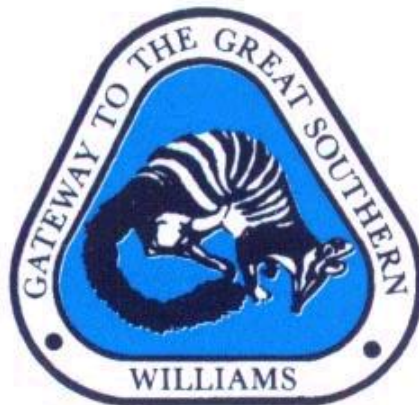


SHIRE OF WILLIAMS

***MINUTES OF THE ORDINARY MEETING HELD ON
WEDNESDAY 17TH DECEMBER 2014***



COUNCIL DIARY

WEDNESDAY 17TH DECEMBER 2014

12.00pm

Audit Committee Meeting

WEDNESDAY 17TH DECEMBER 2014

1.00pm

Ordinary Meeting

THURSDAY 18TH DECEMBER 2014

6.30pm

Council Staff Christmas Party

MONDAY 26TH JANUARY 2015

8.00am

Australia Day Breakfast

WEDNESDAY 18TH FEBRUARY 2015

1.00pm

Ordinary Meeting



MINUTES – ORDINARY MEETING OF COUNCIL HELD 17TH DECEMBER 2014

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MINUTES – ORDINARY MEETING OF COUNCIL HELD 17TH DECEMBER 2014

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SEPARATE DOCUMENTS

1. Minutes
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4. Financial Statements
5. Status Report
6. Info Statement



SHIRE OF WILLIAMS

BROOKING STREET, WILLIAMS, WESTERN AUSTRALIA.

OFFICE HOURS: MONDAY TO FRIDAY: 8.30 a.m. to 5.00 p.m.

TELEPHONE (08) 9885 1005 FACSIMILE (08) 9885 1020 EMAIL shire@williams.wa.gov.au

All communications to be addressed to the Chief Executive Officer, P.O. Box 96, Williams, W.A. 6391.

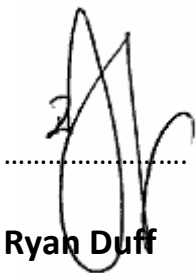
Your Ref:

Our Ref:

NOTICE OF MEETING

You are respectfully advised that the next ordinary meeting of Council will be held in the Council Chambers at 1.00pm, preceded by the Audit Committee Meeting at 12.00pm, on Wednesday 17th December 2014.

Yours faithfully



Ryan Duff
Chief Executive Officer



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Williams for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Williams disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Williams during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Williams. The Shire of Williams warns that anyone who has any application lodged with the Shire of Williams must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Williams in respect of the application.



AGENDA

1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 1.00pm.

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(PREVIOUSLY APPROVED)

Cr John Cowcher President

Cr David Earnshaw Deputy President

Cr Greg Cavanagh

Cr Richard Johnstone

Cr Gilbert Medlen (until 3.01pm)

Cr Natalie Major

Cr Peter Paterson

Cr Moya Carne

Ryan Duff Chief Executive Officer

Cara Ryan Manager of Finance

Heidi Cowcher Economic Development Officer (1.03pm to 1.21pm)

Tony Kett Works Supervisor (1.23pm to 1.36pm)

Steve Friend Environ. Health Officer/Building Surveyor (1.37pm to 2.06pm)

Apologies

Cr Jarrad Logie

3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

Connor Earnshaw and George Fowler have been invited to make a short presentation at 2:30pm on their experience at the Y20 Youth Summit, and their aspirations for the Wheatbelt and their community for the future.



5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	
Item No. / Subject	
Type of Interest	

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 ORDINARY COUNCIL MEETING HELD 19TH NOVEMBER 2014

Officer's Recommendation

That the Minutes of the Ordinary Meeting held on 19th November 2014, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Earnshaw/Carne

That the Minutes of the Ordinary Meeting held on 19th November 2014, as previously circulated, be confirmed as a true and accurate record.

**Carried 8/0
Resolution 130/15**

6.2 LEMC MINUTES HELD 2ND DECEMBER 2014

Officer's Recommendation

That the Minutes of the LEMC Meeting held on 2nd December 2014, as previously circulated, be received.

