

## **SHIRE OF WILLIAMS**

### **MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY 18<sup>TH</sup> AUGUST 2010**

#### **1.0 OPENING**

##### **1.1 DECLARATION OF OPENING**

The President declared the meeting open at 1.00pm

##### **1.2 ANNOUNCEMENT OF VISITORS**

Nil

#### **2.0 RECORD OF ATTENDANCE**

##### **2.1 PRESENT**

|                      |                  |
|----------------------|------------------|
| Cr John Cowcher      | President        |
| Cr David Earnshaw    | Deputy President |
| Cr Greg Cavanagh     | (From 1.05pm)    |
| Cr Richard Johnstone |                  |
| Cr Moya Carne        |                  |
| Cr Gilbert Medlen    |                  |
| Cr Natalie Major     |                  |
| Cr Peter Paterson    |                  |
| Cr Jarrad Logie      |                  |

|               |  |
|---------------|--|
| R Duff        | Chief Executive Officer  |
| IR Ball       | Deputy Chief Executive Officer                                   |
| Heidi Cowcher | Community Development Officer (1.50pm – 1.58pm)                  |
| Tony Kett     | Works Supervisor (2.00pm – 2.10pm)                               |
| Steve Friend  | Environmental Health Officer/Building Surveyor (2.12pm – 2.53pm) |

##### **2.2 APOLOGIES**

Nil

#### **3.0 PUBLIC QUESTION TIME**

Nil

#### **4.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Mr Darren Monument from A Balanced View Leisure Consultancy attended the meeting at 1.04pm to give Council an overview on the process he will follow to complete the needs assessment/feasibility study to produce a master plan of sport and recreation facilities for the future. He also answered questions from Council on the process.

Mr Monument left the meeting at 1.15pm

**5.0 DECLARATIONS OF INTEREST**

| <b>DECLARATION OF INTEREST</b> |  |
|--------------------------------|--|
| Name / Position                | Councillor Cowcher   |
| Item No. / Subject             | Item 8.4.10 Department of Regional Development & Lands – Realignment of Narrakine Rd |
| Type of Interest               | Financial Interest   |

**6.0 CONFIRMATION OF PREVIOUS MINUTES**

**6.1 ORDINARY MEETING MINUTES**

***Johnstone/Earnshaw***

That the minutes of the Ordinary Meeting held in the Council Chambers on Wednesday 21<sup>st</sup> July 2010, as circulated, be confirmed as a true and correct record of proceedings.

**Carried 9/0  
Resolution 31/11**

**6.2 4WD VROC MEETING MINUTES**

***Earnshaw/Major***

That the minutes of the 4WD VROC Meeting held in Woodanilling on Tuesday 27<sup>th</sup> July 2010 be received.

**Carried 9/0  
Resolution 32/11**

**6.3 WILLIAMS LEMAC MEETING MINUTES**

***Johnstone/Cavanagh***

That the minutes of the LEMAC Meeting held on Wednesday 28th July 2010 be received.

**Carried 9/0  
Resolution 33/11**

**6.4 SPECIAL MEETING MINUTES**

***Johnstone/Earnshaw***

That the minutes of the Special Meeting held in the Council Chambers on Monday 9<sup>th</sup> August 2010 be confirmed as a true and correct record of proceedings.

**Carried 9/0  
Resolution 34/11**

**7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**8.0 REPORTS OF COMMITTEES/OFFICERS AND COUNCILLORS**

Community Development Officer Heidi Cowcher attended the meeting at 1.50pm to discuss her report.

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

### **8.1.1 Williams LEMC Plan & Recovery Management Plan**

As Council would be aware, the review of the Shire of Williams LEMC Plan and the development of the Recovery Management Plan have been in progress. The Draft Plans were presented to the Williams LEMC on 28<sup>th</sup> July 2010 (minutes included in agenda) where the plans were endorsed. The Plans are now presented to Council for their endorsement.

Plans are included at Appendix 1 for consideration.

#### ***Recommendation:***

That the Shire of Williams endorses the Shire of Williams LEMC Plan and Recovery Management Plan as presented.

#### ***Major/Johnstone***

That the Shire of Williams endorses the Shire of Williams LEMC Plan and Recovery Management Plan as presented.

**Carried 9/0  
Resolution 35/11**

### **8.1.2 Bus Shelter Grant Scheme 2010/11**

Council applied to the Bus Shelter Grants Scheme in February 2010 to replace the ageing Westrail Bus Stop at the Caltex Roadhouse. The application has been unsuccessful. The PTA Bus Shelter Grants Scheme is no longer available in its current form where applications are made for specific sites. The program funds are being used to resolve bus shelter issues identified under the Bus Stop Accessibility Works Program. It is hoped that the bus stop in Williams will be upgraded under this program in the not too distant future.

The letter received from Transperth is included at Appendix 2.

#### ***For information.***

### **8.1.3 Williams St John Ambulance New Building**

The sub-centre recently received advice that an application to Lotterywest (via SJA State Office) has been approved for \$12,600 for fit-out of the building. With the approval of this funding, the project has reached an all-important milestone of having sourced all the funds required to finance the project. With a loan of \$45,000 from the Shire, this has placed the sub-centre in a strong financial position and able to afford to "finish off" the project without having to compromise the operational funds required for the day-to-day provision of the emergency service to the community. This would not have been possible without the immense support provided by the Shire of Williams.

Practical completion is still pending, due to a delay with the Western Power connection. It is hoped that this will be resolved in the next couple of weeks. Telstra should be connecting the new telephone early next week.

The relaying of the signature pavers at the front of the building has been completed. The gardens are going to be prepared in the next couple of weeks. Stratco has donated the materials for a new colourbond fence on the western boundary, with Jamie Green & Paul Babic offering to install it at no cost to the sub-centre.

The sub-centre has commenced moving from the old building to the new building in preparation for the official opening on the 3<sup>rd</sup> September.

#### ***For information.***

#### **8.1.4 Thank a Volunteer Day**

Funding is currently open for applications to host a “Thank a Volunteer Day” event to recognise the invaluable contribution volunteers make to our community. Funding of up to \$1000 is available to support the hosting of an event. The event must be held on 5<sup>th</sup> December 2010, or within 3 months for regional communities.

