

SHIRE OF WILLIAMS

**MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS ON
WEDNESDAY 16TH SEPTEMBER 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 | |

| | |
|---------------|--|
| R Duff | Chief Executive Officer |
| IR Ball | Deputy Chief Executive Officer |
| Heidi Cowcher | Community Development Officer (1.30pm – 2.00pm) |
| Tony Kett | Works Supervisor (2.00pm – 2.10pm) |
| Steve Friend | Environmental Health Officer/Building Surveyor (2.10pm – 2.45pm) |

Visitors:

| | |
|------------------|----------------------|
| Patrick Harrison | Williams Tennis Club |
| Brooke Duff | Williams Tennis Club |
| Bree McDonald | Williams Tennis Club |

2.2 APOLOGIES

Nil

3.0 PUBLIC QUESTION TIME

Nil

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr Harrison, President of the recently reformed Williams Tennis Club addressed council on the upgrade of the tennis courts. He advised that the club had names of 75 people interested in joining the club. A decision has been made to initially upgrade the top three courts. This decision was based on economics because of the expensive requirement of a membrane overlay on the bottom three courts before resurfacing could be

considered. If the club continues to expand, these courts will be looked at. Mr Harrison asked Council for their support.

The visitors left the meeting at 1.20pm

6.0 CONFIRMATION OF PREVIOUS MINUTES

6.1 ORDINARY MEETING MINUTES

Carne/Medlen

That the minutes of the Ordinary Meeting held in the Council Chambers on Wednesday 19th August 2009, as circulated, be confirmed as a true and correct record of proceedings.

**Carried 7/0
Resolution 58/10**

6.2 RESOURCE CENTRE MANAGEMENT COMMITTEE MEETING MINUTES

Johnstone/Medlen

That the minutes of the Resource Centre Management Committee Meeting held in the Council Chambers on Thursday 3rd September 2009, as circulated, be confirmed as a true and correct record of proceedings.

**Carried 7/0
Resolution 59/10**

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The President advised that before the meeting he conducted a short interview with the ABC regarding amalgamations. Also together with Cr Earnshaw he attended the public meeting called by the Town of Narrogin regarding amalgamations.

8.0 REPORTS OF COMMITTEES/OFFICERS AND COUNCILLORS

Community Development Officer Heidi Cowcher attended the meeting at 1.30pm to discuss her report

8.1 COMMUNITY DEVELOPMENT OFFICER'S REPORT

8.1.1 Tarwonga Tennis Club

The Shire of Williams, auspicing on behalf of the Tarwonga Tennis Club has submitted an application to the Department of Sport & Recreation's Community Sport and Recreation Facilities Fund Small Grants funding. The application requested \$49,750 from CSRFF. The balance of the project is made up of \$60,000 from the Shire's Country Local Government Fund, \$15,000 cash from Tarwonga and an estimated in-kind component of \$6525.00, with the remainder to be sourced dependent on the final cost of the project. The outcome of the funding should be known by October/November 2009.

For information.

8.1.2 Williams Bowling Club

As reported at the August 2009 meeting, the Williams Bowling Club is currently compiling an application to the Department of Sport & Recreation's Community Sport and Recreation Facilities Fund. The application is to install a synthetic bowling green on "B" green at an estimated cost of \$208,080; and re-roof and replace the guttering on the club house at an estimated cost of \$60,000 (quotes yet to be received). The application is currently being compiled on behalf of the Club, with the application being made by the Shire, as auspice for the Bowling Club.

It is estimated that the CSRFF application will be for \$89,360, with the balance to be secured from a cash contribution from the Club, possible loan funds (if required) and a funding application to be made to the Country Local Government Fund in March 2010.

At the October meeting, Council will need to formally endorse the application in preparation of its submission by 30th October 2009. The outcome of the funding should be known in January/February 2010.

For information.

8.1.3 Williams Exercise Classes

The Local Activity Grant that the Shire received last year, for equipment and training is currently being finalised ready for acquittal. Unfortunately we were unable to secure interest from a second person to complete the Certificate III and IV in Fitness to support our current trainer Alana. We were able to amend our funding agreement to spend the remaining funds on equipment and additional training for Alana. The Shire has purchased a significant amount of equipment to support fitness classes as part of this funding, which is currently stored in the main hall store room. All equipment that has been purchased by the Shire remains the property of the Shire after the project has been completed. Alana has a commitment to run training for the Shire/community until June 2010.

For information.

8.1.4 LEMC – Western Power

The Shire has made an application to Western Power for \$4428.10 to assist with the purchase of a handheld GPS unit and 2 satellite mobile phones. This would assist considerably with the management of significant fire events in the Shire, especially where pinpointing locations for water bombers and where communication is vital and the mobile phone reception is inadequate. We should know the outcome in November/December 2009.

For information.

8.1.5 Cardboard Baler – Community Grants Scheme (DEC)

Williams Pride in Your Town, auspicing on behalf of the Shire of Williams, has made an application to the CGS to assist with the purchase of a cardboard/plastics baler and extensions to the recycling shed. The application request totals \$18,452.45 (50% of the total project cost). The outcome should be known by November/December 2009.

