

## **SHIRE OF WILLIAMS**

### **MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY 18<sup>TH</sup> FEBRUARY 2009**

#### **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	
Cr Richard Johnstone	
Cr Moya Carne	
Cr Graham Prowse	
Cr Gilbert Medlen	
Cr Ashley Stone	

Ryan Duff	Chief Executive Officer
Ian Ball	Deputy Chief Executive Officer
Tony Kett	Works Supervisor (4.05pm – 4.15pm)
Steve Friend	Environmental Health Officer/Building Surveyor (4.15pm – 4.40pm)

##### **2.2 APOLOGIES**

Nil

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

Janette Liddelow addressed Council on the issue of asking the State Government to use its powers to declare the Shire of Williams a GM free zone. Mrs Liddelow advised that many Local Governments are dealing with the issue and asked Council to look at the community rights rather than individual rights. This is an opportunity for Western Australian farmers to secure non GM markets.

Hedley Fowler stated that he believed that this was an issue that Council should not get involved with because it had the potential to drive a wedge in the community. This is a matter for individuals and State and Federal Governments to decide if GM trials will be conducted and after the trials are conducted whether the moratorium will continue or it will be legal to grow GM crops state wide.

As the fifteen minute public question time had expired some time ago the President announced that he would be closing question time.

##### ***Medlen/Prowse***

That Public Question time be extended for a further ten minutes.

**Carried 6/2  
Resolution 145/09**

Bob Baker who is involved in grain marketing research said that it is difficult to get a price differential for GM free product. Australia is already getting a premium price and we need to keep the GM free status.

#### **4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

##### ***Cavanagh/Earnshaw***

That Cr Stone be granted leave of absence for the March, April and May Ordinary Meetings.

**Carried 8/0  
Resolution 146/09**

#### **5.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Glen Ford, President Williams Bowling Club, advised Council that the Club will be celebrating its 50<sup>th</sup> year in 2010. The club has remained vibrant over all these years relying heavily on voluntary labour input to maintain two grass greens. The volunteer contribution is getting harder to find and the Club will be looking to Council with either assistance towards the employment of a full time greenkeeper or the installation of a synthetic green. The cost of a synthetic green will be up to \$240,000. The Club will be applying to the Department of Sport & Recreation for a 1/3 grant and ask that Council consider also contributing 1/3 towards the project, either in cash or kind.

#### **6.0 CONFIRMATION OF PREVIOUS MINUTES**

##### **6.1 ORDINARY MEETING MINUTES**

##### ***Johnstone/Medlen***

That the minutes of the Ordinary Meeting held in the Council Chambers on Tuesday 16<sup>th</sup> December 2008, as circulated, be confirmed as a true and correct record of proceedings.

**Carried 8/0  
Resolution 147/09**

##### **6.2 ANNUAL ELECTORS' MEETING MINUTES**

##### ***Carne/Earnshaw***

That the minutes of the Annual Electors' Meeting held in the Council Chambers on Tuesday 16<sup>th</sup> December 2008, as circulated, be received.

**Carried 8/0  
Resolution 148/09**

##### **6.3 4WD DRIVE MEETING MINUTES**

##### ***Stone/Medlen***

That the minutes of the 4WD Resource Sharing Group meeting held in Wagin on Tuesday 3<sup>rd</sup> February 2009, as circulated, be received.

**Carried 8/0  
Resolution 149/09**

#### **7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

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

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

#### ***Cavanagh/Stone***

That Item 8.1.9 of the Chief Executive Officer's report be brought forward for discussion at this point of the meeting.

**Carried 8/0  
Resolution 150/09**

#### ***Johnstone/Carne***

That Council send a letter to all electors currently on the Shire of Williams electoral roll asking if they support or not support the following questions:

1. Should the Shire of Williams write to the Premier to ask the State Government to use its powers to declare our municipality a GM Canola Free Zone?
2. Should the Shire of Williams ask the State Government to extend the ban on commercial GM canola in Western Australia?

**Carried 5/3  
Resolution 151/09**

<b>Report Reference:</b>	<b>8.1.1</b>
<b>Subject:</b>	<b>Western Australian Local Government Grants Commission – Public Hearing</b>
<b>File Reference:</b>	3.3.1
<b>Statutory Reference:</b>	<i>Local Government (Financial Assistance) Act 1995</i>
<b>Author &amp; Date:</b>	I.R. Ball 28 <sup>th</sup> January 2009

#### **Background:**

The WA Local Government Grants Commission will be visiting Williams on 24<sup>th</sup> February 2009 to conduct a Public Hearing in accordance with the *Local Government (Financial Assistance) Act 1995*. The hearing has been scheduled to commence at 10.00am and will take approximately 2 hours. There will be a presentation by the Commission covering its role, function and the process it uses to determine Financial Assistance Grants.

The Commission will also respond to any submissions that are presented. Any interested person can attend. The "Notice of Public Hearing" has been placed on the Council and town notice boards as well as in The Williams newspaper and on Council's website.

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

For Council's information.