The Shire successfully received \$500 in 2003 to host a Welcome for New Residents BBQ and Thank a Volunteer Day event, which was immensely successful. Council applied again in 2004, however was unsuccessful.

Council may wish to consider hosting a Thank a Volunteer day function in conjunction with an event to mark the completion of the pool redevelopment. Council may wish to consider hosting the event in February, after harvest and holidays.

#### ***Medlen/Paterson***

That an application be made for funding to host a “Thank a Volunteer Day” some time in the new year in conjunction with an event to mark the completion of the swimming pool development.

**Carried 9/0  
Resolution 36/11**

#### ***For consideration***

#### **8.1.7 Recreation Plan**

Council has appointed Darren Monument from A Balanced View Leisure Consultancy to complete a Needs Assessment/Feasibility Study for the Shire of Williams sport and recreational facilities. Darren will be meeting with the CEO and myself prior to the Council meeting and then will be attending the Council meeting at 1:00pm to answer any questions that Council may have about the process or the preparation of the Plan.

Included at Appendix 3 is a Scope of Works that was prepared for another community, which may give Council an overview of what can be expected.

#### ***For information.***

#### **8.1.8 WARRA – Community Grants Scheme – Refuse Site**

Williams Pride in Your Town together with the Shire of Williams was successful in obtaining \$18,452.45 from the Community Grants Scheme to assist with the purchase of shelving for the recycling shed, an extension for the recycling shed and a cardboard baler to enable recycling of cardboard.

The Shire was given a second hand baler from the Shire of Nannup, and therefore was able to use the funds allocated for the purchase of a baler towards the purchase of a generator to power the baler.

The final report for the funding has been prepared and submitted to WARRA Community Grants Scheme.

#### ***For information***

#### ***Medlen/Earnshaw***

That the Community Development Officer’s report be received.

**Carried 9/0  
Resolution 37/11**

Ms Cowcher left the meeting at 1.58pm  
Works Supervisor Tony Kett attended the meeting at 2.00pm to discuss his report.

## **8.2 WORKS SUPERVISOR'S REPORT**

### **8.2.1 Winter Grading**

Wangelling Gully Rd, Deep Dene Rd, Hurley Rd, Sattler Rd, Dardadine Rd, Coulter Rd, Hillman-Dardadine Rd, Phillis Loop Rd, English Rd, Taylor Rd, Pig-Gully Rd, Plank Rd, Darkan-Quindanning Rd, Nash Rd, Gillett Rd, Tinshed Rd, Cowcher Rd, Chapman Rd, Top End Rd

### **8.2.2 Construction**

Tree clearing along Culbin-Boraning Rd  
Culverts were put in on Bates Road and Wangelling Gully Road  
Removal of trees at cemetery

### **8.2.3 Mechanical Report**

A service was carried out on the John Deere Backhoe

### **Taylor Road**

The Works Supervisor advised that the rocky hill on Taylor Road was proving to be too hard on the machines to make any headway with alleviating the steep accent to make the road accessible for Road trains.

### **Logie/Paterson**

That the Works Supervisor's Report be received.

**Carried 9/0  
Resolution 38/11**

Mr Kett left the meeting at 2.10pm

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

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

### **8.3.1 Building Permits**

|      |                |                               |                         |
|------|----------------|-------------------------------|-------------------------|
| #266 | J & R Anderson | Lot 2 Growse St, Williams     | Colorbond patio         |
| #267 | LR Sims & Co.  | Lot 212 Brooking St, Williams | Zinc verandah           |
| #268 | Plunkett Homes | Lot 331 Growse St, William    | D/brick & iron dwelling |

Building inspections ongoing.

### **8.3.2 Food Premises Inspection**

Shell Roadhouse – cleanly maintained however there are some issues with the premises themselves. These have been brought to the attention of the owners.

### **8.3.3 Development Application**

CBH Engineering have now formally submitted a Development Application for an accommodation complex to be situated at the Shady Acres Caravan Park.

Council will be aware that an “in principle” approval was given to the development at the meeting held in May 2010.

The proposal is to place 3 x accommodation units each containing four single bedrooms with ensuites, a kitchen/diner and a free standing patio on the area to the south of the existing caravan infrastructure.

Council has considered the matter several times as CBH has written to object to Council's insistence that the proposed infrastructure should be covered by the fire hose reel (FHR) system at the caravan park and the requirement that there should be provision for disabled persons in the new buildings.

The plans that have been submitted with the formal application differ from that first presented to Council in that the whole complex has been "shifted" closer to the existing BBQ area, the units will now be in line as opposed to a U shape and the kitchen/diner will be new as opposed to being relocated from another location.

Both the original and new plans are attached.

Significantly, the latest application shows a proposed floor plan that does not have a disabled accessible accommodation unit.

There is no mention of whether the existing FHRs will cover the complex, however this maybe the case as they will be closer to the existing FHRs.

A copy of the floor layout and letters from CBH and the Shire are also attached.

**Comment:**

Once again CBH are, I believe, basing their application for the accommodation units minus disabled facilities on the Building Code of Australia (BCA) rather than Council insisting on them under planning conditions.

Planning conditions are supposed to reflect the wishes of Council in matters that will make a development work well in any given situation. What maybe good in one location or situation may not be good in another.

Council can impose conditions that will enhance a proposal, just as it can impose conditions on the size, shape, building materials, times of operation etc.

In this instance Council has stated that it believes by requiring the complex to be covered by the FHRs it will not necessarily make it safer for the occupants, but should a fire break out, there will be a greater chance that the buildings can be saved or at least stop the spread of fire.

Similarly, as the accommodation units will be available to the general public when not in use by CBH, Council has the opinion that to make at least one unit disabled friendly, it will enhance the proposal.

Council should not make unreasonable conditions as one, it would not be fair to the developers and two, if appealed, would most likely be overturned.

As previously discussed, the BCA does not require FHRs or disabled facilities in class 1b buildings whereas Council have stated these conditions will be imposed under the development approval.