For information.

8.1.6 Williams SJA New Building

Site works have been delayed due to the presence of FESAs telephone line through the middle of the Shire block. The Shire have been working with FESA to relocate this service as a matter of urgency, as the site works are being delayed as a consequence, and this is holding up the builder commencing construction. We hope to have this resolved as soon as possible.

To date, the project has secured almost 97% of the estimated project costs, with just over \$26,000 remaining to secure. It is hoped that this can be secured from corporate sponsors and local community support. Should this not be successful, then Williams SJA may have to act on the self-supporting loan from the Shire to finance the balance of the project.

Williams SJA have submitted an application to the FAHCSIA Volunteer Small Grants Scheme for \$2242.00 to purchase a desktop computer and workstation for the office for the new training facility. The outcome of this funding should be known in December 2009.

For information.

Williams Tennis Courts

Cr Cavanagh advised that Cambridge Tennis Club were replacing their synthetic courts and they are available free of charge but need to be removed and re-laid by the Club. The courts are five years old and the expense of cartage and supervision to lay the courts may outweigh any advantage over a new surface.

Prowse/Earnshaw

That the Community Development Officer's report be received.

**Carried 7/0
Resolution 60/10**

Ms Cowcher left the meeting at 2.00pm

8.2 WORKS SUPERVISOR'S REPORT

Winter Grading

Darkan-Quindanning Rd (north end), Zilko Rd, Waldock Rd, Curteis Rd, Marling Rd, Darkan-Quindanning Rd (south end), Culbin-Boraning Rd, Higham Rd, Kelly Rd, Roccis Rd, Medlen Rd, Pig Gully Rd, Taylor Rd.

Maintenance Works

Finished the Medlen Road tree clearing
Carted sand to yard

Mechanical Report

Volvo grader sent to Perth
Motorbike serviced
Toro mower small, serviced
Toro mower big, serviced
Multi roller serviced
Backhoe received back from CJD

Private Works

One load of water to Narrakine CBH

Williams Tennis Club

The trees on the east side of the Tennis Courts need to be removed and the stumps ground.

Medlen/Cavanagh

That the trees on the east side of the tennis courts be removed and the stumps ground to accommodate the new swimming pool amenities building.

**Carried 7/0
Resolution 61/10**

Johnstone/Cavanagh

That the Works Supervisor's Report be received.

**Carried 7/0
Resolution 62/10**

Mr Kett left the meeting at 2.10pm

Environmental Health Officer/Building Surveyor Steve friend attended the meeting at 2.10pm to discuss his report.

8.3 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR'S REPORT

Building Permits

| | | | |
|------|----------------------|-----------------------------------|----------------|
| #247 | A Playle | Lot 165 Richmond Street, Williams | Zinc carport |
| #248 | Great Southern Sheds | Lot 4 Brooking Street, Williams | Colorbond shed |
| #249 | R Ford | Lot 4 Frewer Place, Williams | Colorbond shed |

Building inspections ongoing.

Food Premises Inspection

Shell Roadhouse – cleanly maintained. The owners have just done a small extension to the kitchen area internally and a suggestion to extend the tiling to facilitate cleaning has been made.

BP Roadhouse – Cleanly maintained. There is still a problem with mould in the male toilets that needs to be addressed. This will be taken up with the lessees.

Environmental Health Inspection

Williams Motel – very well maintained.

Williams Caravan Park – ablution facilities cleanly maintained. Caravan spacing to be taken up with the owners.

Other Business

Verandah – Williams Newsagency. At the last Council meeting it was resolved to write to the Williams Newsagency that the period to comply with the removal/repair of the verandah had expired and that a development and building application form was required to be submitted within two weeks. A copy of the letter is attached.

At the time of writing this letter neither of the forms has been received nor a reply to the letter.

As there is still a week to go to the meeting there is a possibility that they will be submitted. I will verbally expand on this at the Council meeting.

Carne/Cavanagh

That Council initiate legal action to enforce the order for the owners of the Williams Newsagency to remove/repair the front veranda.

**Carried 7/0
Resolution 63/10**

Cr Earnshaw declared an interest in the following matters and left the meeting at 2.30pm

Illegal Buildings - Elite Grains - Lot 13061 McKenzie Rd

The issue of the buildings at lot 13061 McKenzie Rd has been referred to Councils solicitors for comment and advice. I believe that there may be some correspondence from them to be tabled at this meeting.

The Chief Executive Officer presented to the meeting correspondence from Civic Legal to which the above matter has been referred.

Summary of Advice

1. The appropriate classification of the Unauthorised Buildings is Class 8 under the BCA based on:

1.1. the BCA Guide provides that a farm building will not be classified as a class 10a building if a class 8 classification is more appropriate having regard to the building's:

- (a) size;
- (b) purpose;
- (c) operations; and
- (d) the extent to which people are employed in the building.

1.2. the BCA:

(a) describes a class 8 building as being "a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale or gain."

