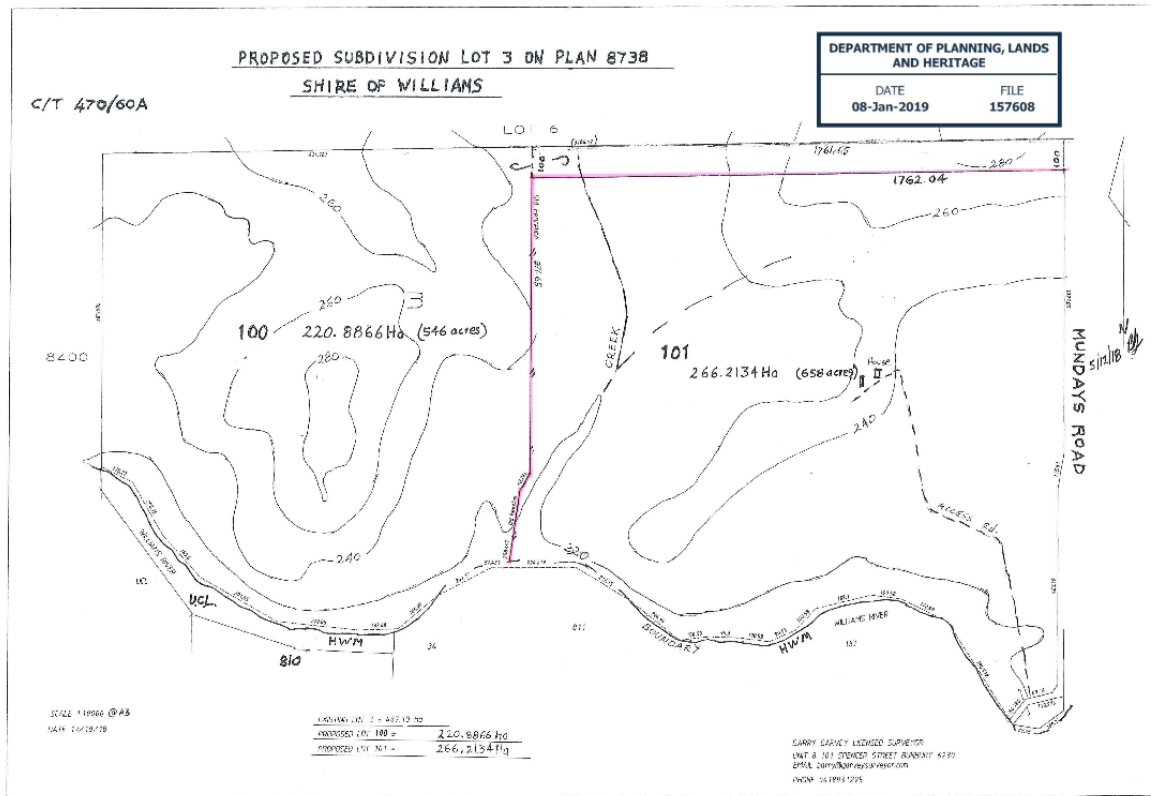
The Shire's stated objective for land classified 'rural' under the Scheme as prescribed in clause 4.7(3) is as follows:

*"There shall be a general presumption by Council against subdivision in the Rural zone unless:*

- i) The lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a rural property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern or land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);*
- ii) The lots are for farm adjustment and the erection of dwelling houses is restricted by memorials on Titles;*
- iii) The lots are for specific uses such as recreation facilities and public utilities; or*
- iv) The lots are required for the establishment of uses ancillary to the rural use of land".*

This application proposes the subdivision of Lot 3 into two separate lots having areas of 220.8866ha and 266.2134ha respectively.

A plan showing the proposed lots follows:



When the proposal was initially considered in 2014, the Council formed the view that due to the size of the proposed lots, each would maintain their rural aspect under the Scheme. Further, that it could be supported under Clause 4.7(3)(ii) where the lots are for farm adjustment and dwelling houses are restricted by memorials on titles. The memorial would not specify that a person cannot build on a lot; it simply aims to restrict the number of new dwellings. The Council decision in 2014 supported restricting the number of dwellings on each lot to one.

Having previously supported the subdivision concept, Council is to some degree bound to again support it. The WAPC is the final arbiter of subdivision applications and it will review the application in relation to the Shire’s Scheme and State Planning Policy. There is a strong likelihood that the WAPC will not support this application.

The Applicant has been guided by the Council’s earlier decision by ensuring that the lots exceed 200ha and have constructed road frontage.

