

## **SHIRE OF WILLIAMS**

### **MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY 21<sup>ST</sup> MARCH 2007**

#### **1.0 OPENING**

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

The President declared the meeting open at 1.00pm

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

Julie Christensen, CEO Narrogin Cottage Homes will be attending the meeting at 2.40pm to discuss the establishment of a Dementia Hostel in Narrogin.

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

##### **2.1 PRESENT**

Cr John Cowcher	President
Cr Ashkey Stone	Deputy President
Cr Gary Cowcher	
Cr Greg Cavanagh	
Cr Robert Bowden	
Cr Richard Johnstone	
Cr Moya Carne	
Cr David Earnshaw	
Cr Graham Prowse	

V Epiro	Chief Executive Officer
IR Ball	Deputy Chief Executive Officer
K Shaw	Works Supervisor ( 3.30pm – 4.30pm)
S Friend	Environmental Health Officer/Building Surveyor (4.32pm – 5.20pm)

##### **2.2 APOLOGIES**

Nil

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

Nil

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

Nil

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

Nil

## **6.0 CONFIRMATION OF PREVIOUS MINUTES**

### **6.1 ORDINARY MEETING MINUTES**

#### ***Prowse/Cavanagh***

That the minutes of the Ordinary Meeting held in the Council Chambers on Wednesday 21<sup>st</sup> February 2007, as circulated, be confirmed as a true and correct record of proceedings.

**Carried 9/0  
Resolution 158/07**

### **6.2 WILLIAMS NARROGIN NATURAL RESOURCE MANAGEMENT COMMITTEE MINUTES**

#### ***Johnstone/Earnshaw***

That the notes of the meeting of the Williams Narrogin Natural Resource Management Committee and representatives of the Shires of Williams and Narrogin held in the Council Chambers on Monday 12<sup>th</sup> February 2007, as circulated, be received.

**Carried 9/0  
Resolution 159/07**

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

Nil

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

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

<b>Report Reference:</b>	<b>8.1.1</b>
<b>Subject:</b>	<b>Lease for Office – Ag WA</b>
<b>File Reference:</b>	13.10.10
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	V. Epiro 1 <sup>st</sup> March 2007

#### **Background:**

The Department of Agriculture are leasing an office in the Community Resource Centre for Alex Stewart. The lease expired on 3<sup>rd</sup> January 2007 and the Department is now seeking the lease until 31<sup>st</sup> January 2008 with an option to renew it for another 5 months until 30<sup>th</sup> June 2008. This is to bring the lease into line with the financial year in order that CPI increases can be applied which is currently \$115 per week and will be reviewed in June 2008.

The Lease needs to be endorsed by Council and signed and sealed accordingly.

***Recommendation:***

*That the lease with the Department of Agriculture be signed and sealed by the President and the Chief Executive Officer.*

***Stone/Cavanagh***

That the lease with the Department of Agriculture be signed and sealed by the President and the Chief Executive Officer.

**Carried 9/0  
Resolution 160/07**

<b>Report Reference:</b>	<b>8.1.2</b>
<b>Subject:</b>	<b>Williams Repertory Club – Williams Hall (see Appendix 1)</b>
<b>File Reference:</b>	11.10.30
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	V. Epiro 1 <sup>st</sup> March 2007

**Background:**

The Williams Repertory Club are seeking enclosure of the hall bar and an upgrade of the hall cutlery. In their letter the Club request a roller door for the bar servery and a door to enforce the provisions of the liquor license regarding closing times.

Builder Steve Hyde has inspected the bar and advised that the enclosure could be added for around \$1,500. In regard to the cutlery, a five (5) piece setting for 250 people would cost around \$2,000.

The present cutlery is looking a bit aged and perhaps could be used for hiring if Council believes a new set is warranted.

Council needs to determine if enclosure of the bar is warranted as this has never been raised as a problem before.

***Recommendation:***

*That enclosure of the bar and purchase of a new cutlery set be considered in the 2007/2008 budget estimate.*

***Bowden/Prowse***

That the Repertory Club be advised, Council considers that alterations to the hall bar are not warranted.