(b) does not provide definitions for the terms "production", "assembling", "altering", "repairing", "packing", "finishing", or "cleaning". However, simple dictionary definitions of these terms ordinary meanings can be applied:

(i) "production": the action of making or manufacturing from components or raw materials;

(ii) "altering": the action of changing the form or character of something without destroying identity;

(iii) "packing": the action of enclosing something in a package or container;

(iv) "finishing": the action of completing and bringing something to an end;

(v) "cleaning": freeing something from dirt or impurities and

1.3. the operations of Elite Grain carried on from the buildings:

(a) is of a significant scale;

(b) is for the purpose of trade sale and gain;

(c) involves the employment of a number of people on a regular basis; and

(d) the operation has several of the characteristics for a class 8 building set out in the BCA namely production, altering, cleaning, finishing and packing of the equine feed.

2. The Shire has the power and grounds to proceed with issuing a notice pursuant to Section 401(1)(c) requiring the Owner to pull down the Unauthorised Buildings as:

2.1. the Unauthorised Buildings were erected without a building licence contrary to section 374(1) LGMPA and therefore amounts to unauthorised building work;

2.2. the Owners have not applied for the issue of a building approval certificate pursuant to section 374AA(2) LGMPA;

2.3. the Shire has given the Owners written notice inviting the Owners within 14 days to apply for the issue of a building approval certificate pursuant to section 401(1a)(c) LGMPA and the Owners have failed to make an application in response to the notice.

3. With regard to future applications for building approval each building must be dealt with on its own individual facts and circumstances, however the Shire should take this advice into consideration when dealing with any new building applications which relate to any farm building in which any value adding processing or packaging activity may be undertaken by the owners for the purpose of resale of produce.

Johnstone/Cavanagh

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

**Carried 6/0
Resolution 64/10**

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|-----------------------------|--|
| Report Reference: | 8.4.1 |
| Subject: | Development Application – Josbury Chaff - Paterson Road Williams (See Attachment 1) |
| File Reference: | 13.34.10 |
| Statutory Reference: | Shire of Williams Town Planning Scheme No 2 |
| Author & Date: | Steve Friend 9 th September 2009 |

Background:

An application has been received from DS and JA Earnshaw and PC Patterson and Co to establish a chaff cutting business on lot Williams N – L801/N/1 Mathews Rd in Williams.

The proposal is to erect a zincalume shed of 36m x 18m x 6m (648m²) on a 2Ha leased portion of Peter Paterson's property and install equipment to steam and cut chaff.

The proponents will also install 3 x 2700 bushel silos to store grain.

A prefabricated office/ablution block will be attached to the main building, either externally or within a corner of the large shed.

The letter accompanying the application states that 95% of the finished produce will be delivered to private and retail outlets with a small proportion being sold direct to the public on site.

Traffic movements are expected to be 2 x semi trailer loads inwards and 2 trucks outwards daily with an additional semi trailer load of grain inwards a week.

This is in addition to the staff movements in and out and any public that will purchase direct from the plant.

Working hours are expected to be from 7am to 4pm 1 -2 days per week initially with an expected increase to 5 -6 days per week.

Comment

Under the Shire of Williams Town Planning Scheme the proposal would be considered as an **Industry – Rural** which has a definition as follows:

Industry Rural means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

Industry – Rural has an AA use in the scheme zoning table which means a use that is not permitted without the approval of Council.

This is a bold venture and the scheme allows it to happen with the approval of Council.

I have referred to the Works Manager who has said that the road is capable of handling the expected traffic movements.

The applicants have submitted plans showing the layout and location of the proposal which are attached.

There will be fire fighting implications which will need to be addressed. These should include the provision of a tank or tanks and fire hydrants and hose reels. The applicants will have to submit the plans to FESA for comment and will be subject to the requirements of the Building Code of Australia. A building permit will be required.

Recommendation

That the application to establish a chaff cutting plant on lot Williams N – L801/N/1 Mathews Rd Williams be granted subject to the applicants obtaining a building permit and complying with any FESA requirements.

Prowse/Medlen

That the application to establish a chaff cutting plant on lot Williams N – L801/N/1 Mathews Rd Williams be granted subject to the applicants obtaining a building permit and complying with any FESA requirements.

**Carried 6/0
Resolution 65/10**

Cr Earnshaw returned to the meeting at 2.45pm

Cavanagh/Johnstone

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

**Carried 7/0
Resolution 66/10**

Mr Friend left the meeting at 2.48pm

8.4 CHIEF EXECUTIVE OFFICER'S REPORT

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|-----------------------------|---|
| Report Reference: | 8.4.1 |
| Subject: | Staff Housing Stock Renewal |
| File Reference: | 9.10.20 |
| Statutory Reference: | <i>Local Government Act 1996 s3.58 – Disposal of Property</i> |
| Author & Date: | R.N. Duff 4 th September 2009 |

Background:

The Shire of Williams currently provide staff housing for employees where required. The current housing stock is listed below

| Occupant | Address | Layout | Construction | Date |
|----------------|--------------------|--------|----------------|------|
| Green Keeper | 8 Fry St | 4x2 | Brick and Iron | 2001 |
| Plant Operator | 16 Piesse St | 3x1 | Transportable | 1980 |
| Plant Operator | 1 Growse St | 3x1 | Brick and Iron | 1969 |
| Gardener | Recreation Reserve | 3x1 | Brick & Iron | 1980 |
| Plant Operator | 14 Adam St | 3x1 | Fibro & Iron | 1970 |
| Gardener | 23 Fry St | 3x1 | Transportable | 1974 |
| Pool Manager | 18 Richardson St | 3x1 | Brick & Iron | 1989 |
| Deputy C.E.O. | 6 Richardson St | 4x2 | Brick & Iron | 2003 |
| CEO | 6 Munthoola Rd | 4x2 | Brick & Iron | 2009 |

*Note - The Green keeper's residence was originally built to attract a suitable tradesperson to town.

Comment:

The purpose of the agenda item is to ascertain Council's view on renewal and upgrade of the Shire's housing stock. As can be seen from the list above some of the houses are quite old and recent housing inspections have revealed that some substantial work is required on these houses to improve their amenity. After an approach from Ray White Narrogin & Districts some figures have been sought on the costs associated with selling an older property and purchasing a newly constructed property in Williams. An appraisal on 23 Fry St is attached at **APPENDIX 1** which indicated a current market valuation of \$245,000. In addition, Ray White has also advised that 19b Growse St would be for sale for an asking price of \$415,000. 19b Growse St is a 4x2 situated on a 750m2 block and is about to be completed.

In terms of Council's Plan for the Future the issue of staff housing was going to be addressed in 2012/13 with the construction of a new staff house at a cost of \$500,000 with funds to be taken from the building reserve.

Financial Implications:

An approximation of the costs associated to Council are below;

| | |
|------------------------------|------------------|
| Purchase price 19b Growse St | \$415,000 |
| Sale price 23 Fry St | <u>\$245,000</u> |
| Net Cost to Council | \$170,000 |

Funding options

1. Building Reserve funds only (current balance \$578,000)
2. Loan Funds (current debt level \$156,000)
3. Combination of the above
4. Country Local Government Fund (Either from Year 2 allocation or VROC allocation)
5. Combination of the above

Voting Requirements:

Simple Majority

Recommendation:

For Council's consideration.

Medlen/Earnshaw

That the house at 23 Fry Street be advertised for private rental.

**Carried 7/0
Resolution 67/10**

Afternoon Tea

Council adjourned for afternoon tea at 2.50pm and resumed the meeting at 3.35pm.

| | |
|-----------------------------|---|
| Report Reference: | 8.4.2 |
| Subject: | Swimming Pool Building – Tender 01/09-10 |
| File Reference: | 11.20.20 |
| Statutory Reference: | <i>Local Government Act 1996 s3.57</i> |
| Author & Date: | R.N. Duff 4 th March 2009 |

Background:

Council has invited tenders for the construction of a new Swimming Pool Amenities Building and renovation of existing change room facilities.

Tenders closed on **4pm, Friday 11th September 2009.**

The plans and specifications for this tender have been drawn up by Franco Carozzi Architects Pty Ltd and consist of a new building containing kitchen/kiosk, first aid room, disabled facilities and entry. The existing change rooms will also be enclosed and renovated.

Comment:

Tender prices will be presented at the Council meeting.

Financial Implications:

Council 2009/10 Budget - Funding

| | |
|----------------------------|------------------|
| Royalties for Regions | \$331,371 |
| RLCIP Fund – Federal Grant | \$ 76,336 |
| Department of Sport & Rec | \$143,670 |
| Total | \$551,377 |

Expenditure (Estimates)

| | |
|--------------------------|----------|
| Architect | \$35,000 |
| Consultants/Engineers | \$8,000 |
| Building Tender Contract | ???? |
| Site Works (By Shire) | \$15,000 |
| Temporary Buildings | \$10,000 |
| Pool Fencing | \$15,000 |
| Kerbing | \$5,000 |
| Landscaping | \$5,000 |

Voting Requirements:

Simple Majority

Officers Recommendation:

That ??? be awarded Tender 1-09/10 for the sum of \$?? for swimming pool buildings as per tender document specifications.

Medlen/Earnshaw

That no tender be accepted until further negotiations on building specifications are considered.

**Carried 7/0
Resolution 68/10**

| | |
|-----------------------------|--|
| Report Reference: | 8.4.3 |
| Subject: | Emergency Services Communication Tower – Compensation Claim – RN Petchell |
| File Reference: | 5.10.60 |
| Statutory Reference: | <i>Land Administration Act 1997 s211</i> |
| Author & Date: | R.N Duff 4 th September 2009 |

Background:

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

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

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

Advice has been sought from Council's solicitor to which correspondence has been sent to Ferguson Fforde Miller. A copy of this letter and McLeod's advice to Council is attached at **APPENDIX 2**.

Comment:

Until a response from Ferguson Fforde Miller is received no further action can be taken by Council.