I expect that CBH will appeal the conditions as they have not taken on board Council's wishes to date. Therefore Council has to be sure that the conditions of FHRs and disabled accessible accommodation is what you believe should be included in the development.

Apart from that, the accommodation units are just basic dongas and maybe Council could consider "softening" their appearance by insisting on verandahs and/or landscaping.

**Recommendation**

That development approval be issued to CHB Engineering to erect 3 x 4 bedroom with ensuite accommodation units plus a kitchen/diner and BBQ/Patio area in the position as indicated on the site diagram submitted subject to the following:

- Plans and specifications sufficient to enable a building permit being submitted
- The complex being connected to the deep sewerage system
- The fire hose reel system of the caravan park being extended if necessary to provide coverage to the whole of the complex
- The internal road system servicing this complex being sealed, kerbed and drained to the satisfaction of the Shire
- A disabled compatible donga including toilet facilities being provided
- Access to the kitchen/diner being accessible to disabled persons
- A verandah of at least two metres width being installed in front of each donga for the entire length and at least over the entrance to the kitchen diner
- The rear and sides of the buildings being screened by suitable shrubs

#### ***Cavanagh/Medlen***

That development approval be issued to CHB Engineering to erect 3 x 4 bedroom with ensuite accommodation units plus a kitchen/diner and BBQ/Patio area in the position as indicated on the site diagram submitted subject to the following:

- Plans and specifications sufficient to enable a building permit being submitted
- The complex being connected to the deep sewerage system
- The fire hose reel system of the caravan park being extended if necessary to provide coverage to the whole of the complex
- The internal road system servicing this complex being sealed, kerbed and drained to the satisfaction of the Shire
- A disabled compatible donga including toilet facilities being provided
- Access to the kitchen/diner being accessible to disabled persons
- A verandah of at least two metres width being installed in front of each donga for the entire length and at least over the entrance to the kitchen diner
- The rear and sides of the buildings being screened by suitable shrubs

**Carried 9/0  
Resolution 39/11**

#### **8.3.4 Development Application**

Urban and Rural Perspectives (URP), on behalf of landowners Mark and Agnes Iredell of lot 10126 Bates Rd Williams has made an application for retrospective approval for an Extractive Industry (gravel extraction).

Their lengthy application will be available at the meeting.

The gravel pit has operated for a number of years without complaint. In fact I believe the Shire is one of the recipients of the gravel.

The owners wish to formalise the extractive industry.

Extractive Industry is an AA use in the Shire of Williams Town Planning Scheme, that is “a use not permitted without the approval of Council”.

The land is zoned Rural and as mentioned, the gravel pit has operated for quite some time.

Council could advertise the application before deciding the matter however those that would be most affected already know about the gravel pit and have never complained to my knowledge.

#### **Recommendation**

That Council grant approval for the continued use of part of lot 10126 Bates Rd Williams for the purpose of gravel extraction as per the application submitted by URP subject to:

- The area to be mined is restricted to the area mentioned in the submission
- Clearing of native vegetation is restricted as per the submission
- Revegetation is to occur as per the submission

- Gravel extraction is to be limited to supply within the Shire of Williams unless a further submission is made.

***Johnstone/Logie***

That Council grant approval for the continued use of part of lot 10126 Bates Rd Williams for the purpose of gravel extraction as per the application submitted by URP subject to:

- The area to be mined is restricted to the area mentioned in the submission
- Clearing of native vegetation is restricted as per the submission
- Revegetation is to occur as per the submission
- Gravel extraction is to be limited to supply within the Shire of Williams unless a further submission is made.
- Approval is for a 12 month period, renewable on the 1<sup>st</sup> July each year subject to an application being submitted. No fee will be charged for renewal.
- The hours of operation be 6:00 am to 8:00 pm Monday to Saturday and other times subject to approval.
- Restoration and reinstatement of the excavation site and staging of such works to a maximum work area of 1 ha;
- Except where the local government approves otherwise the applicant must drain and keep drained to the local government's satisfaction any excavation to which the license applies so as to prevent the accumulation of water;
- Council will not permit the dumping of any material, such as building material or metal objects, on extractive industry sites or any other sites that is incompatible with the planned future use of the land. Council will only permit the fill of extractive industry sites with clean material that is specified in the approved rehabilitation plan.
- Minimum setbacks to roads and other property (30 metres unless otherwise approved);
- The amenity of the locality by reason of the emission of dust, noise, vibration, waste production, smoke, odour or otherwise shall not be affected, any complaint will be investigated and this permit may be revoked.
- Transportation of material from the site shall not occur during school bus hours or during or after significant rain. The applicant is to ensure that all efforts are made not to adversely affect the roads because of their activities. Should the road be damaged other than fair wear and tear then renewal of the permit may not be granted.
- Erection of signs in conjunction with the Shire Works Supervisor clearly indicating the access point to the site
- No Blasting or Crushing to be carried out without prior approval from the Council
- The permit is non-transferable unless written approval is granted by Council
- Council reserves the right to cancel an extractive industry approval at any time without redress where it is of the view that any of the above conditions are not being complied with.

**Carried 9/0  
Resolution 40/11**

***Carne/Earnshaw***

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

**Carried 9/0  
Resolution 41/11**

Mr Friend left the meeting at 2.53pm

Afternoon Tea

Council adjourned for afternoon tea at 2.55pm and resumed the meeting at 3.30pm



## **8.4 CHIEF EXECUTIVE OFFICER'S REPORT**

|                             |  |
|-----------------------------|--|
| <b>Report Reference:</b>    | <b>8.4.1</b>                           |
| <b>Subject:</b>             | <b>Regional Waste Site</b>             |
| <b>File Reference:</b>      | 10.10.30                               |
| <b>Statutory Reference:</b> | N/A                                    |
| <b>Author &amp; Date:</b>   | R.N. Duff 10 <sup>th</sup> August 2010 |

### **Background:**

- The Shire of Williams forms part of the Wagin Waste Group which consists of 12 Councils - West Arthur, Wandering, Woodanilling, Wagin, Williams, Wickepin, Cuballing, Dumbleyung, Pingelly, Lake Grace, Narrogin (Shire) and Narrogin (Town).
- The Waste Group has been successful in the implementation of the objectives in the Strategic Waste Management Plan and the many small projects contained within this plan. As a result all refuse sites within the area have been significantly improved and now mostly comply with DEC regulations.
- The Waste Group employs a Regional Waste Co-ordinator to carry out the functions of the Group.