**Carried 9/0  
Resolution 161/07**

***Carne/Cavanagh***

That the purchase of a new cutlery set be considered in the 2007/2008 budget estimate.

**Carried 9/0  
Resolution 162/07**

<b>Report Reference:</b>	<b>8.1.3</b>
<b>Subject:</b>	<b>Williams Swimming Pool (see Appendix 2)</b>
<b>File Reference:</b>	11.20.20
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	V. Epiro 2 <sup>nd</sup> March 2007

**Background:**

Councillors would have received an e-mail report on the Swimming Pool from Community Development Officer Heidi Cowcher which contained a survey conducted by Chris Cowcher of parents at VacSwim lessons. A perusal of the survey indicates that there is support for a major upgrade of the pool. Notwithstanding that this is a small survey, it is suggested that Council give serious consideration to either doing a community survey, holding a community forum or engaging a consultant to prepare a report for an upgrade, which would be eligible for funding.

As Council is aware there were funding applications submitted in 2006/2007 for fencing and shade structures with only a grant of \$3,000 for fencing and equipment being successful.

Council is aware that the plant is in serious need of replacement and this could be coupled with any future upgrade. There is no doubt that after some 30 years the future of the pool needs to be debated by the Council and the community.

**Recommendation:**

*That Council give consideration to a major upgrade of the Williams Swimming Pool.*

**Stone/Bowden**

That Architect Franco Carrozi be engaged to survey the swimming pool buildings and to prepare a plan for the redevelopment and upgrade in liaison with the Pool Committee.

**Carried 9/0  
Resolution 163/07**

**Carne/Earnshaw**

That John Heerey, Purewater Pool Services be engaged to survey the Swimming Pool Plant Room and prepare a report for upgrade.

**Carried 9/0  
Resolution 164/07**

<b>Report Reference:</b>	<b>8.1.4</b>
<b>Subject:</b>	<b>Road Inspection Report (see Appendix 3)</b>
<b>File Reference:</b>	12.15.36
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	V. Epiro 2 <sup>nd</sup> March 2007

**Background:**

A report on the recent road inspection is contained in the appendix. The following items require Council consideration:

- Narrakine Road – re-alignment of section from Johnstone Road to Kennedy Road. Endorsement of sealing for Roads to Recovery program.
- Piesse Street drainage – consider the re-alignment of existing pipes and sealing of open drain.

***Recommendation:***

*For Council's consideration.*

To be discussed in conjunction with the Works Supervisor.

<b>Report Reference:</b>	<b>8.1.5</b>
<b>Subject:</b>	<b>Communications Tower Site, Lot 12026 Bates Road (see Appendix 4)</b>
<b>File Reference:</b>	5.10.60
<b>Statutory Reference:</b>	<i>Land Communications Act 1997</i>
<b>Author &amp; Date:</b>	V. Epiro 12 <sup>th</sup> March 2007

**Background:**

The appendix contains further correspondence in relation to the communications tower, following advice forwarded by Council's solicitors McLeods to Gibson, Tovey & Associates (solicitors for RN Petchell).

The Department of Planning and Infrastructure have been instructed to commence action for resumption of the site.

Surveyor Peter Gow is currently preparing a survey plan of the site to be submitted to the Department of Planning and Infrastructure for the resumption.

***Recommendation:***

*For Council information.*

<b>Report Reference:</b>	<b>8.1.6</b>
<b>Subject:</b>	<b>Optomize Pty Ltd, Proposal for Subdivision of Lots 15 &amp; 8 (Growse Street) and Lots 11 &amp; 13 (Rosselloty Street) (see Appendix 5)</b>
<b>File Reference:</b>	10.64.20
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	V. Epiro 12 <sup>th</sup> March 2007

**Background:**

Optomize Pty Ltd are seeking Council's comment on a proposed subdivision of four serviced lots in the Williams townsite.

The proposal was also sent to Planner David Gray for comment (see appendix). He recommends support of the proposal which complies with the site area per dwelling requirements of the Residential Design Codes for R20. His (David Gray) recommendation is for the access way for lots 8 & 15 to be extended to the ROW and small truncations to be made at both ends of the access way. As David Gray mentioned in his e-mail, this could be an incentive for other landowners with large lots to subdivide and create lots within the R20 density code.