➤ **State Planning Policy : Development Control Policy 3.4 – Subdivision of Rural Land**  
 There is also a general presumption against subdivision of rural land under the WAPC’s Development Control Policy 3.4 (‘DCP 3.4’) which states that ‘the creation of new or smaller lots will be by exemption’.

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

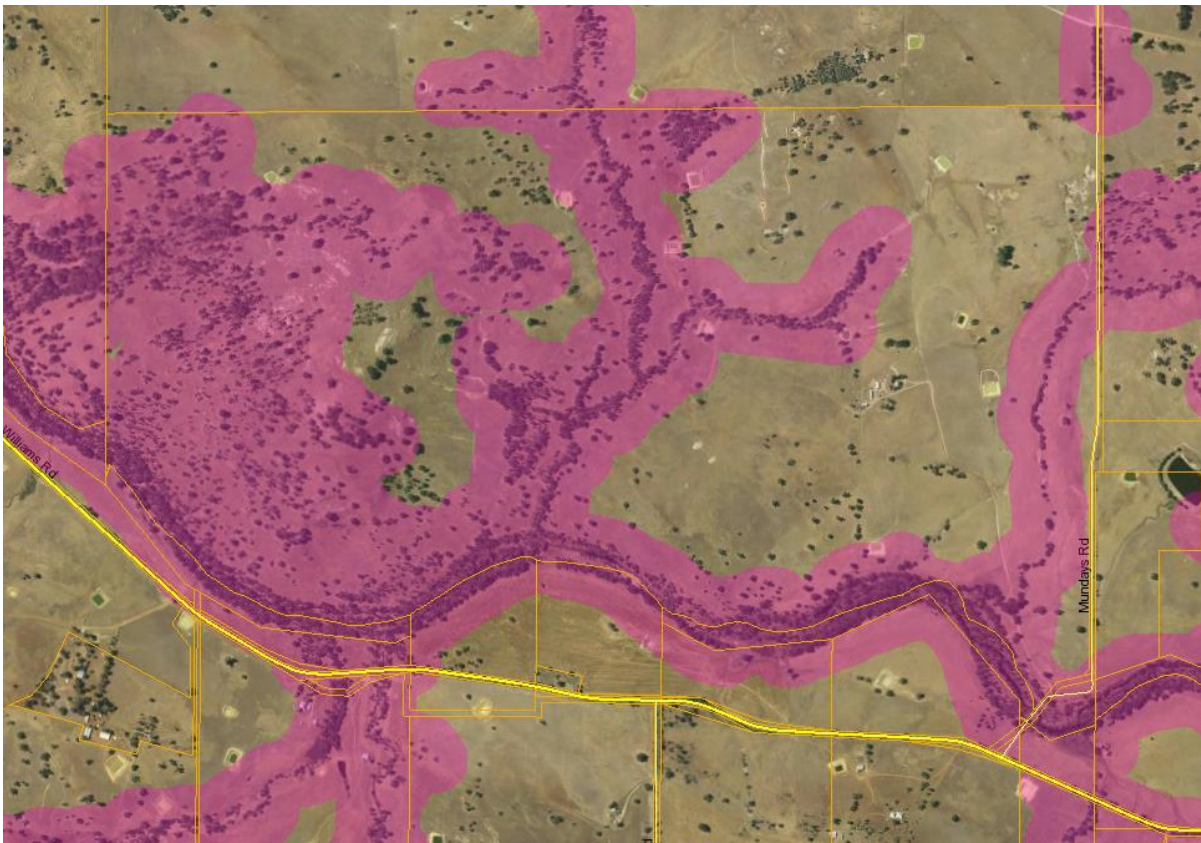
- Re-alignment of boundaries with no increase in the number of lots.
- Protection of heritage places.
- Homestead lots (between 1-20 hectares).
- For public utilities.

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

The proposed subdivision application does propose an increase in the number of lots and it will be interesting to see how the WAPC views the application, specifically in relation to the proposed lot sizes and their suitability for continued agriculture.

➤ **Bush Fire Prone Mapping**

There is on-line mapping which identifies all land in bushfire prone areas for the whole of Western Australia – available on [www.dfes.wa.gov.au](http://www.dfes.wa.gov.au). An extract of the map as it applies to the lot that is the subject to this application follows:



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



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

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

SPP 3.7 requires all new subdivision applications entailing land identified as Bushfire Prone to be supported with a Bushfire Attack Level (BAL) contour map. The Applicant has provided a Bushfire Management Plan which includes a contour map. The Plan also indicates that the proposed subdivision complies with the Bushfire Protection Criteria and the objectives of State Planning Policy 3.7 as:

1. It avoids any increase in the threat of bushfire to people, property and infrastructure;
2. It reduces vulnerability to bushfire through the identification and consideration of bushfire risks in the design of the development and the decision-making process;
3. The design of the subdivision and the development takes into account bushfire protection requirements and includes specific bushfire protection measures; and
4. Achieves an appropriate balance between bushfire risk management measures and biodiversity, conservation values, and environmental protection.