### **Comment:**

Now that most of the initiatives of the Strategic Waste Plan have been initiated the Group has one further project that is to be investigated. The establishment of a regional waste site or sites within the group is now being investigated. The Group has appointed Landform Research to conduct an extensive audit of possible sites within the group. Landform Research assisted the RoeROC Councils to set up their joint refuse site.

A map of possible sites and report from Landform Research is attached at **APPENDIX 1**.

The Group is now at a point where it is seeking commitment from member Councils to take this project further and the Shire of Williams is requested to either advise whether or not we would like to be involved in future investigations.

The current Williams Refuse site only has a limited life, it is hard to determine but it is estimated that the life of the site without a major expansion would be around 5 years.

It is proposed if a suitable site is found that our current refuse site would be replaced by a Manned Transfer Station. All forms of waste would still be received but instead of burying general waste as is current practice this waste would be placed in large steel bins and transported to the regional site on weekly basis. Waste collected by Avon Waste from the kerbside would be transported directly to the Regional Waste site. Green waste would be treated onsite by either burning or mulching and recyclable would be transported to Perth by our contractor also as is current practise.

The next Wagin Waste Group meeting is scheduled for the 30<sup>th</sup> August 2010 and with a view of moving the project forward the CEOs involved believed that Elected Members should be involved and therefore a nominated representative from the Shire of Williams should be identified.

### **Financial Implications:**

In the interim there would not be any cost savings to Council by setting up a regional refuse site as the transfer station would have to be manned and operated in much the same manner as it is currently, but in latter years it could be possible to gain some efficiencies through cooperation and to generate income from the facility via dumping fees from other Councils or private organisations. In addition there would be some capital costs to set up both the transfer station and regional site. It is the CEO's opinion that the majority of these could be covered by funding through the Waste Advisory Council and other associated waste organisations.

### **Voting Requirements:**

Simple Majority

**Recommendation:**

1. That the Shire of Williams commit to being involved in the next stage of the Regional Refuse site investigations with the Wagin Waste Group.
2. That Council appoint a Councillor to be the Shire of Williams nominated representative on the Wagin Waste Group.

**Medlen/Paterson**

1. That the Shire of Williams commit to being involved in the next stage of the Regional Refuse site investigations with the Wagin Waste Group.
2. That Council appoint Councillor Major to be the Shire of Williams nominated representative on the Wagin Waste Group.

**Carried 9/0  
Resolution 42/11**

|                             |  |
|-----------------------------|--|
| <b>Report Reference:</b>    | <b>8.4.2</b>   |
| <b>Subject:</b>             | <b>Shire of Williams Representative, Blackwood Catchment Group</b> |
| <b>File Reference:</b>      | 10.50.10   |
| <b>Statutory Reference:</b> | N/A  |
| <b>Author &amp; Date:</b>   | R.N Duff 10 <sup>th</sup> August 2010                              |

**Background:**

The Blackwood Basin Group is a non-profit, community-based organisation that coordinates environmental management within the Blackwood River Catchment.

The catchment is divided into nine Landcare Zones and the NRM (Natural Resource Management) activities, undertaken in these Zones, are coordinated by Natural Resource Management Officers (NRMOs) in direct collaboration with community groups and landholders.

The Blackwood River Basin is located in the south-west of Western Australia and covers approximately 22,000 square kilometres. An estimated 78% of the catchment is devoted to agriculture and as a result, large amounts are cleared. This clearing has led to a number of serious environmental and social issues, particularly that of dryland salinity.

The aim of the BBG is to work with the community and landcare zones to manage these issues and to maintain a balance between environmental protection, cultural diversity and economic productivity in the Blackwood. The 15 member committee consists of:

Felicity Willett - Project Officer  
Ray Colyer - Chairman & Lower Catchment Shires representative  
Per Christensen - Vice Chairman & Middle Catchment Shires representative  
Jill Richardson - Secretary & Upper Catchment LCDC representative  
Peter Wren - Treasurer & Lower Catchment LCDC representative  
Derek Dilkes - Middle Catchment Community representative  
Mick Quartermaine - Upper Catchment LCDC representative  
Russel Thomson - Upper Catchment Shires representative  
Nick Dodson - Middle Catchment Conservation representative  
Michael Carlton - Middle Catchment LCDC/Zone representative  
Felicity Astbury - Upper Catchment Industry representative  
Clark Ward - Middle Catchment Industry representative  
Felicity Bunny - Dept. of Water representative  
Stephen Tunbridge - Dept. of Food and Agriculture WA representative  
Greg Durell - Dept. of Environment and Conservation representative

**Comment:**

The Shire of Williams was approached by the BBG to nominate a representative from the Upper Catchment Shire. The Chief Executive Officer suggested that the BBG Executive Officer contact Janette Liddelow being the Chairperson of the Williams Landcare Group, as a result Janette has agreed to attend BBG meetings.

The CEO is seeking Council approval for a nomination by the Shire of Williams for Janette Liddelow's position on the Blackwood Basin Group committee as an 'Upper Catchment Shires' representative.

**Financial Implications:**

Nil.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

That Janette Liddelow's nomination to the Blackwood Basin Group as Upper Catchment Shires representative be endorsed.

**Carne/Earnshaw**

That Janette Liddelow's nomination to the Blackwood Basin Group as Upper Catchment Shires representative be endorsed.

**Carried 9/0  
Resolution 43/11**

|                             |   |
|-----------------------------|---|
| <b>Report Reference:</b>    | <b>8.4.3</b>                                      |
| <b>Subject:</b>             | <b>Growse St Right of Way – Restricted Access</b> |
| <b>File Reference:</b>      | 12.15.38  |
| <b>Statutory Reference:</b> | N/A   |
| <b>Author &amp; Date:</b>   | R.N Duff      10 <sup>th</sup> August 2010        |

**Background:**

The Chief Executive Officer has received a request to restrict access on the Right of Way behind Growse St. The request comes after the reported increased use and speed of vehicles along this right of way has become of concern to local residents.