Financial Implications:

Cost to Council pending.

Voting Requirements:

Simple Majority

Recommendation:

For Council's consideration

| | |
|-----------------------------|--|
| Report Reference: | 8.4.4 |
| Subject: | Williams Bushfires Brigades – Appointment of Chief Bush Fire Control Officer and Deputy |
| File Reference: | 5.10.1 |
| Statutory Reference: | Section 38 of the <i>Bush Fires Act 1954</i> |
| Author & Date: | R. Duff 4 th September 2009 |

Background:

Council is required to appoint the Chief and Deputy Bush Fire Control Officers prior to the Annual General Meeting of the Williams Bush Fires Brigades which will be held in October 2009.

The current office holders are Richard Johnstone (Chief) and Brian Liddelow (Deputy).

Comment:

It appears that it is policy to have the Chief Bushfire Control Officer as a sitting member of Council. This being the case the current CBFCO is Councillor Richard Johnstone who is up for re-election in October 2009.

Nominations close 10th September. The Election Day is the 17th October (if required) with the monthly Council meeting held the 21st October. Council are requested to indicate if they wish to wait until the election results are finalised before making the appointment of CBFCO.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That Council appoints the Chief and Deputy Bush Fire Control Officers for the 2008/2009 season.

Johnstone/Carne

That Brian Liddelow be approached regarding appointment as the Chief Fire Control Officer and also asked if he has a preference for an appointment as his Deputy Chief Fire Control Officer.

**Carried 7/0
Resolution 69/10**

| | |
|-----------------------------|---|
| Report Reference: | 8.4.5 |
| Subject: | WALGA Central Country Zone Meeting |
| File Reference: | 4.12.10 |
| Statutory Reference: | Nil. |
| Author & Date: | R.N. Duff 4 th September 2009 |

Background:

Notice of Meeting Received:

"Please be advised that arrangements for the next Central Country Zone meeting have commenced. Details for the meeting are provided below.

| | |
|---------------------------|---|
| <i>Meeting Date:</i> | <i>Friday 25 September 2009</i> |
| <i>Meeting Type:</i> | <i>In-person</i> |
| <i>Meeting Venue:</i> | <i>Eric Farrow Pavilion, Wagin Recreation Ground</i> |
| <i>Morning Tea:</i> | <i>9.30am</i> |
| <i>Meeting commences:</i> | <i>10.00am</i> |

*It should be noted that the meeting whilst originally scheduled to be held in Pingelly has been shifted to **Wagin** due to staff changes (new CEO) at Pingelly. Please note the change of location and venue but the day of the meeting remains as previously agreed.*

All items for inclusion in the Meeting's Agenda must be with me no later than Friday 12 September 2009.

It is anticipated that the meeting papers will be made available to participants no later than Monday 21 September 2009.

For catering purposes could you please advise me by no later than Monday 7 September 2009 of how many representatives from you Council will be attending the Wagin meeting."

Comment:

The CEO has advised that two representative will be attending the meeting.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

For Council's consideration

Crs Cowcher and Earnshaw indicated that they would be attending the meeting.

| | |
|-----------------------------|---|
| Report Reference: | 8.4.6 |
| Subject: | Sale by Tender of Administration Vehicle |
| File Reference: | 4.25.50 |
| Statutory Reference: | Nil. |
| Author & Date: | R.N. Duff 4 th September 2009 |

Background:

At the August Council meeting Council resolved to sell the below vehicle for best price.

When purchasing the new CEO's vehicle a price was indicated by the dealer of \$5,454 for the BA Ford sedan. After discussions with the Shire President it was decided to sell this vehicle by tender. Subsequently the vehicle was advertised in The Williams for sale.

| Registration No. | Plant Description | Driver | Department | Date Purchased | Hours/Kms |
|------------------|-------------------------|----------|------------|----------------|------------|
| WL 5495 | Ford BA Falcon XT Sedan | Ian Ball | Admin | 13-Jan-05 | 104,000 km |

Comment:

Tenders closed on the 14th September 2009. A summary of tender received will be presented to the meeting.

Financial Implications:

Budget amount for trade in for this vehicle was \$8,000

Voting Requirements:

Simple Majority

Recommendation:

For Council's consideration

Cavanagh/Prowse

That that the tender of \$8,800.00 including GST submitted by S Friend for Ford BA Falcon Sedan WL 5495 be accepted.

**Carried 7/0
Resolution 70/10**

| | |
|-----------------------------|--|
| Report Reference: | 8.4.7 |
| Subject: | Williams Tennis Courts |
| File Reference: | 11.70.80 |
| Statutory Reference: | Nil. |
| Author & Date: | R.N. Duff 4 th September 2009 |

Background:

Letter received from Patrick Harrison, President Williams Tennis Club

“Further to the public meeting hosted by the Shire recently, the Williams Tennis Club has reformed and is keen to commence improvements on the existing Williams Tennis facilities.