<b>Report Reference:</b>	<b>8.1.2</b>
<b>Subject:</b>	<b>Williams Gateway Expo - Sponsorship</b>
<b>File Reference:</b>	11.60.95
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	I.R. Ball 28 <sup>th</sup> January 2009

#### **Background:**

The Williams Gateway Expo was initiated by the Williams Stud Breeders Association as an autumn sheep show. Since its inception in 2000 the event has continued to grow with the focus on family. The Expo – 2009 celebrates ten years of the event and for the Expo to continue the committee relies on sponsorship from local and regional businesses and organisations. The President, Ann Rintoul, on behalf of the Expo Committee, seeks sponsorship for the event in 2009.

Council do charge the Expo Committee for the hire of the grounds and buildings on the day. Our gardener is also available on the day to assist with the removal of any build up of rubbish.

**Recommendation:**

For Council's consideration.

**Cavanagh/Prowse**

That Council make a donation to the Williams Gateway Expo equal to the ground and facility fire fee.

**Carried 8/0  
Resolution 152/09**

<b>Report Reference:</b>	<b>8.1.3</b>
<b>Subject:</b>	<b>Shire of Plantagenet – Standards of Plantation Fire Protection</b>
<b>File Reference:</b>	5.1.2
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	I.R. Ball 28 <sup>th</sup> January 2009

**Background:**

The Fire and Emergency Services Authority (FESA) have prepared a draft Standards for Plantation Fire Protection document (December 2008). The Shire of Plantagenet believe that if adopted these new standards will cause confusion throughout the industry, due to the ambiguity and reduction of standards. They request Council to review the new standards and indicate to FESA the inadequacy of the proposed standards.

**Recommendation:**

That a working party review the draft standards and if it is considered that they are ambiguous and do not meet required standards then FESA be advised of Council's concerns.

It was agreed that the existence of plantations in Williams did not create a significant enough concern to necessitate a review of the draft standards.

<b>Report Reference:</b>	<b>8.1.4</b>
<b>Subject:</b>	<b>Department of Local Government and Regional Development - Royalties for Regions Country Local Government Fund</b>
<b>File Reference:</b>	4.50.00
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	I.R. Ball 28 <sup>th</sup> January 2009

**Background:**

The Department of Local Government and Regional Development is responsible for the administration of the Royalties for Regions Country Local Government Fund (R4R) and will also provide capacity-building support to Local Governments. Under the CLGF an allocation of \$469,371 (excluding GST) is available in 2008/2009 subject to the requirements detailed in the Guidelines and Acceptance Form:

*It is important to note:*

- *The allocation will be made in two (2) payments,*
- *An interim Report Form will need to be completed to access the second payment and*
- *Further reporting, as outlined in the Guidelines, will be required before allocations will be made in subsequent years.*

*As part of the requirements for the allocation, local governments are to acknowledge the funding is from Royalties for Regions on information and signage associated with the provision of funds, including correspondence and promotional material.*

*The CLGF has been specifically established to:*

- *Improve the financial sustainability of regional local governments in WA through improved asset management and*
- *Address infrastructure backlogs and support capacity building.*

*As a result, all funds in the allocation to Councils must be applied to infrastructure expenses and are aimed at encouraging additional expenditure by the Council on planned infrastructure needs.*

Expenditure of fund allocations must be on individual local government infrastructure asset renewal and/or infrastructure asset creation. Council needs to be aware that the Local Government Grants Commission is likely to take into account CLGF funds to the extent to which local governments spend them on road asset preservation and renewal (including bridges). Where the funding is spent on building and infrastructure assets other than road asset preservation this will not affect financial assistance grant allocations.

The grant funds can not be applied to expenditure on non-infrastructure items and also can not be used for purchasing plant and equipment, employing staff, engaging consultants, retrieving debt or any other organisation requirements that fall outside the asset classes. As a condition of funding we are required to have fund expenditure audited.

The Community is becoming aware of the Royalties for Regions Funding and Council has received letters from the Williams Bowling Club and the Tarwonga Tennis Club requesting funding support for their facility upgrades. It is expected that other organisations will also make requests to Council and with this in mind Council should canvass the Community to get the input on how the R4R funding should be spent.

***Recommendation:***

That Council make the community aware of the Royalties for Regions Country Local Government Fund and seeks input as to how the funding could be spent.

***Medlen/Cavanagh***

That Council make the community aware of the Royalties for Regions Country Local Government Fund and seek formal applications for funding on a suitably designed application form.

**Carried 8/0  
Resolution 153/09**

<b>Report Reference:</b>	<b>8.1.5</b>
<b>Subject:</b>	<b>Compliance Audit Return 2008 (Enclosed with Agenda)</b>
<b>File Reference:</b>	4.22.00
<b>Statutory Reference:</b>	Section 7.13(i) of the <i>Local Government Act 1995</i> and Local Government (Audit) Regulation 13
<b>Author &amp; Date:</b>	I.R. Ball          28 <sup>th</sup> January 2009

**Background:**

Council is required to adopt the Compliance Audit Return prior to 31 March 2009.

***Recommendation:***

That the Compliance Audit Return for 2008 be adopted.

***Earnshaw/Prowse***

That the Compliance Audit Return for 2008 be adopted.