**Comment:**

The concern may be warranted and could be supported given the restricted vision of pedestrians on the footpath by vehicles using the R.O.W.

Council has a number of options available to address these concerns

1. Install speed humps
2. Install bollards at the Southern end
3. Install bollard in the middle section of the R.O.W
4. Leave the R.O.W completely open

In regard to option 2 & 3 Council would be obliged to write to neighbouring landowners and advertise in The Williams prior to restricting access.

**Financial Implications:**

Each option is likely to cost less than \$500.

**Voting Requirements:**

Simple Majority

**Recommendation:**

That Council consider option 2 and install bollards at the southern end of the Growse St Right of Way but prior to doing so write to affected landowners and advertise the proposal in The Williams.

**Cavanagh/Medlen**

That Council install bollards at the southern end of the Growse St Right of Way but prior to doing so write to affected landowners and advertise the proposal in The Williams.

**Carried 9/0  
Resolution 44/11**

|                             |                                       |
|-----------------------------|---------------------------------------|
| <b>Report Reference:</b>    | <b>8.4.4</b>                          |
| <b>Subject:</b>             | <b>Lions Park Re-development</b>      |
| <b>File Reference:</b>      | 11.30.30                              |
| <b>Statutory Reference:</b> | N/A                                   |
| <b>Author &amp; Date:</b>   | R.N Duff 10 <sup>th</sup> August 2010 |

**Background:**

In March 2008 Main Road WA embarked on an extensive community consultation process to develop options for the re-alignment of the Albany Highway through the Williams Townsite due the condition of the bridges that cross the Coalling Brook and Williams River. At the time the bridges expected life had been estimated to be sufficient until 2011. Main Roads WA are continuing to monitor the condition of these bridges and although no funding has been set aside in the Government forward estimates the project will be going ahead at some stage.

At the time of consultation the overwhelming preference was for option B which altered the existing alignment of the Albany Highway and as a result the Williams Lions Park would have to be moved.

**Comment:**

Whilst the Main Roads project could be some time away the Council should be prepared and in a position to negotiate with Main Roads regarding the construction of a new Lions Park.

The re-alignment project presents Council with an excellent opportunity to develop a first class park and rest area which could be utilised by travellers and more importantly our community.

A map of the proposed development area is attached at **APPENDIX 2**.

To further develop a proposal the Chief Executive Officer has sourced contacts of landscape architects used by other Councils. The list below has been put together as a possible shortlist for a Request for Quote to provide architect services to the Shire of Williams.

**Shire of Collie**

- Ecoscape
- Blackwell and Associates

**City of Bunbury**

- Peter Roberts - Workroom

**Shires of Lake Grace, Kellerberrin, Manjimup, Kulin & Meekatharra**

- Landscape Planners - David Wheeler

**Shire of Jerramungup**

- Albany Creative Landscapes.

Further information has also been provided by David Wheeler from Landscape Planners:

*“The budget for the design is dependent on what level of design, documentation and construction management is required. This would be mainly dependent on who is undertaking the construction works, ie Shire or external contractor, if the shire is undertaking the works the documentation would not need to be as extensive. My recommendation would be that the design works are undertaken in stages as detailed below,*

*which would give the Shire adequate time to determine who would be undertaking the construction and therefore what level of documentation and construction management is required.*

*To have a precinct plan developed, that includes: (vicinity of \$15-\$20000)*

- Community consultation*
- Schematic design*
- Master precinct planning of the area*
- Conceptual development of features and finishes.*

*To then develop this further to documentation, including: (vicinity of \$10-\$25000)*

- Detailed design*
- Documentation of feature areas*
- Documentation of finishes*

*Construction management (vicinity of \$10-\$15000)*

- Construction supervision.*

*The above estimates don't include survey or engineering details."*

The main idea would be to come up with a concept that Council and the Community are happy with. Once this has been achieved as soon as Main Roads WA advise that the bridge project will proceed then the next stage can be undertaken and detailed design drawing can be developed.

**Financial Implications:**

As above

**Voting Requirements:**

Simple Majority

**Recommendation:**

For Council's consideration

**Johnstone/Carne**

That the Chief Executive Officer write to Main Roads Narrogin seeking written clarification on the financial arrangements for the redevelopment on the Williams Lions Park as part of the Albany Highway realignment project.

**Carried 9/0  
Resolution 45/11**

|                             |  |
|-----------------------------|--|
| <b>Report Reference:</b>    | <b>8.4.5</b>   |
| <b>Subject:</b>             | <b>Shire of Williams Strategic Plan</b>  |
| <b>File Reference:</b>      | 4.21.40  |
| <b>Statutory Reference:</b> | Section 5.56 Local Government Act 1995<br>Section 19C & 19D Local Government (Administration) Regulations 1996 |
| <b>Author &amp; Date:</b>   | R.N. Duff 10 <sup>th</sup> August 2010   |

**Background:**

The Shire of Williams originally completed a Corporate Plan (Strategic Plan) back in May 1994. This document has been the foundation on which the Shire has based its strategic activities with these activities being reviewed on a regular basis. This document was converted into the Principle Activities Plan which became a requirement when the new Local Government Act was legislated in 1995. The Principle Activities Plan was renamed the Plan for the Future in recent years yet remaining in much the same format as previous documents.

**Comment:**

The Shire of Williams has an opportunity to re-evaluate what is important for the community and how the Council can satisfy the community expectations. The opportunity has arisen because of the implementation of the Country Local Government Fund and the requirement for Council to prepare a Capital Works Plan as a prerequisite to receive this funding. The Shire of Williams has been granted \$35,000 by the Department of Regional Development and Lands to formalise and document this process.

Using previous documents and the strategies included in those documents the CEO has restructured and revised the Shire of Williams Strategic Plan for Council to consider prior to seeking public comment. The Draft Strategic Plan was presented to the July 2010 Council meeting for Councillor comment with the only changes being the inclusion of timelines and delegation of tasks by the CEO.