### **Legislative Requirements**

#### *Planning and Development (Local Planning Schemes) Amendment Regulations 2015*

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

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

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

### **Strategic Implications**

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

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

### **Financial Implications**

Nil

### **Voting Requirements**

Simple Majority



**Officer’s Recommendation**

That Council recommend that the Western Australian Planning Commission approve the application to subdivide Lot 3 Munday Road, Williams noting the following points:

1. Each lot exceeds 200ha in size and are therefore a suitable size for continued agriculture activities;
2. The proposed lots are for farm adjustment to assist with farm succession planning;
3. Each lot fronts a properly constructed road;
4. A Bushfire Management Plan has been provided indicating that the proposed subdivision complies with the Bushfire Protection Criteria and the objectives of State Planning Policy 3.7; and
5. A condition be placed on any subdivision approval requiring a memorial be placed on the titles restricting the numbers of dwellings on each lot to one.

**Council Resolution**

***Cavanagh/Medlen***

That Council recommend that the Western Australian Planning Commission approve the application to subdivide Lot 3 Munday Road, Williams noting the following points:

1. Each lot exceeds 200ha in size and are therefore a suitable size for continued agriculture activities;
2. The proposed lots are for farm adjustment to assist with farm succession planning;
3. Each lot fronts a properly constructed road;
4. A Bushfire Management Plan has been provided indicating that the proposed subdivision complies with the Bushfire Protection Criteria and the objectives of State Planning Policy 3.7; and
5. A condition be placed on any subdivision approval requiring a memorial be placed on the titles restricting the numbers of dwellings on each lot to one.

**Carried 7/0  
Resolution 132/19**

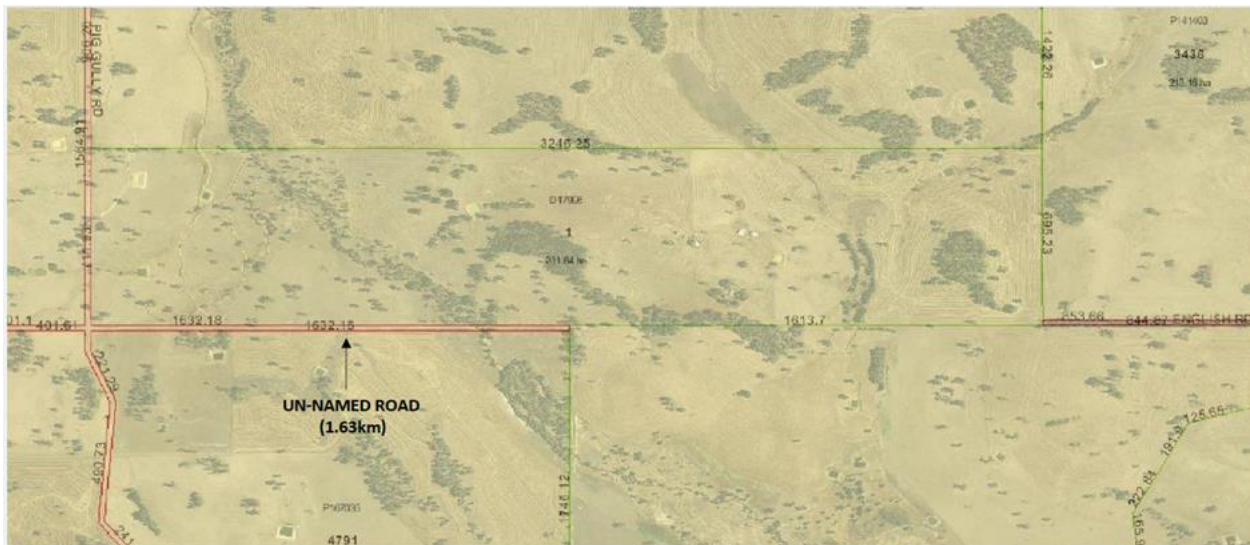
**8.4.6 UNNAMED ROAD – OFF PIG GULLY ROAD**

<b>File Reference</b>	12.15.36
<b>Statutory Reference</b>	Schedule 9.1(5) of the <i>Local Government Act 1995</i> and Regulations 9 and 10 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown      13 February 2019
<b>Attachment</b>	Nil

**Background**

In November and December 2017 the Council considered a request from William Higham to support the permanent closure of an unnamed section of road off Pig Gully Road, or to incorporate it into the Shire’s road inventory for future management. Currently the road, as shown on the plan below, is being maintained by the Higham Family.