The committee has considered its options in regards to the proposed surface to be installed and has resolved to upgrade the existing facilities with a synthetic surface overlay from Tiger Turf on the top three courts. It is viewed that this is the most cost effective solution for the Club to consider at this time, without putting a significant financial burden on a fledgling club.

We have had an impressive response from the community from people indicating that they would like to be involved, with over 70 names currently on the register of interest. In years to come, should the Club grow to a point where the bottom three courts need attention to increase playing area, or for evening tennis to be introduced, then the Club would consider upgrading these, dependent on funding that could be secured and available cash from the Club.

The quote from Tiger Turf has indicated that the cost for installation of a Grand Prix surface (mid-range cost and good heavy duty surface) is \$56,630 + GST. This excludes the costs involved with removing the existing posts and footings and other minor maintenance work that would need to be undertaken, however the Club is prepared to complete this in a voluntary capacity, as a contribution to the project. In addition to this, there is some basic repairs needed on the fencing, estimated at \$1373 and net posts (3 sets) totaling \$6000. Therefore, the total cost of the upgrade is estimated at \$64,003

The Club has some cash reserves, which together with a combination of a sponsorship drive proposed to be commenced shortly and a possible self-supporting loan from the Shire, the Club has committed to contributing \$21,333 to the project.

The Club requests Councils consideration of a contribution of \$42,670 to the proposed upgrade.

In support of our application to the Shire, we would like to have the opportunity to attend in person during Public Question time to discuss with Council the project and how we envisage the project being implemented. We hope that Council views this application favourably and we look forward to hearing from you in due course.”

Financial Implications:

Request by the Tennis Club for \$42,670.

Voting Requirements:

Simple Majority

Recommendation:

For Council’s consideration

Johnstone/Cavanagh

That Council contribute \$30,000.00 from the Recreation Facilities Reserve Fund towards the upgrade of three tennis courts.

**Motion Lost 3/4
Resolution 71/10**

Prowse/Earnshaw

That Council contribute \$40,000.00 from the Recreation Facilities Reserve Fund towards the upgrade of three tennis courts.

**Carried 4/3
Resolution 72/10**

| | |
|-----------------------------|---|
| Report Reference: | 8.4.8 |
| Subject: | Councillor Nominations – October Elections |
| File Reference: | 4.1.40 |
| Statutory Reference: | Nil. |
| Author & Date: | R.N. Duff 4 th September 2009 |

Background:

Council Elections are due to be held on Saturday 17th October 2009. There are five (5) vacancies to be filled at this election. Councillors whose term expires are:

Cr David Earnshaw
 Cr Graham Prowse
 Cr Richard Johnstone

Nominations were called for the following In-person Elections to be held Saturday 17th October 2009 to fill vacancies as follows:

Offices Vacant and Terms of Office

District - four (4) Councillors – 4 year terms
 - one (1) Councillor – 2 year term

Nomination Time and Place

- Nominations for all vacancies open Thursday 3rd September 2009
- Nominations must be lodged by 4pm Thursday 10th September 2009
- Nominations must be lodged with the Returning Officer at any time during the above period at the Council Office.

The method of counting votes in the October 2009 elections will be by First Past the Post.

Comment:

The following nominations were received:

| CANDIDATES NAME | NAME TO APPEAR ON BALLOT PAPER | DATE NOMINATION ACCEPTED |
|----------------------------|-----------------------------------|---------------------------------|
| FOWLER, Hedley Brooke | Hedley Fowler | 7 th September 2009 |
| JOHNSTONE, Richard Francis | Richard Johnstone | 8 th September 2009 |
| PROWSE, Graham Charles | Graham Prowse | 8 th September 2009 |
| MAJOR, Natalie Elizabeth | Natalie Major | 9 th September 2009 |
| EARNSHAW, David Stanley | David Earnshaw | 10 th September 2009 |
| LOGIE, Jarrad Wayne | Jarrad Logie | 10 th September |
| PATERSON, Peter Colin | Peter Paterson | 10 th September |

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

For Council's information

| | |
|-----------------------------|---|
| Report Reference: | 8.4.9 |
| Subject: | Structural Reform Submission – Final Draft |
| File Reference: | 4.50.25 |
| Statutory Reference: | Nil. |
| Author & Date: | R.N. Duff 4 th September 2009 |

Background:

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

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

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

The Reform Process

Accordingly, the Local Government Reform Steering Committee released the Structural Reform Guidelines on Friday 27 February 2009. The Guidelines contain information on how the Shire needs to go about the reform process and the required format for a submission to the Minister including a checklist of sustainability that must be returned to the Steering Committee by 30 April 2009. Once the submissions are received on 31 August 2009, the Steering Committee will then provide the Minister with preferred options for reform on a state wide basis. Finalised proposals will then be referred to the Local Government Advisory Board for consideration and recommendation to allow the process to proceed within the existing Act.

Comment:

The Shire of Williams has made its position quite clear with motions dealing with each of the issues requested to be addressed by the Minister.