This proposal is only a concept plan as a formal subdivision application has to be lodged with the WA Planning commission.

***Recommendation:***

*That the concept plan proposal for lots 8 & 15 Growse Street and 11 & 13 Rosselloty Street be supported subject to the access way being from Growse Street to the ROW and truncations being included at both ends of the access way.*

***Stone/Johnstone***

That the concept plan proposal for lots 8 & 15 Growse Street and 11 & 13 Rosselloty Street be supported in principal subject to the access way being from Growse Street to the ROW and truncations being included at both ends of the access way.

**Carried 9/0  
Resolution 165/07**

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

***Cavanagh/Earnshaw***

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

**Carried 9/0  
Resolution 166/07**

<b>Report Reference:</b>	<b>8.1.7</b>
<b>Subject:</b>	<b>Williams Fire and Rescue Services – Pavilion Hire</b>
<b>File Reference:</b>	11.30.45
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	V. Epiro 19 <sup>th</sup> March 2007

**Background:**

On the 16<sup>th</sup> November 2006, the Williams Fire and Rescue Service and St John Ambulance held a joint dinner and service medal presentation evening in the sports pavilion.

The Williams Fire and Rescue Services are seeking a donation of the hire fee (\$120) on the basis that they are a voluntary organisation.

Council makes an annual donation of the hall hire fee to the Williams Lions Club for the senior citizens' Christmas dinner.

***Recommendation:***

*That a donation of \$120 (Pavilion hire fee) be made to the Williams Fire and Rescue Service.*

***Johnstone/Bowden***

That a donation of \$120 (Pavilion hire fee) be made to the Williams Fire and Rescue Service.

**Carried 9/0  
Resolution 167/07**

<b>Report Reference:</b>	<b>8.1.8</b>
<b>Subject:</b>	<b>Central Country Zone – State Council Representation</b>
<b>File Reference:</b>	4.12.10
<b>Statutory Reference:</b>	<i>Central Country Zone Constitution 2005</i>
<b>Author &amp; Date:</b>	V. Epiro 19 <sup>th</sup> March 2007

**Background:**

Cr Ian Watts (Cuballing) has resigned as Zone Representative to GALGA, a position he has held since 1994.

Nominations are now being invited for the position of representative.

**Recommendation:**

*For Council's information.*

<b>Report Reference:</b>	<b>8.1.9</b>
<b>Subject:</b>	<b>Central Country Zone – Agenda for Meeting 30<sup>th</sup> March 2007</b>
<b>File Reference:</b>	4.12.10
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	V. Epiro 19 <sup>th</sup> March 2007

**Background:**

The agenda will be tabled at the meeting for Council to consider items.

**Recommendation:**

*For Council's consideration.*

Cr J Cowcher and Cr Stone attending as Council's delegates.

<b>Report Reference:</b>	<b>8.1.10</b>
<b>Subject:</b>	<b>Wheatbelt Health Service Plan – Discussion Paper</b>
<b>File Reference:</b>	7.10.20
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	V. Epiro 19 <sup>th</sup> March 2007

**Background:**

Comment on the Wheatbelt Health Service Plan is being invited up to 20<sup>th</sup> April 2007.

The plan is available for any Councillor interested.

**Recommendation:**

*For Council's information.*

<b>Report Reference:</b>	<b>8.1.11</b>
<b>Subject:</b>	<b>Head Gardener/Dog Catcher</b>
<b>File Reference:</b>	
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	V. Epiro 19 <sup>th</sup> March 2007

**Background:**

The Chief Executive Officer raised the issue of Leon Bertuola (Head Gardener/Ranger) responding to frequent call-outs after hours for straying animals. It is recommended that Leon Bertuola be allowed to garage the gardener's vehicle at home to respond to after hour call-outs.

**Cavanagh/Earnshaw**

That the head gardener/ranger be granted approval to garage the Council utility home for on call duties.

**Carried 9/0  
Resolution 169/07**

<b>Report Reference:</b>	<b>8.1.12</b>
<b>Subject:</b>	<b>House Lot Fry Street</b>
<b>File Reference:</b>	
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	V. Epiro 19 <sup>th</sup> March 2007

**Background:**

The Chief Executive Officer advised that the structural engineer's report had still not been received on the residence at 13 Fry Street, Williams.