At the November 2017 Ordinary Council Meeting the following resolution was passed:

**Council Resolution**  
**Cavanagh/Medlen**

*That Council initiate the permanent closure of a section of unnamed road reserve, extending in an easterly direction from Pig Gully Road for approximately 1.63km, subject to support for the action being obtained from landowners with property adjacent to the road reserve.*

**Carried 9/0**  
**Resolution 93/18**

**Comment**

There are two property owners that have access to this section of road reserve, in addition to the Higham Family. They were advised of the proposed closure and asked to comment prior to further action being undertaken.

One of the neighbouring property owners indicated they would be negatively impacted by the closure and the Council was invited to consider the following alternative options:

1. Accept responsibility for the future maintenance and renewal of the unnamed section of road reserve;
2. Install a 'No Through Road' sign at the commencement of the road; and
3. Initiate a process to have the road named and included on the Shire's road inventory.

Ultimately the Council passed the following resolution:

**Council Resolution**  
**Medlen/Baker**

*That Council cease to pursue the permanent closure of a section of unnamed road reserve extending in an easterly direction from Pig Gully Road for approximately 1.63km, as support for the action has not been obtained from all landowners with property adjacent to the road reserve. Further, Council will approve, on application, the issue of permits to install gates across the road*



*reserve where it intersects east and west of Pig Gully Road in accordance with Schedule 9.1(5) of the Local Government Act 1995 and Regulations 9 and 10 of the Local Government (Uniform Local Provisions) Regulations 1996.*

**Carried 8/0**  
**Resolution 111/18**

In response to the Council decision gate permits were issued to William Higham. Mr Higham was appreciative of the outcome but has reiterated his preference for the road to be included on the Shire's road inventory.

Subsequently correspondence has also been received from Mr Les Wilson who is also keen for the section of road to be maintained as a road by the Shire, indicating that he has crops in paddocks that are next to both the east and west end of the road and require large trucks to access the road to cart grain.

When the original application was made by William Higham the Chief Executive Officer and Works Supervisor visited the location and reviewed the condition of the road. It was in good condition having been recently graded. The lower parts of the road did show defects that become more pronounced in winter months. Regular grading to maintain the drains and some discrete gravel sheeting would improve the road. The culvert at Wild Horse Creek is adequate although the surface would benefit from gravel sheeting. This work could be managed within the normal maintenance budget.

The section of road reserve is approximately 1.63km long and the photos below show the formation of the road (Fig 1) and the three barrel culverts where the road crosses Wild Horse Creek (Fig 2).



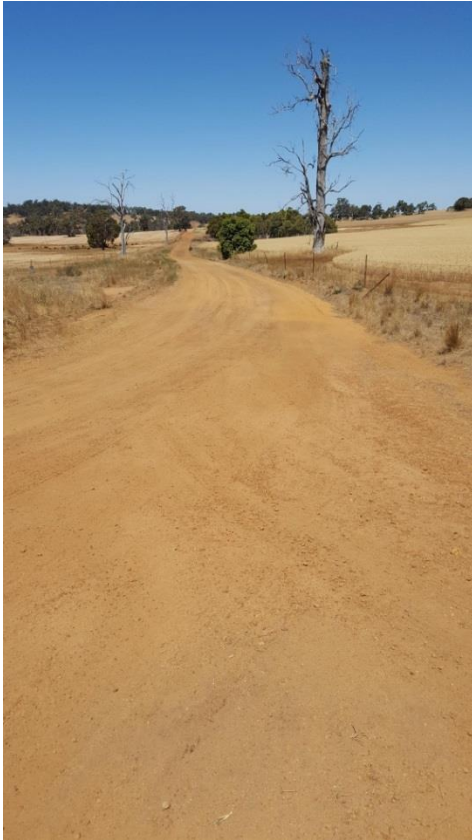


Fig 1



Fig 2

### 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-constructed and maintained local road network

### Financial Implications

Adding additional roads to the overall network will increase the cost of maintenance and renewal. This is partially offset by road grants based on the extent of the road network.

### Voting Requirements

Simple Majority

### Officer’s Recommendation

That Council:

1. accept responsibility for the future maintenance and renewal of an unnamed section of road reserve, extending in an easterly direction from Pig Gully Road for approximately 1.63km;
2. install a ‘No Through Road’ sign at the commencement of the road; and
3. initiate a process to have the road named and included on the Shire’s road inventory.



**Council Resolution**

**Carne/Major**

That Council not accept responsibility for the future maintenance and renewal of an unnamed section of road reserve, extending in an easterly direction from Pig Gully Road for approximately 1.63km.