1. The Shire of Williams does not wish to amalgamate or re-address the issue of boundary changes
2. Elected member representation is to remain at nine (9)
3. The Shire of Williams currently has an MOU with the 4WD Group and wants to continue this relationship as it exists and that it is open to being involved in future grouping of Councils

The Structural Reform Submission has been drafted to confirm the points above. The final submission is presented to the Council meeting for formal adoption.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That Council adopt the Reform Submission presented and submit the document to the Minister for Local Government.

Johnstone/Medlen

That Council adopt the Reform Submission presented with minor amendments and submit the document to the Minister for Local Government.

**Carried 7/0
Resolution 73/10**

| | |
|-----------------------------|---|
| Report Reference: | 8.4.10 |
| Subject: | Friends of the Medical Centre |
| File Reference: | 7.70.20 |
| Statutory Reference: | Nil. |
| Author & Date: | R.N Duff 4 th September 2009 |

Background:

Letter from Friends of the Medical Centre

“As you may be aware the Friends of the Medical Centre are still in the process of becoming incorporated, however we have been active in both our fundraising and purchasing efforts in the meantime. To date we are pleased to have been able to supply the Williams Medical Centre with an INR machine (measures blood Warfarin levels), supply a skin lesion removal device and lobby for a Vital Signs Monitor. These items will relieve many Williams patients of the (sometimes weekly) necessity to travel to Narrogin to have the above procedures performed, while in other cases providing more timely treatment than was possible before.

As a result of the above purchases our bank balance is now in need of being topped up, and our thoughts have turned to fundraising possibilities. At our last meeting held on 20 August 2009 it was decided to make the following requests to Council:

- 1. Could the Friends of the Medical Centre be put on the ‘shortlist’ of organisations considered for receiving the funds generated by the Williams Refuse Site Recycling Shed once the new St John Ambulance building has been completed?*
- 2. Would Council consider allowing the Friends of the Medical Centre to use the meeting room at the Resource Centre for their meetings (4 or 5 times per year) free of charge, thereby effectively donating the hire charge of \$14 per meeting?*
- 3. In the case of goods purchased through Council’s trust fund, would Council accept the net component (without the GST) as re-imbursement?*

The above measures would be a much appreciated contribution to our ability to top up our funds in order to continue working our way through the ‘wishlist’ of items the Williams Medical Centre would consider useful. We currently have in our sights an electrocardiogram machine which is a very ambitious project but one with lifesaving potential. It may take a couple of years but will be worth the wait.”

Voting Requirements:

Simple Majority

Recommendation:

For Council’s consideration

Johnstone/Earnshaw

That Council put the Friends of the Medical Centre on the shortlist of organisations considered for receiving funds generated by the Williams Refuse Site Recycling Shed, donate the use of the Resource Centre for meetings and accept the net of GST contribution for goods purchased.

**Carried 7/0
Resolution 74/10**

| | |
|-----------------------------|--|
| Report Reference: | 8.4.11 |
| Subject: | Garden Maintenance Proposal – Williams Medical Centre |
| File Reference: | 7.70.20 |
| Statutory Reference: | Nil. |
| Author & Date: | R.N. Duff 8 th September 2009 |

Background:

The Shire of Williams has had ongoing concerns about the amenity of the grounds at the Williams Medical Centre.

At a recent meeting of the Friends of the Medical Centre Group representatives from the Wheatbelt Health District, Sean Conlon and Dee Hallett were present. At the meeting an indication was given that the Health Department would consider a proposal from the Shire of Williams to maintain the grounds at the Williams Medical Centre.

Comment:

The Shire would have the capacity to maintain the Medical Centre grounds with the existing works staff.

The proposal to the Health Department would be based on the following;

1. Initial Tidy up 1 gardener x 8 hours @ \$36.36/hr = \$290.88
2. Monthly Maintenance 1 gardener x 6 hours @ 36.36/hr = \$218.16 (Annual Cost \$2617.92)

*Consumables such as reticulation parts, fertiliser and chemicals will be billed at cost.

Maintenance carried out:

Mowing Lawns
Spraying or Hand picking weeds
Maintenance of Reticulation Systems
Pruning Plants and Trees
Fertilising Lawns & Plants

Financial Implications:

Proposal based on cost recovery

Voting Requirements:

Simple Majority

Recommendation:

For Council's consideration

Johnstone/Earnshaw

That Council enter a proposal to carry out gardens maintenance at the Medical Centre on a cost recovery basis.

**Carried 7/0
Resolution 75/10**

| | |
|-----------------------------|--|
| Report Reference: | 8.4.12 |
| Subject: | Seniors Week Activity |
| File Reference: | |
| Statutory Reference: | Nil. |
| Author & Date: | R.N. Duff 9 th September 2009 |

Background:

Letter from Debbie Kemp – Telecentre Manager

I am trying to organise a trip to Dardanup Heritage Park for the Seniors on Wednesday 28th October during Seniors Week. Seniors Week purpose and objective is to:

1. Recognise and thank seniors for their contribution to the community 2. Challenge negative stereotypes and present a positive image of ageing 3. Promote the life-course to ageing well. This involves encouraging

individuals to make decisions and take actions at every stage in their life that will optimise their health and well being into later life.