**Carried 8/0  
Resolution 154/09**

<b>Report Reference:</b>	<b>8.1.6</b>
<b>Subject:</b>	<b>WALGA – 2009 Banners in the Terrace Competition</b>
<b>File Reference:</b>	14.12.00
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	I.R. Ball 28 <sup>th</sup> January 2009

**Background:**

Council is again invited to participate in the 2009 Banners in the Terrace competition.

2009 Entry Schedule:

Entry Reservation form submission by Thursday 2 April

Banner delivery by Friday 10 July

Display in terraces: Sunday 2 August to Saturday 15 August

Announcement of winners: Thursday 6 August at the convention

Williams has participated in the competition since its inception. A new banner was commissioned in 2008, created by the Williams Primary School students and exhibited for the first time in 2008. Does Council wish to commission a new banner or enter the existing banner?

**Recommendation:**

That Council participates in the 2009 Banners in the Terrace competition.

**Stone/Johnstone**

That Council participates in the 2009 Banners in the Terrace competition.

**Carried 8/0  
Resolution 155/09**

<b>Report Reference:</b>	<b>8.1.6</b>
<b>Subject:</b>	<b>Tony Kett – Long Service Leave</b>
<b>File Reference:</b>	14.31.40
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	R.N. Duff 10 <sup>th</sup> February 2009

**Background:**

Works Supervisor, Tony Kett is due for Long Service Leave as at the 26<sup>th</sup> July 2009. Tony has made a request to take four weeks long service leave in May 2009 which is earlier than when his entitlement becomes due.

Given that August is the beginning of a busy road works period it would be more beneficial to have the Works Supervisor at work during this time. The remainder of Tony's leave (eight weeks) can be taken at a more convenient time or paid out.

**Recommendation:**

That Council allow Tony Kett to take four week long service leave in May 2009 prior to his entitlement date of 26<sup>th</sup> July 2009.

**Prowse/Medlen**

That Council allow Tony Kett to take four week long service leave in May 2009 prior to his entitlement date of 26<sup>th</sup> July 2009.

**Carried 8/0  
Resolution 156/09**

<b>Report Reference:</b>	<b>8.1.7</b>
<b>Subject:</b>	<b>Valuation on Potential Vacant Light Industrial Land (See Appendix One)</b>
<b>File Reference:</b>	14.25.30
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	R.N. Duff      10 <sup>th</sup> February 2009

**Background:**

Mr Ian Balto from the Professionals in Katanning has been engaged to carry out an assessment and valuation of two potential vacant light industrial areas.

Mr Bolto's report is attached at **APPENDIX 1** for Council information.

One of the sites identified is Williams Location 12070 owned by Mr D.E Carter. This area assessed is approximately 32.4ha and is currently zoned "Rural" under the Williams Town Planning Scheme No.2. This location has not been identified in the Shire of Williams Townsite Strategy as future light industrial land but appears to be a more suitable area given the location of essential services.

An initial approach has been made to Mr Carter to enter into discussions to purchase this land. Mr Carter has furnished a letter to Council agreeing to enter into negotiations.

**Recommendation:**

That Council investigate the feasibility of developing a light industrial estate on Williams location 12070 with a report to be presented to Council for further consideration.

**Stone/Cavanagh**

That Council offer \$4,000.00 per hectare to D Carter for the purchase of approximately 30 hectares of Location 12070 Albany Highway subject to planning approval to develop into a light industrial estate.

**Carried 8/0  
Resolution 157/09**

<b>Report Reference:</b>	<b>8.1.8</b>
<b>Subject:</b>	<b>V. Epiro – Letter of Appreciation</b>
<b>File Reference:</b>	Employee File
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	R.N. Duff      10 <sup>th</sup> February 2009

**Background:**

A letter has been received from Jim Epiro in regard to his Farewell Dinner:

"I wish to convey to you, Council and staff my sincere appreciation for the memorable dinner held in my honour.

In particular I wish to thank

- Cr. Moya Carne, Cr. Graham Prowse and Ian Ball for organising the evening.
- Manuela and James Lenehan for the wittily crafted entertainment.
- Heidi Cowcher for the brilliant DVD presentation.

My family, who Council kindly invited, enjoyed the evening immensely and asked me to express their appreciation for their attendance. My thanks also for the wonderful gifts (bowls & laptop), which I will cherish and enjoy together with the memories of an unforgettable evening."

**Recommendation:**

For Council information.

Cr Prowse left the meeting at 3.10pm

<b>Report Reference:</b>	<b>8.1.9</b>
<b>Subject:</b>	<b>Janette Liddelow</b>
<b>File Reference:</b>	13.10.60
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	R.N. Duff 11 <sup>th</sup> February 2009

**Background:**

Further to an information session held prior to the February 2009 Council meeting a request has been made by Mrs Janette Liddelow for Council to take the following actions

“A call for our Williams shire to take every possible action to help ensure that Genetically Modified (GM) crops are not grown in our region.

We therefore ask our council to make and implement the following resolutions:

- (1) write to the Premier to ask the State Government to use its powers to declare our municipality a GM Free Zone;
- (2) ask the State Government to extend the ban on commercial GM canola”

A similar request has also been made by Trish & Rob Bowden to which their letter is included in the Councillor’s information bulletin.