**Carried 7/0  
Resolution 133/19**

*The resolution differed from the recommendation as Council did not wish to accept responsibility for the future maintenance and renewal of the formed road and agreed that the previous issue of a gate permit to the adjacent property owner provided sufficient management of access to the road reserve.*

**8.4.7 DEVELOPMENT APPLICATION – NEW TOILET BLOCK AT ST BONIFACE CHURCH, QUINDANNING**

<b>File Reference</b>	10.60.15
<b>Statutory Reference</b>	N/A
<b>Author &amp; Date</b>	Geoff McKeown      14 February 2019
<b>Attachment</b>	Nil

**Background**

In 2016 the Anglican Diocese of Bunbury (“Diocese”) advised that it intended to demolish the old toilet block at the St Boniface Church in Quindanning and replace it with a new facility. In the time since the first contact the Diocese has advanced the design and location of the toilet and demolished the old structure.

**Comment**

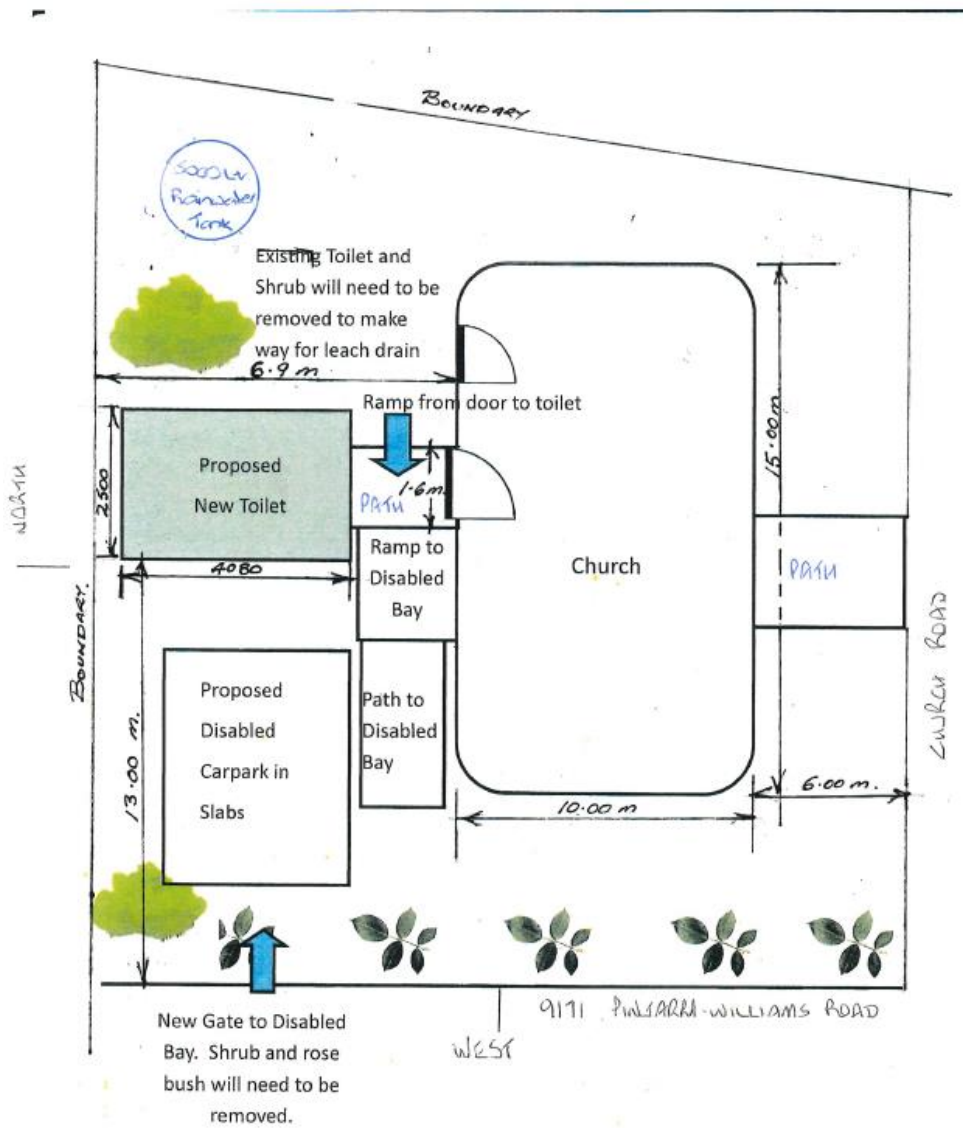
St Boniface Church has heritage significance and is included on the Shire of Williams Municipal Inventory. In addition, it is classified by The National Trust of Australia (WA) as a place of significance. As such the Diocese was advised to seek development approval for the new toilet block.