Resolved that Ray White Narrogin be requested to provide an appraisal of the house and vacant land.

**Carried 9/0  
Resolution 170/07**

Julie Christensen and Mel Crosby from Narrogin Cottage Homes attended the meeting at 2.30pm to discuss the establishment of "Dryandra Gardens" a dementia specific facility in Narrogin.

Ms Christensen gave a brief background on the Narrogin Cottage Homes.

Mr Crosby gave a overview of the background and progress of the plan to establish the dementia facility.

They are asking the Shire of Williams to:

1. Give an expression of interest in regards to the proposed project to the Narrogin Cottage Homes Committee.
2. Endorse the use of the local Williams Newsletter to keep the community informed of the project progress.
3. Consider financial assistance during the fundraising process either as an initial contribution and/or an annual contribution if the project is found to be viable.

**Afternoon Tea**

**Council adjourned for afternoon tea at 3.00pm and resumed the meeting at 3.30pm**

Works Supervisor Keith Shaw attended the meeting at 3.00pm to discuss his report.

**8.3 WORKS SUPERVISORS REPORT**

**Maintenance Grading**

Hurley Rd , Dardadine Rd, Tarwonga Rd, Culbin/Boraning Rd, Wangeling Gully Rd, Zilco Rd, Tinshed Rd, Cowcher Rd, English Rd, Taylor Rd.

**Maintenance Works**

Head walls, Pig Gully Rd.

### **Construction**

Gravel sheeted corners on Quindanning/Darkan Rd north and south, seems to have made an improvement, we have ordered new signage for these corners including suggested speed signs.  
Replaced culvert on flood way Quindanning/Darkan Rd with 4x450mm concrete pipes.  
Concrete ring beam has been poured for new water tank at the depot.

### **Mechanical Report**

Volvo grader received its first service and had a lift ram seal replaced, bell housing has arrived for the multipack roller; the machine is in Perth getting it replaced.  
The pacific roller has put a rod through the engine, will need to be replaced or just put the machine in moth balls.

### **Private Works**

SRS shoulder maintenance Williams/Pinjarra Rd, north from Quindanning.

### **Traffic Counter Counts**

Narrakine Rd    273 vehicles  
Marradong Rd   492 vehicles  
Hurley Rd        255 vehicles

Further to the discussion from the last meeting about a bonus system for the employees, I suggest that we call it a safety bonus which is paid every quarter and works like this: if no damage or safety issues, all get the bonus, if there is damage or safety issue those involved get 0% of the bonus the rest get 50%, if there is a second issue in the same period no one gets anything.

The search for a second hand float does not go well; some dealers have a list of 20 people looking for a float. We might have to think about a new one, for which I got some prices from Howard Porter and SFM; a basic float starts around \$60,000.00 to \$75,000.00 with all the options, just remember this trailer will last 20 plus years.

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

That the Works Supervisor's Report be received.

**Carried 9/0  
Resolution 171/07**

### ***Earnshaw/G Cowcher***

That quotations be invited for the purchase and removal of the Pacific Roller.

**Carried 9/0  
Resolution 172/07**

### **Narrakine Road Realignment**

Crs J Cowcher and Carne declared an interest in this item and left the meeting at 4.10pm

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

That Narrakine Road, as part of the Roads to Recovery programme, be realigned on the northern side from Kennedy Road to Johnstone Road.

**Carried 7/0  
Resolution 173/07**

**Crs J Cowcher and Carne returned to the meeting at 4.25pm**

**Piesse Street Drainage**

*Bowden/Johnstone*

That all driveway culverts in Piesse Street be realigned and set to the correct levels and the open drain reconstructed and sealed as part of the Roads to Recovery funding.

**Carried 9/0  
Resolution 174/07**

**Mr Shaw left the meeting at 4.30pm**

**Environmental Health Officer/ Building Surveyor attended the meeting at 4.32pm to discuss his report.**

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

**Building Permits**

#185	S Rintoul	Lot 7667 Rintoul Rd, Williams	Colorbond dwelling
#186	P&T Babic	Lot 451 Growse St, Williams	Hardiplank & iron dwelling
#187	Great Southern Sheds	Lot 16 Millbrook Pl, Williams	Colorbond shed

Building inspections ongoing.