\*Note: Additional information will be provided to Councillors at the meeting

**Recommendation:**

For Council’s consideration.

This item was dealt with earlier in the meeting

**Carne/Cavanagh**

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

**Carried 7/0  
Resolution 158/09**

**8.1 CHIEF EXECUTIVE OFFICER’S REPORT – LATE ITEMS**

<b>Reference:</b>	<b>8.1.10</b>
<b>Subject:</b>	<b>Williams Police Station – 50km/hr Signs Albany Highway</b>
<b>File Reference:</b>	12.21.90
<b>Statutory Reference:</b>	Nil.
<b>Author &amp; Date:</b>	R.N Duff 17 <sup>th</sup> February 2009

**Background:**

Attached is a letter from the Williams Police Station requesting Council support to move the 50km/hr signs on the northern town entrance further north on the Albany Highway to slow vehicles down prior to crossing the bridge.

Main Roads require Council’s support to have these signs moved. In order to gauge the communities support it would be suggested that Council call for public comment. Should no responses be received from the Community and Council agree to move the 50km/hr signs then the Chief Executive Officer will forward a letter of support to Main Roads.

***Recommendation:***

*That Council supports the request of the Williams Police to move the 50km/hr signs on the northern town entrance further north on the Albany Highway subject to the proposal being advertised in “The Williams” and no negative comments or objections being received. Should any comments be received this matter is to be represented to the March 2009 meeting.*

***Carne/Cavanagh***

That Council supports the request of the Williams Police to move the 50km/hr signs on the northern town entrance further north on the Albany Highway subject to the proposal being advertised in “The Williams” and no negative comments or objections being received. Should any comments be received this matter is to be represented to the March 2009 meeting.

**Carried 7/0  
Resolution 159/09**

**Afternoon Tea**

**Council adjourned for afternoon tea at 3.15pm and resumed the meeting at 4.00pm**

During the afternoon tea break the President CR John Cowcher carried out an Australian Citizenship Ceremony for Mrs Pornphen Wright

**Cr Prowse returned to the meeting at 4.00pm**

**8.2 DEPUTY CHIEF EXECUTIVE OFFICER’S REPORT**

**8.2.1 ACCOUNTS FOR PAYMENT**

***Stone/Johnstone***

That Municipal Fund cheques 102080 – 102091 and 102133 – 102142 and direct debits totalling \$270,005.53 and Trust Fund cheques totalling \$872.00 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund cheques 102092 – 102132 and 102143 - 102210 totalling \$272,128.58 be approved for payment.

**Carried 8/0  
Resolution 160/09**

**8.2.2 FINANCIAL STATEMENTS**

***Johnstone/Earnshaw***

That the financial statements presented for the periods ending 31<sup>st</sup> December 2008 and 31<sup>st</sup> January 2009 be received.

**Carried 8/0  
Resolution 161/09**

**Works Supervisor Tony Kett attended the meeting at 4.05pm**

**8.3 WORKS SUPERVISOR’S REPORT**

**Maintenance Grading**

Quindanning-Darkan Rd, Zilko Rd, Folland Rd, Martin Rd, McKenzie Rd, Congelin-Narrogin Rd, York-Williams Rd, Gillett Rd, Nash Rd, Playle Rd, Culbin-Boraning Rd, Hurley Rd, Sattler Rd, Dardadine Rd.

**Maintenance Works**

Fixed potholes on Collie Rd, York-Williams Rd and around town  
Sand stockpile topped up in depot yard  
Concrete pad laid and shed put up at CEO’s house  
New set of culverts put in at Higham Rd.

### **Construction**

Form and waterbind 2 km on Marradong Rd, 400m on Zilko Rd and 160m on York-Williams Rd, then primer sealed.

### **Mechanical Report**

John Deere tractor to Greenline Ag, Wagin  
Single cab ute serviced  
JCB loader is still in Perth, motor being re-built  
WL 093 serviced  
PTO pump on WL128 replaced

### **Private Works**

Form, water bind and primer sealed 200m for Jamie Fowler  
2 loads of water to TKK  
1 load of water each to CBH Narrakine, Graham Harding and Darren Scahill

### **Earnshaw/Medlen**

That the Works Supervisor's Report be received.

**Carried 8/0  
Resolution 162/09**

### **Mobile Telephone Leading Hand**

Mr Kett advised that the Leading Hand Grader Driver has to use his personal mobile telephone to contact him when he is out of two way radio range.

### **Johnstone/Medlen**

That a mobile telephone be purchased for work related use only by the Leading Hand Grader Driver.

**Carried 8/0  
Resolution 163/09**

**Mr Kett left the meeting at 4.15pm**

**Environmental Health Officer/Building Surveyor Steve Friend attended the meeting at 4.15pm**

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

### **Building Permits**

#229	R Ford	Lot 9 Frewer Pl	Patio
#230	B Price	Lot 7 Growse St	Colorbond wall/zinc roof shed
#231	Design Struct	Lot 7 Pinjarra-Williams Rd	Fibro and iron amenities block
#232	G & G Leipold	Lot 235 Williams Rd	Steel Patio
#233	G Thompson	Lot 20 Marradong Rd	4 x Accommodation, 2 x Laundry Units
#234	Plunkett Homes	Lot 1 Growse St	Brick and Colorbond House
#235	M Italiano	Lot 297 Richmond St	Zinc Shed
#236	W & T McCallum	Lot 342 Albany Highway	Above ground pool

Building inspections ongoing.