The Diocese sought advice from a heritage consultant and was advised that the exiting toilet block was not critical to the Church’s significance. Below is a photo of the toilet block that has since been demolished:



The plans submitted as a development application include a site plan and a picture of the new toilet design.







Council has all the information required to issue development approval.

**Strategic Implications**

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

- SCD 1.1 Provide, maintain and improve community infrastructure
- SCD 3.1 Advocate and support initiatives that will develop and celebrate the cultural heritage of the Shire

**Financial implications**

Nil

**Voting Requirements**

Simple Majority

**Officer’s Recommendation**

That Council approve the development application submitted by the Anglican Diocese of Bunbury for the demolition of the old toilet block and construction of a new facility at St Boniface Church, Quindanning subject to meeting all health and building requirements to the satisfaction of the Shire.



**Council Resolution**

***Cavanagh/Major***

That Council undertake community consultation in the Quindanning locality before further consideration of the development application submitted by the Anglican Diocese of Bunbury for the demolition of the old toilet block and construction of a new facility at St Boniface Church, Quindanning.

**Carried 7/0  
Resolution 134/19**

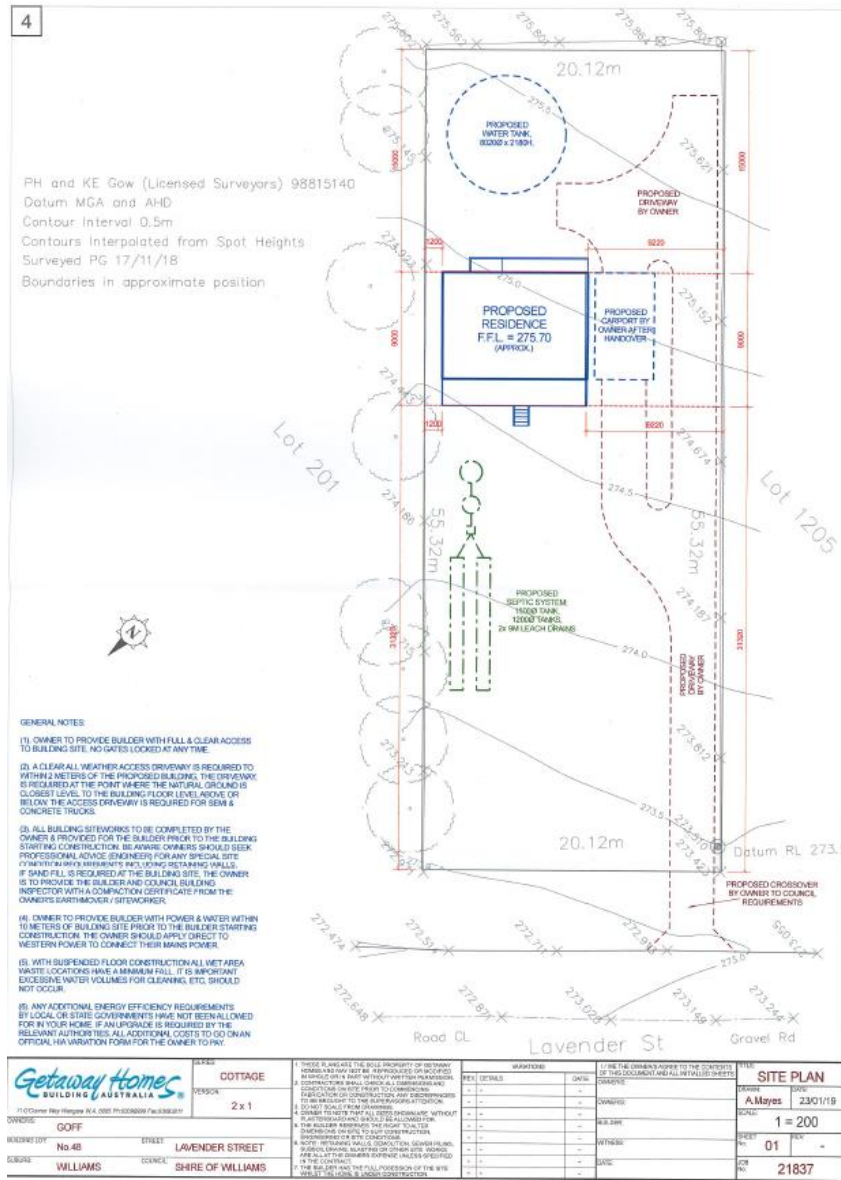
*The resolution differed from the recommendation as Council considered it appropriate to provide an opportunity for further community consultation on the design of the new toilet facility given the important heritage value of the St Boniface Church.*