**Environmental Health Inspections**

Williams Hotel

Several small issues were dealt with at the time of inspection with the licensee.

**Private Swimming Pool Inspections**

Two were undertaken, one was satisfactory and the other had a small issue and will be re-inspected.

**Meetings attended**

Two meetings were attended, one with the Water Corporation and GHD regards wastewater recycling. The other meeting was with Cleanaway in regards to more recycling service options for Williams.

*Prowse/Earnshaw*

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

**Carried 9/0  
Resolution 175/07**

**Granny Flats**

*Johnstone/Cavanagh*

That Council have no objection to the proposals presented by N Goodridge and G Eustice regarding setback for proposed Granny Flats subject to satisfactory plans and specifications being presented.

**Carried 9/0  
Resolution 176/07**

## **Sea Container Policy**

### ***Cavanagh/Carne***

That Council adopt the following policy in regard to the use of sea containers:  
12 month temporary storage use allowed on residential and commercial land on application.  
Building permit required for establishment on industrial land.

**Carried 9/0  
Resolution 177/07**

Mr Friend left the meeting at 5.20pm

## **8.2 DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT**

### **8.2.1 ACCOUNTS FOR PAYMENT**

#### ***Stone/G Cowcher***

That Municipal Fund cheques 100549 to 100562 and direct debits totaling \$86,582.25 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund cheques 100563 to 100613 totaling \$154,769.59 be approved for payment.

**Carried 9/0  
Resolution 178/07**

### **8.2.2 FINANCIAL STATEMENTS**

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

That the financial statements presented for the period ending 28<sup>th</sup> February 2007 be received.

**Carried 9/0  
Resolution 179/07**

<b>Report Reference:</b>	<b>8.2.3</b>
<b>Subject:</b>	<b>Sale of Land for Rates</b>
<b>File Reference:</b>	3.2.3
<b>Statutory Reference:</b>	Section 6.63 to 6.75 of the <i>Local Government Act 1995</i>
<b>Author &amp; Date:</b>	Ian Ball 9 <sup>th</sup> March 2007

#### **Background:**

On the 6<sup>th</sup> December 2006 Council advertised a notice requiring payment of outstanding rates or service charges on the land listed below within three months otherwise the land would be offered for sale by public auction at a time and place appointed by Council.

Anglo Estates Pty Ltd	Lot 193 Lavender Street, Williams	\$5,842.05
Robin Joseph Wilson	Certificate of Title	
Janice Lorraine Wilson	Volume 1915 Folio 742	
Anglo Estates Pty Ltd	Lot 194 Narrogin Road, Williams	\$6,059.55
Robin Joseph Wilson	Certificate of Title	
Janice Lorraine Wilson	Volume 1915 Folio 741	

Gary Patrick	Lot 259 Narrogin Road, Williams	\$5,383.10
Christopher Curtis	Certificate of Title	
	Volume 1871 Folio 106	
Gary Patrick	Lot 261 Narrogin Road, Williams	\$5,383.10
Christopher Curtis	Certificate of Title	
	Volume 1871 Folio 106	
Craig Alan Moad	Lot 263 Narrogin Road, Williams	\$5,383.10
	Certificate of Title	
	Volume 2026 Folio 366	
Jose Juneval Olival	Lot 205 Lavender Street, Williams	\$4,368.00
Lucilia Olival	Certificate of Title	
	Volume 2125 Folio 43	
Jose Juneval Olival	Lot 206 Narrogin Road, Williams	\$4,368.00
Lucilia Olival	Certificate of Title	
	Volume 2125 Folio 44	
Mark Peter Johnston	Lot 28 Albany Highway, Williams	\$2,850.55
Natalie Janine Johnston	Certificate of Title	
	Volume 2164 Folio 881	
Lynette Lesley Coutts	Lot 213 Lavender Street, Williams	\$5,974.85
	Certificate of Title	
	Volume 2084 Folio 260	
Lynette Lesley Coutts	Lot 214 Narrogin Road, Williams	\$4,413.65
	Certificate of Title	
	Volume 2084 Folio 261	

Also Council forwarded notices to the following landholders requiring payment of rates or service charges within three months otherwise the land would be offered for sale by public auction at a time and a place appointed by Council.