To make this trip affordable for all Seniors, we will try and obtain some funding but we were hoping the Shire may make a contribution as well towards the trip as a way of "Recognising and thanking our seniors for their contribution to the community"

Comment:

Further enquiry have found that Debbie can hire a 24 seater bus for \$320 and as a local has agreed to drive there is no need to pay a driver. Its \$12pp entry and then they will need to purchase lunch. There will not be any problems filling bus as Debbie has already had quite a few couples registering their interest.

Financial Implications:

\$320

Voting Requirements:

Simple Majority

Recommendation:

That the Shire of Williams pays for the cost of the bus for the Seniors Week Trip to Dardanup.

Medlen/Cavanagh

That the Shire of Williams pays for the cost of the bus for the Seniors Week Trip to Dardanup.

**Carried 7/0
Resolution 76/10**

Late Item

Johnstone/Earnshaw

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

**Carried 7/0
Resolution 77/10**

8.4 CHIEF EXECUTIVE OFFICER'S REPORT – LATE ITEMS

| | |
|-----------------------------|---|
| Reference: | 8.4.13 |
| Subject: | Western Australian Planning Commission – Subdivision Application 140588 – Lot 13959 Clayton Rd – Balwyn Nominees |
| File Reference: | 10.64.20 |
| Statutory Reference: | <i>Planning & Development Act 2005 & Williams Town Planning Scheme No.2</i> |
| Author & Date: | R.N Duff 16 th September 2009 |

Background:

The Western Australian Planning Commission has received an application from Balwyn Nominees to subdivide Lot 13959 into 2 lots. One lot is a Homestead Lot of 20ha and the remainder of the lot being retained for rural purposes.

Lot 13959 Clayton Rd is zoned RURAL under the Williams Town Planning Scheme No. 2 and is 1183.21ha in size.

Map and Arial Photo attached at **APPENDIX 3.**

Comment:

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

4.7 (3) (a) *There is a general presumption by Council against subdividing in the Rural zone unless:*

- (i) *the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a rural property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern or land use in the area or in lot too small for uses compatible with the prevailing use in the area or in a ribbon development alongside roads)*

In addition the WAPC have adopted Development Control Policy 3.4 “Subdivision of Rural Land” which allows for the creation of Homestead lots up to 20ha. As there is no clause in our Town Planning Scheme to address “Homestead Lots” the advice the CEO has received says that as determining authority, the WAPC Policy should be used as guide although in making their determination the WAPC should consider the the Shire of Williams Town Planning Scheme.

Council should advise that there are no objections to this application based on the following reasons:

- The proposed lot is largely remnant vegetation and not conducive to rural pursuits
- The proposed lot is compatible with smaller lots already established to the south
- The proposed lot fronts an already constructed bitumen road
- There is an existing dwelling and outbuildings on the lot which will be retained
- The proposed subdivision largely complies with WAPC Policy 3.4

Policy Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That the Shire of Williams advise the Western Australian Planning Commission that it has no objection to Application No. 140588 for the subdivision of Lot 13959 Clayton Road by Balwyn Nominees into a Homestead Lot of 20ha and the remainder of the lot being retained for rural purposes.

Prowse/Earnshaw

Recommendation

**Carried 4/3
Resolution 78/10**

8.5 DEPUTY CHIEF EXECUTIVE OFFICER’S REPORT

8.5.1 ACCOUNTS FOR PAYMENT

Cavanagh/Johnstone

That Municipal Fund cheques 102644 – 102652 and Direct Debits totalling \$51,265.87 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund EFT transfers totalling \$108,603.27 and Municipal Fund cheques totalling \$35,936.88 be approved for payment.

**Carried 7/0
Resolution 79/10**

8.5.2 FINANCIAL STATEMENTS

Johnstone/Earnshaw

That the financial statements presented for the period ending 31st August 2009 be received.

**Carried 7/0
Resolution 80/10**

8.6 COUNCILLORS

Quindanning Residents Meeting

Cr Cowcher advised that he attended a meeting called by the residents of Quindanning to discuss Council amalgamations and other issues. The meeting was also attended by the Boddington Shire President.

Several residents in the Boddington Shire expressed an interest in being part of the Shire of Williams. They are keen for the Shire of Williams to look after maintenance on part of Zilko Road, Page Road and Quindanning-Darkan Road that are in the Boddington Shire. They are also concerned with the condition of the Pinjarra-Williams Road between Quindanning and Marradong that is under the control of Main Roads WA Bunbury region.

Earnshaw/Prowse

That a joint submission with the Shire of Boddington be made to Main Roads WA Bunbury region for a significant upgrade of the Pinjarra Williams Road between Quindanning and Marradong.

**Carried 7/0
Resolution 81/10**

9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

10.1 ELECTED MEMBERS

10.2 STAFF

Nil

11.0 INFORMATION SESSION

12.0 MEETING CLOSURE

There being no further business for discussion the President wished sitting Councillors who have renominated for Council the best of luck at the forthcoming election and declared the meeting closed at 5.45pm