**8.4.8 DEVELOPMENT APPLICATION – LOT 203 (48) LAVENDER STREET, WILLIAMS**

<b>File Reference</b>	10.60.15
<b>Statutory Reference</b>	<i>Town Planning and Development Act 2005</i>
<b>Author &amp; Date</b>	Geoff McKeown      14 February 2019
<b>Attachment</b>	Appendix 4 – BAL Assessment

**Background**

Total Home Frames Pty Ltd has lodged a development application on behalf of Ms Kerrie Goff, the owner of Lot 203 (48) Lavender Street, Williams, seeking Shire approval to undertake a residential development. The proposal includes the construction of a one bedroom x one bathroom single storey timber framed dwelling. A 110,000 litre water tank, along with septic tanks and leach drains will service the dwelling. A site plan showing the proposed development follows:



**Comment**

This matter is referred to Council as the proposed development is in the 'rural residential' zone and all development in this zone requires approval.

A Bushfire Attack Level Assessment (BAL) has been undertaken with the proposed site being determined to have a BAL rating of 12.5. This is a low rating and whilst requiring some building requirements, they are not substantial. A copy of the BAL assessment is attached as **Appendix 4**.

In considering an application for development approval in the 'rural residential' zone the Council is to have regard to the following:

1. The colour and texture of external building materials;
2. Building size, height, bulk roof pitch;
3. Setback and location of the building on its lot;
4. Architectural style and design details of the building;





5. Relationship to surrounding development; and
6. Other characteristics considered by Council to be relevant.

The onsite effluent disposal system (septic tank and leach drains) has been included on the site plan. This should be considered as indicative only and its location and size will be approved separately on submission of the appropriate application.

As with many lots in this area, utilities such as power or water are available at a significant cost. The owner has installed a 110,000 litre water tank on the property. Unfortunately due to a misunderstanding with the tank supplier it was installed before development approval had been granted. The applicant has respectfully requested that retrospective approval be granted. With regard to power, this property is not on the grid and separate approval is recommended for this. Council has previously discussed not supporting the use of generators.

The site plan shows a crossover to Lavender Street which can be installed in accordance with Shire requirements.

This lot has been subject to a Bushfire Attack Level assessment and to maintain that level will require the lot to be maintained in accordance with the provisions of the *Bushfire Act 1954* by keeping fuel loads at an absolute minimum. Council may wish to consider including the fuel load reduction requirement in its planning conditions via reference to the Shire's Firebreak Notice.

Also it is now a planning requirement that proposed houses intended to be constructed in a designated Bushfire Zone provide 10,000 litres of water for bush firefighting purposes that is not available for general use and the tank is fitted with a camlock fitting suitable for use by a local bushfire brigade.

It is recommended that Council issue conditional approval for this development.

#### **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**

Planning fees totalling \$356.91 have been paid.

#### **Voting Requirements**

Simple Majority

#### **Officer's Recommendation**

That Council approve the development application for the construction of a dwelling, rainwater tank and septic tank and leach drains on Lot 203 (48) Lavender Street, Williams owned by Ms Kerrie Goff subject to the following conditions:





1. The owner is to maintain the lot with flammable material not exceeding the minimum requirements of the Shire of Williams Firebreak Notice;
2. The proponent must obtain Shire approval for suitable power supply for the dwelling;
3. The proponent must obtain approval for an onsite effluent disposal system;
4. A crossover is to be installed to the Shire's satisfaction, having regard to the verge drainage and subject to the provisions of Council's Crossover Policy;
5. Development is to be undertaken strictly in accordance with approved plans presented to Council and any statutory requirement applicable to the development;
6. Onsite water supply with a combined capacity of 100,000 litres is required with a minimum of 10,000 litres water supply to be provided onsite for the purpose of bushfire fighting that is not available for general use and is provided with a camlock fitting that is compatible with Bush Fire Brigade fittings; and
7. Stormwater to be disposed of to the Shire's satisfaction.

**Council Resolution**

***Carne/Watt***

That Council approve the development application for the construction of a dwelling, rainwater tank and septic tank and leach drains on Lot 203 (48) Lavender Street, Williams owned by Ms Kerrie Goff subject to the following conditions:

1. The owner is to maintain the lot with flammable material not exceeding the minimum requirements of the Shire of Williams Firebreak Notice;
2. The proponent must obtain Shire approval for suitable power supply for the dwelling;
3. The proponent must obtain approval for an onsite effluent disposal system;
4. A crossover is to be installed to the Shire's satisfaction, having regard to the verge drainage and subject to the provisions of Council's Crossover Policy;
5. Development is to be undertaken strictly in accordance with approved plans presented to Council and any statutory requirement applicable to the development;
6. Onsite water supply with a combined capacity of 100,000 litres is required with a minimum of 10,000 litres water supply to be provided onsite for the purpose of bushfire fighting that is not available for general use and is provided with a camlock fitting that is compatible with Bush Fire Brigade fittings; and
7. Stormwater to be disposed of to the Shire's satisfaction.