### **Food Premises Inspection**

Caltex Roadhouse – Cleanly maintained however several structural type issues that are being taken up with management and the owners  
Quindanning Tavern – Improvements ongoing all the time. Cleanly maintained.

### **Water Samples**

Water samples have been taken from the Williams Public Pool – sample results were good.

**Other Business**

<b>Report Reference:</b>	<b>8.4.1</b>
<b>Subject:</b>	<b>Development Application – Home Occupation Lot 42 (22 ) New St, Williams (See Attachment 1)</b>
<b>File Reference:</b>	13.34.10
<b>Statutory Reference:</b>	Shire of Williams Town Planning Scheme No 2
<b>Author &amp; Date:</b>	Steve Friend 4 <sup>th</sup> February 2009

**Background:**

An application to relocate a beautician business from within Ornatrrix on Albany Highway to a residence at lot 42 New St has been received (Copy of application attached).

The lot in question is zoned Residential in the Town Planning Scheme. The carrying on of a business in a Residential zoned lot is not permitted. However the Shire of Williams Town Planning Scheme (TPS) does have a provision whereas a business can be carried out as a “home occupation” if the approval of Council is granted.

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

**5.7 HOME OCCUPATION in the TPS states**

(1) The Council shall not grant development approval to a home occupation unless it is satisfied that the use:

- (a) will not prejudicially affect the amenity of the neighbourhood by way of emissions of any nature
- (b) will not occupy an area greater than 20 square metres
- (c) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located
- (d) is compatible with the principle uses to which the land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area
- (e) does not entail employment of any person not a member of the occupiers family
- (f) does not display a sign exceeding 0.2m<sup>2</sup> in area
- (g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight
- (h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the cartilage of the dwelling house or domestic outbuilding
- (i) does not entail the offering for sale or display of motor vehicles, machinery or goods (other than goods manufactured or serviced on the premises)
- (j) does not entail a source of power other than an electric motor of more than 0.373 kilowatts (0.5hp)

(2) If an approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

(3) If, in the opinion of Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may rescind the approval

(4) An approval to conduct a home occupation is issued subject to an annual permit which may be renewed by application to the Council for development approval.

As can be seen from the definition the issue of a home occupation permit is normally restricted to *occupiers* of a lot. In this instance the applicant is not an occupier.

However in every other respect it probably could or would comply.

The type of business proposed would not affect traffic movements in the street.

As the permit is subject to annual review, if it caused a loss of amenity the licence could be revoked.

**Recommendation**

That the applicant be granted approval to conduct a home occupation (beautician) from lot 42 (22) New Street Williams subject to

- a) Payment of the applicable fees and
- b) All provisions of the home occupation provisions of the Town Planning Scheme are adhered to.

**Prowse/Medlen**

That the applicant be granted approval to conduct a home occupation (beautician) from lot 42 (22) New Street Williams subject to

- c) Payment of the applicable fees and
- d) All provisions of the home occupation provisions of the Town Planning Scheme are adhered to.

**Carried 8/0**  
**Resolution 164/09**

<b>Report Reference:</b>	<b>8.4.2</b>
<b>Subject:</b>	<b>Illegal Building</b>
<b>File reference:</b>	13.34.10
<b>Statutory Reference:</b>	<i>Local Government Act (Miscellaneous Provisions), Health Act 1911, Building Regulations</i>
<b>Author and Date:</b>	Steve Friend 10 <sup>th</sup> February 2009

**Background**

It has come to the Shires attention that a dwelling house has been built on a lot in the Rural zone without obtaining any approvals to do so.

The lot in question is lot 27 Albany Highway.

Several months ago a donga was dropped onsite and has since been added to with a building of a similar size.

The dwelling contains a bedroom, lounge, kitchen, bathroom and laundry. A septic system has been installed to service the dwelling. This has also been installed without approval.

The Local Government Act Miscellaneous Provisions and the Building Regulations 1989 both set out when and where a building permit is required, as does the Health Act 1911 with respect to the septic system.

Penalties can apply for both the building and installation of the septic system (eg \$50,000 for unlawful building).

Previously the Department of Local Government advised that the only course of action for unlawful building work was to issue an order to demolish the work, however recently new regulations have been introduced whereby a local government can issue a “building approval” retrospectively providing the building complies with the Building Code of Australia (BCA). Increased building fees apply to reflect the increased work in issuing the approval (and to act as a deterrent and penalty).

In this particular case the owner has relied on poor advice to just install/build the dwelling.

Additional to this is a planning issue whereby the dwelling would have to be approved as a “grouped dwelling” as it is the second dwelling on the one title.

The Shire of Williams Town Planning Scheme (TPS) states that a “grouped dwelling” is an AA use in a Rural zone. An AA use is a use that cannot take place without the approval of Council.

Council is required to determine whether it will allow the second dwelling on the one lot and whether it is prepared to issue retrospective building approval and approval for the septic system, whether it wants the dwelling removed or whether it wishes to pursue a legal course of action.