Ermalinda Lira	Lot 3 Channon Street, Williams	\$1,690.40
Carlo Armando Moccia	Certificate of Title	
	Volume 2142 Folio 137	
Ermalinda Lira	Lot 167 Channon Street, Williams	\$1,690.40
Carlo Armando Moccia	Certificate of Title	
	Volume 2075 Folio 158	
Ermalinda Lira	Lot 168 Lavender Street, Williams	\$1,690.40
Carlo Armando Moccia	Certificate of Title	
	Volume 2075 Folio 159	

Ermalinda Lira	Lot 181 Lavender Street, Williams	\$1,690.40
Carlo Armando Moccia	Certificate of Title	
	Volume 2142 Folio 137	
Ermalinda Lira	Lot 180 Lavender Street, Williams	\$1,690.40
Carlo Armando Moccia	Certificate of Title	
	Volume 2142 Folio 137	
Archille Joseph Moccia	Lot 169 Channon Street, Williams	\$1,690.40
Carlo Armando Moccia	Certificate of Title	
	Volume 2060 Folio 513	

Council must appoint a time between 3 and 12 months from the service of the notice at which time the land may be offered for sale. Council must advertise the sale by giving statewide notice. In addition the notice may be given by other means Council considers necessary or desirable, e.g. on Council's website.

Council's power of sale includes:

1. the power to sell the land (in whole or in part, together on in lots) by public auction, or by private treaty if the land has been offered, though not sold, by public auction.
2. the power to impose terms and conditions Council thinks fit, for instance the payment arrangements and the fixing of a reserve price
3. the power to vary a contract of sale by agreement and to buy in at the auction
4. the power to rescind a contract of sale on default of the other party, without being answerable for loss occasioned by the recession and re-sale
5. the power to make thoroughfares, grant easements of right of way or drainage over the land as the circumstances require and as Council thinks fit.

Council is required to apply the proceeds from the sale of the land in the manner set out in Schedule 6.3/5. This lists the priority of payment allocation from the proceeds, summarised as follows:

1. The costs and charges and expenses incurred by Council in the land sale process
2.
  - 2.1. unpaid rates and services charges on the land
  - 2.2. costs and other money due or unpaid by the Crown or and instrumentality of the Crown (eg state agency of department)
  - 2.3. other amounts due to the Local Government under the Act or other written law

Where insufficient funds remain after the first step has taken place, Schedule 6.3/5 (b) (III) provides detail of how any remaining sale proceeds are to be distributed:

3. vendor's costs and expenses relating to conferring of title upon the purchaser of the land
4. the discharge of a charge on the land relating to drainage and sewerage connection and fittings
5. the discharge of other mortgages and encumbrances on the land both registered and unregistered
6. within 12 months, payment of any sale proceeds that remain to the person or persons with an entitlement to the land but for the sale.

***Recommendation:***

1. *That a date and place be set for the conduct of an auction to offer the above land for sale.*
2. *That a licensed auctioneer be appointed to conduct the auction*
3. *That reserve prices be set for each block of land offered for sale by auction.*

**Earnshaw/Cavanagh**

That Landmark be contracted to offer the above land for sale by auction on Saturday 7<sup>th</sup> July 2007 in the RSL Hall with the reserve price for each lot set at \$7,500.00.

**Carried 9/0  
Resolution 180/07**

<b>Report Reference:</b>	<b>8.2.4</b>
<b>Subject:</b>	<b>Insurance Policies</b>
<b>File Reference:</b>	4.22.60
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	Ian Ball                      9 <sup>th</sup> March 2007

**Background:**

Following is a summary of insurance cover arranged with Local Government Insurance Services for 2007/2008:

**Bushfire**

Scope of cover:

Legal Liability to employees in accordance with the *Bushfire Act 1954* (as amended) and the *WA Workers Compensation, Rehabilitation and Assistance Act 1981*.