Council Resolution

Major/Johnstone

That the Minutes of the LEMC Meeting held on 2nd December 2014, as previously circulated, be received.

**Carried 8/0
Resolution 131/15**



6.3 AUDIT COMMITTEE MINUTES HELD 17TH DECEMBER 2014

Officer's Recommendation

That the Minutes of the Audit Committee Meeting held on 17th December 2014, as previously circulated, be received.

Council Resolution

Johnstone/Medlen

That the Minutes of the Audit Committee Meeting held on 17th December 2014, as previously circulated, be received.

Carried 8/0
Resolution 132/15

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.0 REPORTS



8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

The Economic Development Officer Heidi Cowcher entered the meeting at 1.03pm.

8.1.1 DEPARTMENT OF VETERAN'S AFFAIRS – DEED OF AGREEMENT FOR RCTI

File Reference	EDO Files	
Statutory Reference	N/A	
Author & Date	Heidi Cowcher	10 th December 2014

Background

The Shire of Williams submitted an application to the Department of Veteran's Affairs Anzac Centenary Local Grants program in February 2014 requesting a contribution of \$3300 to a project worth \$17,883 (with additional funding requests submitted to Lotterywest for \$9093 and Saluting their Service Commemorations Program for \$3300). On 2nd October 2014, the Shire received advice that the funding had been approved by the Minister.

Comment

Subsequent to the funding being approved, the Shire of Williams is now required to place the common seal on the RCTI (Recipient Created Tax Invoice) Deed of Agreement form, which has been done and the document signed by the Chief Executive Officer as required.

Financial Implications

In-kind – site works and project management

Voting Requirements

Simple Majority

Officers Recommendation

That Council endorses the signing and sealing of the Deed of Agreement between Recipient and Supplier for the Provision of Recipient Created Tax Invoices between the Shire of Williams and the Department of Veteran's Affairs.

Council Resolution

Paterson/Earnshaw

That Council endorses the signing and sealing of the Deed of Agreement between Recipient and Supplier for the Provision of Recipient Created Tax Invoices between the Shire of Williams and the Department of Veteran's Affairs.

Carried 8/0
Resolution 133/15



8.1.2 4WDL WELL AGED HOUSING PROJECT

File Reference	EDO Files	
Statutory Reference	N/A	
Author & Date	Heidi Cowcher	10 th December 2014

Background

The Shire of Williams, as lead agency on behalf of the 4WDL/Kent Regional Group, has secured to date the following funding:

- CLGF Regional Funding 2011/12 (complete construction of 10 units)
 - \$1,972,409 (all funding has been expended)
- R4R Regional Community Services Funding (construction of 14 units)
 - \$5,023,646 (\$2,526,416 remaining to spend)
- CLGF Regional Funding 2012/13 (construction of 7 units)
 - \$1,972,409 (\$950,595 remaining to spend)

The Williams allocations from these funding sources are as follows:

- 2011/12 funding \$389,449 (plus interest) 2 units
- RCSF funding \$715,000 (plus interest) 2 units
- 2012/13 funding \$183,162 (plus interest) 1 unit

Comment

The 2011/12 CLGFR allocation of \$1,972,409 (plus interest) has all been expended as at 30th September. At the completion of the expenditure of the funding, and therefore the project, there needs to be a total of 10 units completed across the project area to meet the outcomes as identified in the FAA.

The final report and auditors report is due 31st December. Once this report is submitted, this will complete the reporting requirements for the 2011/12 CLGFR funding, and therefore the first stage of the project being the construction of 10 units funded from the 2010/11 CLGFR and the 2011/12 CLGFR combined. The template for the Final Report is still to be received from the Department, despite advice being provided to the Department on 25th September that the project was complete. The final report and audit will be completed once the template has been received.