The dwelling is currently being used by the son of the owner, however things can always change and any approval, if forthcoming, should bare that in mind.

An inspection of the premises revealed several changes that would be required to meet the BCA and Health regulations. There are more checks required to ascertain whether the slab and framing comply with the BCA. Plans and specifications would have to be furnished to show how the building was constructed and these should be checked and approved by an engineer if that is the way Council wishes to proceed.

If the building substantially complies then the retrospective building approval could be issued. The same applies to the septic system.

***Recommendation***

That the owner of lot 27 Albany Highway Williams

- 1 Be given the opportunity to produce plans and specifications and have the building assessed by an engineer to show how the building could meet the Building Code of Australia and the Health Act
- 2 Be granted approval to site two dwelling on the one lot while the second dwelling is used by a relative to assist in the running of the property
- 3 Pay all fees as per the regulations

and if an approval cannot be granted due to incorrect building methods, the matter be referred back to Council.

***Cavanagh/Johnstone***

That the owner of lot 27 Albany Highway Williams

- 4 Be given the opportunity to produce plans and specifications and have the building assessed by an engineer to show how the building could meet the Building Code of Australia and the Health Act
- 5 Be granted approval to site two dwelling on the one lot while the second dwelling is used by a relative to assist in the running of the property
- 6 Pay all fees as per the regulations

and if an approval cannot be granted due to incorrect building methods, the matter be referred back to Council.

**Carried 8/0  
Resolution 165/09**

**Williams Newsagency**

***Johnstone/Prowse***

That the Proprietors of the Williams Newsagency be invited to attend the next Council meeting to discuss the state of the Newsagency veranda and roof.

**Carried 8/0  
Resolution 166/09**

***Earnshaw/Johnstone***

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

**Carried 8/0  
Resolution 167/09**

**Mr Friend left the meeting at 4.40pm**

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

### **Williams Swimming Pool**

As Council would be aware, the Regional and Local Community Infrastructure Program has offered \$100,000 in a one-off grant to local governments for an approved project. The Shire of Williams has allocated their contribution to the redevelopment of the pool. These funds, once received, have to be expended by September 2009.

An application was made to the Department of Sport and Recreation's, Community Sport and Recreation Facilities Fund for \$150,293 (+GST). The outcome of this funding is not yet known, however it is hoped that the announcement is made in February/March, so that planning can commence immediately.

#### ***Carne/Stone***

That Architect Franco Carrozzi be engaged to prepare plans and specifications for the Swimming Pool redevelopment.

**Carried 8/0  
Resolution 168/09**

### **Williams Bike Paths – Fry & Piesse Streets**

The Shire works crew has commenced the 565m pathway extension along Fry and Piesse Streets, to complete the link between the residential areas, the school and the shopping precinct of town, as funded by the DPI in 2008. These funds will be expended in early 2009, with the requirement of the project to be completed by 31 March 2009.

### **Williams Primary School**

Williams PS P & C were successful in being granted \$99,875 from the Federal Government's Investing in Our Schools program. This was funded in late 2007, however getting contractors to undertake the work has been a tedious task. The quadrangle was resurfaced in the Christmas holiday break, with the remaining third to be redeveloped into an outdoor classroom. Concept drawings are currently being prepared by Mike Brown from Narrogin Nursery, and it is anticipated that the P & C will consider this in a staged project to commence in early 2009. The P & C have indicated interest in preparing an application for consideration in the fund allocation from the Shire's Royalties to Regions Country Local Government Fund.

The P & C has also submitted a funding request to the Department of Families, Community Services and Indigenous Affairs (FAHCSIA) Volunteer Small Equipment Grants program for \$3028 to replace the stove and microwave in the school canteen. This application has been successful.

### **Williams Gateway Expo**

Planning for the 10<sup>th</sup> Anniversary event to be held Saturday April 18<sup>th</sup>, 2009, is well and truly underway.

Expo has received confirmation that they have received \$3000 from Healthways (application prepared by them) and \$12,613 from Lotterywest (prepared by the Shire) for advertising, publicity and equipment hire.

### **Local Emergency Management Committee (LEMC)**

An application was submitted to WALGA Roadwise/Road Safety for a Speed Alert Monitor (SAM) trailer for the Shires of Williams, Narrogin, West Arthur and the Town of Narrogin. The application was for \$18,528 and was approved in October 2008. Funds have been released, and the trailer is to be ordered shortly. Advice on the expected delivery date will be forthcoming as soon as it is known, however it is hoped that the trailer will be ready and operational in time for the Easter holiday period.

As Council would be aware, the Local Authority is now the responsible agency for the Emergency Management Arrangements for our Shire. The current plan was prepared some 5 years ago and is in need of reviewing and updating. It is suggested that this plan be reviewed in 2009.

FESA provide funding and support for this process to be undertaken. Funding is not provided for the actual report writing, however is available for training and to undertake the review of the plan (ie: administration cost – but not salary related). Further to this, we can apply for free training to be run in our area in regards to emergency risk management and recovery management. Risk management was covered reasonably well, however it does not hurt to review this every so often. Recovery management is not included in our original plan and needs to be so.