**Casual Hirers Liability**

Scope of cover:

General Liability – Legal Liability to Third Parties for:

- death, illness or personal/bodily injury
- loss or damage to property

during the period of insurance as a result of an occurrence happening in connection with the business of the Insured.

Products Liability – Legal Liability to Third Parties for:

- death, illness or personal/bodily injury
- loss or damage to property

during the period of insurance as a result of an occurrence and caused by the nature, condition and quality of any of the Insured products sold or supplied by the Insured.

**Councillors & Officers Liability**

Scope of cover:

The insureds legal liability for Wrongful Acts under applicable company indemnity laws or agreements, provided the claim is first made against the Insured during the Policy Period.

**Motor Vehicle & Plant**

Scope of cover:

Section 1:            Loss or Damage to the vehicle

Section 2:            Third Party Bodily Injury & Property Damage Liability

**Marine Cargo**

Scope of cover:

Loss or damage to interest insured. As per insurer's policy plus attached additional clauses.

- Jettison of Goods & Livestock
- Removal of Debris – Limited to \$25,000
- Delayed Unpacking
- Brands

- Acquired Companies
- Packers

### **Fidelity Guarantee**

Scope of cover:

Direct pecuniary loss of money, negotiable instruments or goods caused by acts of fraud or dishonesty by any employee. **Note:** This policy is subject to a limited discovery period. Please refer to the policy for details.

### **Personal Accident / Travel**

Scope of cover:

Covering Insured persons for accidental injury only whilst engaged in any activity directly or indirectly connected with or on behalf of the Authority including travel to and/or from any such activity unless otherwise limited by the policy.

Travel includes a journey by air in any aircraft owned and/or operated by a recognised Airline or licensed Charter Company.

### **Journey Inquiry**

Scope of cover:

Bodily Injury to Employees of the Insured whilst engaged in a Journey to and from their residence and place of work or to a place of training for work.

### **Municipal Property Scheme**

Scope of cover:

Industrial Special Risks –

#### Section 1 – Material Loss or Damage

All real and personal property of every kind and description (except as excluded in the Policy Document) belonging to the Insured or for which the Insured is responsible or has assumed responsibility to insure prior to the occurrence of any damage including all such property in which the insured may acquire an insurable interest during the Period of Insurance.

#### Section 2 – Business Interruption

Loss of revenue and increased cost of working as a result of a claim under Section 1 (as defined in the policy)

Electronic Equipment Breakdown –

This policy provides indemnity for sudden and unforeseen damage to specified Electronic Equipment whilst located at the Insured's situation/s.

### **Municipal Liability Scheme**

The Municipal Liability Scheme (MLS) has been operating as the preferred provider of Public Liability and Professional Indemnity Insurance cover to all WA Local Authorities since 1995.

Membership of the Scheme has allowed Councils to take full advantage of the benefits of pooled cover or self insurance particularly in terms of cost, member services and logistic support.

The cover provided by NLS is in two parts:

- (1) Pooled cover – this is the amount of “self insurance” by the members of MLS. This level is set each fund year by the Board of Directors and is currently \$2,000,000 each claim.
- (2) Indemnity Cover – the MLS on behalf of its members also purchases Excess of Loss Insurance from the international insurance market. Currently the extend of Excess of Loss is \$98,000,000 in excess of the POOLED COVER. Additionally, MLS may re-insure all or part of its' Pooled

Cover from time to time. However, the MLS stands behind this limit regardless of the capacity to recover from such re-insurances.

### **Municipal WorkCare Scheme**

The self insured Workers Compensation Scheme was established in 1995 by the Western Australian Local Government Association (WALGA) and participating Councils specifically to cater for the unique requirements of local government.

All members of the Scheme are covered pursuant to the *Workers' Compensation and Injury Management Act 1981* and unlimited Common Law.

In addition, a separate policy has been taken out by the Scheme covering Councils for unlimited Excess Employers Liability Re-insurance for claims above \$500,000 (indexed).

Insurances that are available and not taken out by Council include:

Carrier's Liability – Carriers Legal Liability for loss of or damage to customer's goods and /or merchandise in transit.