**Carried 7/0**  
**Resolution 135/19**



**8.4.9 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      14 February 2019
<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. \$400,000.00 from the Term Deposit to the Municipal Fund Cash Management Account in anticipation of future expenditure;
2. \$100,000.00 from the Municipal Cash Management Account to the Municipal Fund to meet expenditure requirements;
3. \$150,000.00 from the Municipal Cash Management Account to the Municipal Fund to meet expenditure requirements; and
4. \$150,000.00 from the Municipal Cash Management Account to the Municipal Fund to meet expenditure requirements;

- **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 Deputy President and Chief Executive Officer affixed the common seal to the Transfer of Land and sale documents associated with the purchase of land the subject of Deposited Plan 415858.



- **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 months of December 2018 and January 2019.

**Council Resolution**

**Watt/Baker**

That Council accepts the report “Use of Common Seal and Actions Performed under Delegated Authority” for the months of December 2018 and January 2019.

**Carried 7/0  
Resolution 136/19**

*The Manager of Finance, Mrs Cara Ryan, attended the Meeting at 4.24pm 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	4 February 2019

#### 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 104725 – 104726 totalling \$180,410.89 approved by the Chief Executive Officer during the month of December 2018 be endorsed.



**Council Resolution**

***Baker/Watt***

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104725 – 104726 totalling \$180,410.89 approved by the Chief Executive Officer during the month of December 2018 be endorsed.

**Carried 7/0  
Resolution 137/19**

**Officer’s Recommendation**

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104727 – 104728 totalling \$527,680.77 approved by the Chief Executive Officer during the month of January 2019 be endorsed.

**Council Resolution**

***Medlen/Baker***

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104727 – 104728 totalling \$527,680.77 approved by the Chief Executive Officer during the month of January 2019 be endorsed.

**Carried 7/0  
Resolution 138/19**

**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	4 February 2019

**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 31 December 2018 be received.

**Council Resolution**

***Cavanagh/Major***

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

**Carried 7/0**

**Resolution 139/19**

**Officer's Recommendation**

That the financial statements presented for the period ending 31 January 2019 be received.

**Council Resolution**

***Watt/Major***

That the financial statements presented for the period ending 31 January 2019 be received.

**Carried 7/0**

**Resolution 140/19**

*Cara Ryan left the Meeting at 4.38pm.*

## **8.6 COUNCILLORS' REPORTS**

Cr Carne reported on her attendance at the 4WDL VROC Meeting, along with the Chief Executive Officer. The Meeting was held at the Shire of Wagin on the 12 February 2019. The current review of the *Local Government Act 1995* was the primary topic of discussion. The CEOs will meet in early March to consider a response to the review that can then be considered by the individual local governments.

Cr Cavanagh advised that he will be attending a South32 Community Liaison Committee Meeting next week.

## **9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

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

### **10.1 ELECTED MEMBERS**



## 10.2 OFFICERS

### 11.0 APPLICATION FOR LEAVE OF ABSENCE

Nil received

### 12.0 INFORMATION SESSION

Cr Cavanagh requested an update on the issue of the billboard on the Albany Highway. The Chief Executive Officer indicated that the owner of the infrastructure had confirmed late last year that the billboard will be removed in February 2019.

Cr Watt raised the issue of vehicle access to the existing industrial shed at Lot 403 Marjidin Way and the need to ensure appropriate access is available for future development on the property. He suggested that before the landscaping is completed a review of access options be considered.

Cr Carne passed on a compliment she received at the recent Harness Racing event in Williams, where a visiting family came to the Lions Park and then enjoyed a pleasant afternoon at the harness racing while their children also went to the swimming pool.

The Chief Executive Officer noted that businesses along the Albany Highway are experiencing disruptions caused by the closure of highway parking and regular access to their premises as a result of the current construction works. The Shire is working with Main Roads to provide more communication and advance notice of traffic management changes.

Cr Baker mentioned the encroachment of couch grass at the southern end of the Lions Park. He also discussed the Driver Reviver Van location in the park.

Cr Baker updated Council on activities of the Williams Men's Shed and in particular its focus on men's health initiatives.

### 13.0 CLOSURE OF MEETING

There being no further business for discussion the Deputy President declared the Meeting closed at 5.29pm.