It is recommended that Council consider making applications for both AWARE funding opportunities – training and support for the review of the plan. Applications close on the 31<sup>st</sup> March 2009.

The WA Emergency Management Conference is being held on 16<sup>th</sup> and 17<sup>th</sup> April 2009, to which it may be pertinent that we send representatives.

### **Community Safety & Crime Prevention**

The Shire received \$11,000 in Designing out Crime initiative funding. Some of these funds have been used to replace the town entry signs (Welcome to our town, and thank you for visiting our town) as well as the shopping precinct/playground signage. These signs have been well accepted, and hopefully have assisted in the slowing down of traffic entering our town and our main shopping precinct. To date we have only expended \$3613.62, therefore we have \$7386.38 remaining unspent. Consideration needs to be given as to how to spend the remaining funds. Should a way to expend these funds not be found, then the unspent funds will need to be returned to OCP. We have received approval for an extension until June 2009.

Council may wish to consider the following suggestions, and make appropriate recommendations:

- Fire prevention signage, as found in other adjacent Shires (Attachment 1). Whilst these were not considered in the original funding application, they may be considered “designing out crime” in regards to fire prevention;
- “Table” type speed humps in the main shopping precinct of Brooking Street or “rumble strips” at the eastern approach to the shopping area of Brooking Street, where speed is most prevalent.
- Other suggestions?

### **Medlen/Earnshaw**

That entrance signs with a fire prevention message be purchased from the Designing out Crime initiative funding for placement on the shire boundary roads.

**Carried 8/0  
Resolution 169/09**

### **Exercise Classes**

The Shire submitted an application to the Premier’s Physical Activity Taskforce Local Grants Scheme and was successful in receiving \$5100 towards equipment (\$1100) and training (\$4000). The equipment has been purchased, and Alana Jasper has been enrolled in Certificate III and IV in Fitness through Finition P/L under supervision of Margaret. It is anticipated that Alana will be ready to offer classes in early 2009, once her supervised hours are completed. There will still be \$2200 in funding remaining to spend, and this will be offered to the community to try and source another candidate for the Certificate III and IV, and therefore ensure another trainer for the community, or alternatively, additional training may be sourced. The equipment is owned by the Shire of Williams, and is a great asset to the classes.

A 6 month Progress Report has been completed and forwarded to the funding body.

**Williams Bowling Club**

I prepared an application to the Department of Families, Community Services and Indigenous Affairs (FAHCSIA) Volunteer Small Equipment Grants program for \$4200 towards the upgrade of the shade adjacent to the bowling green's. Unfortunately this was unsuccessful.

The Bowling Club have expressed an interest in preparing an application for consideration in the fund allocation from the Shire's Royalties to Regions Country Local Government Fund (Summary of Program objectives / funding principles: Attachment 2) to resurface their green's with a synthetic surface (Attachment 3).

It is recommended that encouragement be made for the group to make application to the Department of Sport & Recreation's Community Sport & Recreation Facilities Fund. Should funding be secured from the Community Local Government Fund, as requested above, then this would be considered Council's financial contribution. CSRFF applications close in September annually.

**Tarwonga Tennis Club**

The Tennis Club have expressed an interest in preparing an application for consideration in the funds allocation from the Shire's Royalties to Regions Country Local Government Fund to resurface their 6 tennis courts at an approximate cost of \$120,000. (Attachment 4)

It is recommended that encouragement be made for the group to make application to the Department of Sport & Recreation's Community Sport & Recreation Facilities Fund. Should funding be secured from the Community Local Government Fund, as requested above, then this would be considered Council's financial contribution. CSRFF applications close in September annually.

**Williams Hockey Club**

I prepared an application to the Department of Families, Community Services and Indigenous Affairs (FAHCSIA) Volunteer Small Equipment Grants program for \$2200 for uniforms and goalie protective clothing.. This application was successful.

**Narrogin Sporting Shooters Club**

I assisted the group prepare an application to the Department of Families, Community Services and Indigenous Affairs (FAHCSIA) Volunteer Small Equipment Grants program for \$5000 as part contribution towards the construction of a new Clubhouse. This application was successful.

**Williams Sports Ground and Pavilion**

Now that the completion of the new outside bar and the fence around the playground has been undertaken, Council may wish to consider replacing the lawn within the playground fence at the boundary of the soft fall area, as well as behind the bar (adjacent to the car park).

Further to this, consideration should be given to replacing the semi-permanent shade structure erected each year by the trotting club with a permanent structure (since the trees have been removed, shade is a much sought after necessity in this area) as well as over the playground. Perhaps some of the funds from the Royalties to Regions Country Local Government Fund could be accessed and allocated to this project.

**Williams SJA Sub-Centre New Training Facility and Ambulance Garage**

An updated financial spreadsheet is attached for Council information (Attachment 5). Since the December meeting of Council, two applications have been resubmitted for consideration (Ian Potter foundation and National Emergency Volunteer Support Fund). The outcome of these should be known within the next 3-6 months.

Williams SJA have indicated interest in preparing an application for consideration in the fund allocation from the Shire's Royalties to Regions Country Local Government Fund.

All fundraising and sponsorship endeavours are ongoing, with a reinvigoration expected to recommence within the next couple of months.