The proposed timeline for the adoption of the Strategic Plan is:

|                 |   |
|-----------------|---|
| July 2010 -     | 1 <sup>st</sup> Draft Presented to Council                        |
| July 2010 -     | Council adopts the Strategic Plan for Public Comment              |
| July 2010 -     | Advertise for Public Comment                                      |
| August 2010 -   | Council to formally adopt the Strategic Plan                      |
| December 2010 - | Capital Works Plan Completed and Approved by DRDL                 |
| January 2011 -  | Council receives 2010/11 Country Local Government Fund Allocation |

- At the time of doing up the Agenda there have been no comments received from the public on the Strategic Plan.
- It is now recommend that the Shire of Williams Strategic Plan 2011 – 2021 be adopted by Council and that the document be reviewed by Council in March of each year.

**Financial Implications:**

The financial implications of preparing the strategic plan have, to date been limited to staff costs. Once formally adopted by Council the plan will guide major shire expenditure into the foreseeable future.

**Voting Requirements:**

Simple Majority

**Recommendation:**

That Council adopt the Shire of Williams Strategic Plan 2011 – 2021 with a review to be undertaken in March each year.

**Cavanagh/Medlen**

That Council adopt the Shire of Williams Strategic Plan 2011 – 2021 with a review to be undertaken in March each year.

**Carried 9/0  
Resolution 46/11**

|                             |  |
|-----------------------------|--|
| <b>Report Reference:</b>    | <b>8.4.6</b>                               |
| <b>Subject:</b>             | <b>10 Year Road Construction Program</b>   |
| <b>File Reference:</b>      | 12.15.30                                   |
| <b>Statutory Reference:</b> | N/A  |
| <b>Author &amp; Date:</b>   | R.N Duff      10 <sup>th</sup> August 2010 |

**Background:**

The Shire of Williams regularly submits a 5 year road program to the Regional Road Group to allow the Regional Road Group to plan for future funding. The concept of this document has been expanded and extended to include Council's full road construction program for a period of 10 years. The document was presented to the June 2010 Council meeting and remains unchanged.

The purpose of the document is to give Councillors and the community a picture of what our road network will look like 10 years into the future. While not entirely accurate this document is a conceptual base plan and can be reviewed and amended by Council on an annual basis to reflect road funding levels.

**Comment:**

There is no legislative requirement for Council to produce this document but in doing so it will assist with future planning. The 10 Year Road Construction Program will run alongside the Shire of Williams Capital Works Plan.

The proposed timeline for the adoption of the 10 Year Road Program is:

|               |  |
|---------------|--|
| June 2010 -   | 1 <sup>st</sup> Draft Presented to Council                 |
| July 2010 -   | Council adopts the 10 Year Road Program for Public Comment |
| July 2010 -   | Advertise for Public Comment                               |
| August 2010 - | Council to formally adopt the 10 Year Road Program         |

**Financial Implications:**

In completing the 10 Year Road Construction Program Council will be in a far greater position to maximise road funding opportunities and plan annual road programs that can effectively include private works opportunities to increase Council's revenue.

**Voting Requirements:**

Simple Majority

**Recommendation:**

That Council adopt the Shire of Williams 10 Year Road Construction Program 2010 -2020

**Medlen/Major**

That Council adopt the Shire of Williams 10 Year Road Construction Program 2010 -2020

**Carried 9/0  
Resolution 47/11**

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

**Earnshaw/Logie**

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

**Carried 9/0  
Resolution 48/11**

|                             |   |
|-----------------------------|---|
| <b>Report Reference:</b>    | <b>8.4.7</b>  |
| <b>Subject:</b>             | <b>Structural Reform – Strategic Collaborative Alliance</b> |
| <b>File Reference:</b>      | 4.50.25   |
| <b>Statutory Reference:</b> | N/A   |
| <b>Author &amp; Date:</b>   | R.N. Duff 17th August 2010                                  |

**Background:**

Structural reform continues to be a topical subject within the local government sector. At the recent Local Government Convention discussion on reform was very much placed at the forefront of the delegates and in particular Shires close to Williams have softened their stance on the issue. A combined meeting between the Town of Narrogin and the Shires of Cuballing, Narrogin and Wickepin has been organized for Tuesday 31st August commencing at 5.30 p.m. to discuss structural reform. Joanne Burges (WALGA) will Chair and facilitate the meeting. All councillors will be invited and encouraged to attend. Participation has to be agreed to by the four local governments involved.

**Comment:**

The Shire of Williams's stance has always been to maintain its own identity and to date there has been no evidence presented to Council that would change this stance. The Council having made this stance should however continue to monitor the situation and take notice of what other Councils in the region are doing. A recent report prepared by the CEO of the Town of Narrogin has been forwarded to Williams and in the report the Shire of Williams in mentioned several times.

The report is attached for Councillor information but in summary a recommendation is made that provided the Shires of Cuballing, Narrogin and Wickepin display a genuine commitment to pursue voluntary reform, the Town of Narrogin form a Regional Transition Group (RTG) with the aim of successfully amalgamating the four local governments into a single entity. It is also recommended that the Shire of Williams be encouraged to form part of this formal group.

A further recommendation is made that Narrogin Town Council continue to support mandated state wide structural reform of local government in accordance with its submission of September 2009 on the proviso that Council's stance on mandated structural reform will not be pursued once a proposal for a voluntary course of action is accepted by the RTG and forwarded to the Local Government Advisory Board.

**Financial Implications:**

Nil.

**Voting Requirements:**

Simple Majority

**Recommendation:**

For Council's consideration.

*No action to be taken.*

|                             |   |
|-----------------------------|---|
| <b>Report Reference:</b>    | <b>8.4.8</b>  |
| <b>Subject:</b>             | <b>Fitzgerald Strategies - WA Country Shire Councils Representation</b> |
| <b>File Reference:</b>      | 4.12.10   |
| <b>Statutory Reference:</b> | N/A   |
| <b>Author &amp; Date:</b>   | R.N Duff 17th August 2010   |

**Background:**

A meeting of Country Shires was convened on the 4<sup>th</sup> August 2010 at the Parmelia Hotel to discuss the perceived lack of representation of Country Shires in respect of issues relevant to rural local government and the possibility of forming an association representing rural interests, whether in conjunction with or independent of the existing representational structures.