Airport Owners & Operators Liability – Council does not own or operate a facility

Contract Works – over \$250,000 in value – provides indemnity for accidental physical loss or damage to buildings and other works during construction, renovation or extension. Demolition costs, tools and equipment used at the contract site and professional fees can be included.

Employee Income Protection

Local Government Pollution Legal Liability – indemnifies Council for claims made and notified during the policy period in respect of legal liability for injury or property damage caused by pollution including legal costs and the costs of removing, rendering harmless or cleaning up any substance which has caused or would cause environmental damage.

Marine Hull / Pleasurecraft – covers physical loss of or damage and legal liability arising out of ownership or operation of pleasure craft.

Salary Continuance – provides cover for part payment of salary until normal retirement age for employees who are disabled as a consequence of accident or illness which prevents their returning to work.

Councillors and Officers Employment Practices Liability Extension – indemnifies Council and individual employees for damages and legal costs incurred in defending claims by employees with respect to breach of contract of employment and other employment related claims. The cover is available both as a stand alone policy or as an extension to Councillors' and officers' liability insurance policies.

### ***Recommendation:***

*That Council endorse the renewal of insurance policies for 2007/2008 as listed.*

### ***Stone/Earnshaw***

That Council endorse the renewal of insurance policies for 2007/2008 as listed.

**Carried 9/0  
Resolution 181/07**

<b>Report Reference:</b>	<b>8.2.5</b>
<b>Subject:</b>	<b>Property Insurance</b>
<b>File Reference:</b>	4.22.60
<b>Statutory Reference:</b>	N/A
<b>Author &amp; Date:</b>	Ian Ball                      9 <sup>th</sup> March 2007

**Background:**

Council's property insurance has the following endorsement:

**Average Clause – Under Insurance**

This means that Council should insure for full value which may be replacement, indemnity or market value depending on the type of insurance cover arranged. If you are under insured your claim may be reduced in proportion to the amount of under insurance.

The property values currently used for Council's insurance cover is the original purchase/construction cost plus annual percentage increases. Whilst some building values using this method would be reasonably accurate, others are definitely way off replacement value. To accurately gauge replacement values for buildings such as the Hall, Office and Pavilion/Grandstand would require the service of experienced property valuers. Local Government Insurance Services have made an arrangement with Australian Valuation Partners to carry out this service. They estimate the cost to come to Williams to inspect all properties and provide an insurance valuation to be \$8,200. The Municipal Liability Scheme will rebate 40% (\$3,280) once the valuation is done. This leaves a net cost of \$4,920 to Council to update the insurance property register values.

Council may elect to leave some buildings out of the valuation process if they think that these buildings would not be replaced in a case of a total loss of the building. Council may also elect to leave the building values or review the values in house. Either way Council and administration have to be comfortable with the level of cover and the risk involved.

**Recommendation:**

*That Australian Valuation Partners be contracted to inspect all properties and provide an insurance valuation for the 2007/2008 property insurance renewal.*

**G Cowcher/Prowse**

That a decision on the property valuations be deferred to the April 2007 meeting when a current schedule of property valuations is presented to Council for consideration.

**Carried 9/0  
Resolution 182/07**

**"Dryandra Gardens" Dementia Care Housing**

**Johnstone/Prowse**

That Council give an expression of interest in regard to the dementia care project proposed by the Narrogin Cottage Homes Committee.

**Carried 9/0  
Resolution 183/07**

**8.5 COUNCILLORS**

**8.5.1 Regional Refuse Facility**

Cr Prowse reported that together with the Chief Executive Officer he attended a meeting in Wagin with surrounding Shires regarding the establishment of a regional refuse facility in Wagin. The meeting was only to get the feeling of the Councils. Another meeting has been called with officers from the Department of Environment and the Municipal Waste Advisory Council present to advise on funding and establishment.

**8.5.2 Williams Darkan Railway Reserve Trail**

Cr Earnshaw advised that he attended an informal meeting to discuss the proposal to establish a walk trail on the railway reserve from Williams to Darkan. Farmers with land adjoining the reserve from Culbin to Josberry were

invited to the meeting. The farmers were generally not appeased by the committee and did not consider that their problems were being addressed.

**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 declared the meeting closed at 6.30pm