Expressions of interest from prospective builders were called in January 2009. Six were received, with expectation that at least four will be offered the opportunity to prepare tenders for consideration. It is anticipated that these tenders will be invited within the next few weeks, with tenders closing mid-March (dependent on all working drawings and tender documentation being completed). Williams SJA will then consider tenders and made recommendations to the SJA State Office Board, who will sign the agreement with the Board. It is hoped that construction could commence as early as mid-2009.

***Medlen/Cavanagh***

That tenders be called for the removal of the sheds from lot 24 Brooking Street (old SES buildings) and funds received be directed to the St John Ambulance building fund should the new building go ahead.

**Carried 8/0  
Resolution 170/09**

***Cavanagh/Medlen***

That the Community Development Officer's Report be received.

**Carried 8/0  
Resolution 171/09**

**8.6 COUNCILLORS**

**8.6.1 Williams LCDC**

Cr Medlen advised that he had attended a Landcare Meeting. NRM Nick Sampson is pursuing funding so that the position can continue.

**8.6.2 4WD Regional Organisation of Councils**

Cr Earnshaw advised that together with the Deputy CEO he attended a 4WD ROC meeting in Wagin on Tuesday 3<sup>rd</sup> February 2009. Although the meeting was well conducted and several issues debated he was not convinced that being aligned to Wagin, Dumbleyung and Woodanilling served in our best interest.

***Cavanagh/Prowse***

That Council commence talks with West Arthur, Boddington and Wandering with regard to forming a VROC.

**Carried 8/0  
Resolution 172/09**

**8.6.3 Albany Highway Bypass**

Cr Johnstone advised that together with the other members of the working party, Hedley Fowler and Greg Atwell, he had attended a briefing meeting in the Council Chambers with Main Roads WA. New drawings have been prepared with a slightly different alignment and access to town now via Richardson Street instead of Brooking Street. Extensive parking has been allowed for opposite the Caltex Roadhouse and the existing southern bridge will be replaced by a major concrete floodway to allow traffic to rejoin the highway just past the existing Lions Park. Main Roads WA will make available detailed plans for public comment.

**8.6.4 Meeting with West Arthur Shire**

Cr Cowcher advised that together with Cr Earnshaw, the Chief Executive Officer and the Deputy Chief Executive Officer a meeting was held in the Council Chambers with Shire of West Arthur President Ian

Woodruff, Councillor Estelle Buller and Chief Executive Officer Nicole Wasmann. Several general concerns were discussed including resource sharing, boundary adjustments and amalgamation issues.

**9. ELECTED MEMBERS MOTION OF WHICH NOTICE HAS BEEN GIVEN**

<b>Report Reference:</b>	<b>9.1</b>
<b>Subject:</b>	<b>Neglected State of Gardens and Lawn Surrounding the Williams Medical Centre</b>
<b>File Reference:</b>	7.70.20
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	Cr G. Prowse 24 <sup>th</sup> January 2009

**Background:**

In previous years Government provided funding for a full time gardener. Funding was then reduced so the gardening position went from full to part time. Several years ago funding ceased altogether and the gardener was made redundant. This of course has been very detrimental to the overall appearance of the Medical Centre.

***Recommendation:***

1. That Shire President and Councillors inspect the gardens and grounds surrounding the Medical Centre.
2. That Council write a letter of concern to:

Att: Dee Hallett, Primary Health, Narrogin  
PO Box 337, NARROGIN WA 6312

and Local Member Terry Waldron

***Prowse/Cavanagh***

That Council write a letter of concern to:

Att: Dee Hallett, Primary Health, Narrogin  
PO Box 337, NARROGIN WA 6312

and Local Member Terry Waldron

**Carried 8/0  
Resolution 173/09**

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

***Johnstone/Earnshaw***

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

**Carried 8/0  
Resolution 174/09**

**10.1 ELECTED MEMBERS**

**10.1.1 Swimming Pool Entrance Fees**

Cr Johnstone advised that Williams was one of the few pools that charged entrance fees to spectators attending school swimming lessons and carnivals.

***Johnstone/Earnshaw***

That swimming pool entrance fees not be charged for any person attending school in term swimming lessons and school swimming carnivals.

**Motion Lost 4/4 on the casting vote of the President  
Resolution 175/09**

***Prowse/Johnstone***

That swimming pool entrance fees not be charged for any person attending school swimming carnivals.

**Carried 6/2  
Resolution 176/09**

**10.1.2 Culbin-Boraning Road/Williams Darkan Road Intersection**

Cr Earnshaw advised that he has received complaints about the corrugated surface of the Culbin-Boraning Road where it meets the Williams Darkan Road. Heavy Vehicles are having problems stopping because of the corrugations. The sandy gravel surface on that section of the road seems to escalate the problem.

***Carne/Earnshaw***

That a 200 meter section of Culbin-Boraning Road be gravel sheeted and water bound for sealing.

**Carried 8/0  
Resolution 177/09**

**10.2 STAFF**

Nil

**11.0 INFORMATION SESSION**

**12.0 MEETING CLOSURE**

There being no further business for discussion the President declared the meeting closed at 6.35pm