Twenty-two country Shires were represented at the meeting. A working group has been formed to pursue a range of options to improve the representation of country local governments at a State level.

**Comment:**

The minutes of the meeting are attached.

**Financial Implications:**

Nil.

**Voting Requirements:**

Simple Majority

**Recommendation:**

For Council's Information



|                             |                                 |
|-----------------------------|---------------------------------|
| <b>Report Reference:</b>    | <b>8.4.9</b>                    |
| <b>Subject:</b>             | <b>Childcare Survey Results</b> |
| <b>File Reference:</b>      | 8.50.40                         |
| <b>Statutory Reference:</b> | N/A                             |
| <b>Author &amp; Date:</b>   | R.N Duff 17th August 2010       |

**Background:**

Council have requested the CEO to ascertain the childcare needs of the Williams Community. A survey has been circulated and the results collated for Councils information.

The current childcare arrangements are  
 Family Day Care Service – Bronwyn Hogg  
 Family Day Care Service – Marion Ford  
 Occasional Day Care - Narrogin Regional Child Care Service – 2 Days per week

**Comment:**

The survey results are attached for Councillors information.

The results of the survey indicate that there is a need for additional or extended childcare services in Williams. The Chief Executive Officer is seeking direction from Council on how to proceed in satisfying this demand. Options could include;

1. Liaise with the Narrogin Regional Childcare Service to provide a more appropriate level of service
2. Develop a business plan investigating the option of a Council/Community run childcare service
3. Facilitate the extension of the Family Day Care network

**Financial Implications:**

The development and collation of the survey has utilised staff resources.

**Voting Requirements:**

Simple Majority

**Recommendation:**

For Council's consideration

*The Chief Executive Officer advised Council that the Narrogin Regional Childcare Services group will be discussing the survey results and will advise the Chief Executive Officer of their response.*

|                             |   |
|-----------------------------|---|
| <b>Report Reference:</b>    | <b>8.4.10</b>   |
| <b>Subject:</b>             | <b>Department of Regional Development &amp; Lands – Realignment of Narrakine Rd</b> |
| <b>File Reference:</b>      | 12.15.39  |
| <b>Statutory Reference:</b> | N/A   |
| <b>Author &amp; Date:</b>   | R.N Duff 17th August 2010   |

**Background:**

In 2007 Council agreed to re-align a section of Narrakine Rd which runs through the property of Mr JES Cowcher. Agreement was reached with Mr Cowcher that a land exchange occur and that the existing road reserve be transferred to Mr Cowcher and the new road reserve created a no cost to the land owner.

**Comment:**

The Chief Executive Officer has been advised by the Department of Regional Development and Land (RDL) that land tenure transactions associated with the realignment of Narrakine Road and consequential disposal via amalgamation of redundant portions of the old alignment into adjoining freehold properties of Mr John Cowcher have been completed.

However Mr Cowcher has received correspondence from RDL requesting that he agree to pay \$1,450 being equal to the GST component of the assessed fair market value of the land transferred from Mr Cowcher.

RDL now like to progress or at least determine Council's position which regard to addressing the RDL Office's potential GST responsibility / liability associated with this dealing as outlined in my letter dated 12 May 2010 to Mr Cowcher (cc to Council).

Additional Information Provided by RDL

*Keys to determine GST treatment are (1) whether the matter is considered one transaction or two. (2) Freely entered into or a 'public work' ( i.e. who the proponent is important), (3) whether the land is conveyed or acquired under Statute.*

*RDL's position is where land is taken compulsorily or by negotiation from a party which results in a 'Taking Order' being made by the Minister for Lands, no supply has occurred as the transfer (of land) has been made by statute rather than by the owner. GST will not be payable by the State (RDL) on the compensation payment in this case (one transaction, Taking followed by compensation.)*

*As discussed on the telephone the problem arises in this case is that two statutory processes were employed and the true nature of the transaction was not reflected in the RDL 'Offer and Acceptance' letter. The Shire was the driving party / proponent or under the Land Administration Act 1997 (LAA) the 'acquiring authority' and had the LAA provisions continued to be utilised (Taking Order) then the transaction would have been viewed as a single transaction and treated as above with regard to GST.*

*However as the provisions of the Planning and Development Act 2005 (WAPC subdivisional process) were employed – a process under which the proponent (usually the land owner) is responsible for provision of land (ceded to the State, not acquired) to ensure legal road access to all Lots of the subdivision. This resulted in two things occurring (1) the transaction being labelled a land exchange, (recognising Shire's role as the driver this Office's assessment is that as a statutory process was utilised to effect the return of the land in the new alignment to the State this does not constitute a supply and as such GST is not applicable - as advised in my letter to Mr Cowcher dated 12 May 2010); and (2) the transaction characterised as a land exchange for GST purposes where each party responsible for the GST treatment of his supply and the remittance of the same to the Commonwealth.*

*RDL's Legislative and Legal Branch view is – "While GST is determined on the consideration received for a taxable supply, the facts of this matter suggest that the consideration to be received by the State was not simply a monetary amount of \$1.00 but non monetary consideration, being Mr Cowcher's land. Where non monetary consideration is received for a taxable supply, its market value is relevant to determine the GST amount payable."*

*So the supply of the Crown land in consideration of the of the value of the land ceded by Mr Cowcher for Narrakine Road as depicted upon Deposited Plan 66063 is assumed to be \$1,450.*

*A post script to the below, another way of looking at the GST treatment (probably not strictly correct but more logical in my view) is, as that land exchanges under the LAA are at equal value and as in this case the State did not intend to pay cash to Mr Cowcher to make up the difference in land values the State assumes that Mr Cowcher considers the State's land (redundant road \$10,000) to be of equal value to his ceded lands (\$14,000) in which case the State collects the greater amount of GST (\$1450) i.e. the consideration received by the State for the Crown land is the value of Mr Cowcher's land*

Given that Council were advised by RDL on the correct process to take this land it is not known why Council is now responsible for the tax liability, especially without being able to claim any tax credit in relation to the purchase of land which would have been the case if cash transaction had taken place instead of just a straight land swap.

**Financial Implications:**

\$1,450

**Voting Requirements:**

Simple Majority

**Recommendation:**

For Council consideration.

Cr Cowcher declared an interest in this item and left the meeting at 4.32pm

Cr Earnshaw assumed the chair.

**Cavanagh/Medlen**

That Cr Cowcher be permitted to attend the meeting and participate in discussion on this item.

**Carried 8/0  
Resolution 49/11**

Cr Cowcher returned to the meeting at 4.37pm

Following discussion on the item Cr Cowcher left the meeting again at 4.42pm

**Medlen/Carne**

That the Chief Executive Officer advise the Department of Regional Development & Lands that there should be no GST liability passed on to either Mr John Cowcher or the Shire of Williams because:

1. The land transaction followed the process as advised by the Department and there has always been an agreement between Mr Cowcher and the Council that this was a simple land exchange and no money needed to change hands.
2. That the land taken from Mr Cowcher remains the property of the State and should Mr Cowcher had to purchase the old section of road this revenue would have also gone to the State.

**Carried 8/0  
Resolution 50/11**

Cr Cowcher returned to the meeting at 4.48pm and assumed the chair.

|                             |   |
|-----------------------------|---|
| <b>Report Reference:</b>    | <b>8.4.11</b>   |
| <b>Subject:</b>             | <b>Emergency Services Communication Tower – Location 12026 Bates Rd, Williams</b> |
| <b>File Reference:</b>      | 5.10.60   |
| <b>Statutory Reference:</b> | Nil.  |
| <b>Author &amp; Date:</b>   | R.N Duff 17 <sup>th</sup> August 2010   |

**Background:**

- In 1997 Council negotiated a lease (copy attached) for portion of Williams location 12026 (4330m<sup>2</sup>) as a site for a Council emergency services communication tower. This site was identified as the most suitable, locality-wise for Council's and the Williams Bush Fires Brigade's radio network.
- The Shire of Williams is party to a taking order under the Land Administration Act 1997 on Lot 500 on DP 59026 owned by Mr RN Petchell for the purposes of a Communications Tower Site and Access.
- The Taking Order was registered at the Office of Titles on the 11<sup>th</sup> May 2009.
- 3<sup>rd</sup> July 2009 - claim for compensation was received from Mr Petchell's representative Ferguson Fforde Miller (FFM).
- The original claim submitted under s211 of the Land Administration Act 1997 was for \$200,000.
- Ferguson Fforde Miller then compiled a compensation assessment and amended the claim. The new claim for compensation was \$455,000
- December 2009 meeting of Council received a further valuation from Preston Rowe Paterson WA Pty Ltd. Council resolved to reject the valuation of \$225,500.
- 28<sup>th</sup> January 2010 - Shire President and CEO meet with the Minister for Emergency Services and representatives from WA Police and FESA.
- Mr. Petchell's representatives referred this matter to the State Administrative Tribunal (SAT).
- SAT Directions Hearing on the 29<sup>th</sup> January 2010.

**MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS ON  
WEDNESDAY 18<sup>TH</sup> AUGUST 2010**

- Mediation session on the 24<sup>th</sup> March 2010.
- SAT Hearing – 24<sup>th</sup> March 2010. No agreement with the applicant, although some dialogue was helpful in working a way forward to a suitable compromise on the compensation settlement. Further mediation has been set for the 28<sup>th</sup> April 2010.
- April 2010 - Police Valuation- Valuation from Independent Valuers of Western Australia \$140,000
- SAT Hearing – 28<sup>th</sup> April 2010. Amount agreed to by all parties subject to Western Australian Police and FESA accepting the amount and agreeing to fund the compensation amount. The final settlement is currently being progressed through a 'without prejudice' SAT mediation process' and therefore cannot be made public at this stage, but Councillors will be informed.
- SAT Mediation 24<sup>th</sup> May 2010.
- 1<sup>st</sup> July 2010 – Meeting with FESA and Police and an agreement reached on what their contribution to the compensation payment would be.
- SAT Mediation 7<sup>th</sup> July – Agreement that the Shire of Williams will present as formal compensation offer to Mr. Petchell no later than 27<sup>th</sup> July 2010.
- Special Council meeting 9<sup>th</sup> August – Council resolution to make an open offer of \$140,000 plus interest,

**Comment:**

Confidential advice will be provided to Councillors.

**Financial Implications:**

Unable to disclose with specific detail provided separately to Council and held on file 5.10.60

**Voting Requirements:**

Simple Majority

**Recommendation:**

For Council's consideration

**Johnstone/Medlen**

In addition to proceeding in the manner resolved upon on 9 August 2010, Council authorises the CEO and the Shire's solicitors to proceed in the manner set out in the recommendations of the confidential report received this day concerning this item

**Carried 9/0  
Resolution 51/11**

**8.5 DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT**

**8.5.1 ACCOUNTS FOR PAYMENT**

**Cavanagh/Medlen**

That Municipal Fund cheques 102979 – 102990, EFT Transfers and Direct Debits totalling \$152,327.76 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund cheques 102991 – 103006 and EFT Transfers totalling \$121,246.85 be approved for payment.

**Carried 9/0  
Resolution 52/11**

**8.5.2 FINANCIAL STATEMENTS**

**Earnshaw/Johnstone**

That the financial statements presented for the period ending 31<sup>st</sup> July 2010 be received.

**Carried 9/0  
Resolution 53/11**

**8.6 COUNCILLORS**

8.6.1 Local Government Week

Councillors Earnshaw, Cavanagh, Logie and Cowcher reported on the sessions attended at Local Government Week and their perceptions of the forum overall.

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

Nil

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

**10.1 ELECTED MEMBERS**

Nil

**10.2 STAFF**

Nil

**11.0 APPLICATION FOR LEAVE OF ABSENCE**

Nil.

**INFORMATION SESSION**

Cr Major advised that Tarwonga Tennis Club have commenced work on the resurfacing of their courts.

**13.0 MEETING CLOSURE**

There being no further business for discussion the President declared the meeting closed at 5.30pm