The RCSF funding is due for completion 10th May 2015. The final instalment (\$1,507,094) is due when evidence can be shown to the Department that construction is at 70% complete. Update on RCSF expenditure:

Shire	Funds allocated	Remaining	% complete	Units to be built
West Arthur	\$415,100	\$163,978	60.65%	2 (under construction)
Williams	\$715,000	\$11,753	98.36%	2 (complete)
Wagin	\$688,130	\$352,132	49.03%	2 (under construction)
Dumbleyung	\$664,400	\$433,514	35.01%	2 (under construction)
Lake Grace	\$978,930	\$428,477	56.40%	3 (1 completed in LG, 2 under construction in Newdegate)
Woodanilling	\$707,600	\$132,847	81.30%	2 (under construction)
Kent	\$854,486	\$819,391	4.48%	2 (project has commenced)
TOTAL	\$5,023,646 + interest	\$2,342,091 interest	inc 53.56%	



The 2012/13 CLGFR funding (\$1,972,409 to construct 7 units) is due for completion 11th February 2016. Update on 2012/13 expenditure:

Shire	Funds allocated	Remaining	Units to be built
West Arthur	\$608,082.25	\$178,848	2 (under construction)
Williams	\$183,162.25	\$682	1 (complete)
Lake Grace	\$538,082.25	\$341,599	2 (under construction)
Woodanilling	\$643,082.25	\$180,815	2 (under construction)
TOTAL	\$1,972,409	\$701,945	
	+ interest	inc interest	

Williams has 5 units that have been completed to practical completion – two funded by CLGF 10/11-11/12 and two funded by RCSF and one funded by CLGF 12/13. The final components are currently being undertaken – road, drainage, landscaping and fencing. It is anticipated that this will all be completed by December so that tenants can move in early 2015.

Financial Implications

The Shire of Williams has committed \$150,000 to the project in 2013/14.

Voting Requirements

Simple Majority

Officers Recommendation

For information only



8.1.3 RDAW – Y20 YOUTH SUMMIT

File Reference	EDO Files
Statutory Reference	N/A
Author & Date	Heidi Cowcher 10 th December 2014
Appendices	Y20 Wheatbelt Summit Report & RRR Article (December 2014)

Background

In March 2014, RDAW called for nominations from 15-19 year old aspiring young leaders to nominate for the Inaugural Y20 Youth Summit to be held in July. I nominated two young people from Williams – Connor Earnshaw and George Fowler. Both of these nominees were successful in their nomination and were invited to attend the Summit to be held in July 2014 at the Joondalup Resort.

On 10 July 2014, 32 young leaders representing communities from across the Wheatbelt attended the forum funded by Regional Development Australia (Wheatbelt). The primary aim in undertaking the initiative was to provide an opportunity to hear from this cohort of young leaders, on how they view current and emerging issues impacting on the region and what solutions could be considered to help overcome these barriers.

The insights provided by the delegates throughout the conference show that not only are the young people in the region aware of the issues/barriers impeding growth in the region, but that they also have well developed and informed opinions about how we can make the Wheatbelt a better place to live, work and invest now and into the future.

The full report on the Summit, together with a recent article that was featured in the RRR magazine is attached for interest.

Comment

Connor and George have been invited to make a short presentation at 2:30pm on their experience at the Y20 Youth Summit, and their aspirations for the Wheatbelt and their community for the future.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officers Recommendation

For information only.

Heidi Cowcher

Economic Development Officer

10th December 2014



8.1.4 EDO REPORT ACCEPTANCE

Voting Requirements

Simple Majority

Officers Recommendation

That the EDO's report as presented be received.

Council Resolution

Cavanagh/Medlen

That the EDO's report as presented be received.

**Carried 8/0
Resolution 134/15**

Mrs Cowcher left the meeting 1.21pm.



Tarwonga-Dardadine (21.50km)	Clearing, gravel sheeting	7.60	10.60	3.00	Not Started
Bowling club Car Park	Seal and Kerb				Sealing to be done 15/12/14, and kerbing on 16/12/14
Aged Homes	Drainage, seal and kerb				Sealing, kerbing and drainage completed.
New Hockey Oval	Install lights and reticulation and plant grass.				Grass planted, footings in for retainer wall.

8.2.4 MECHANICAL REPORT

Plant Description		Driver	Date Purchased	Hours/Kms Dec. 2014	Works Completed this month
Ford FG G6E Sedan WL 16	Light Vehicles	Cara Ryan	July 2011	106,567 km	
Toyota Kluger 16 WL		Ryan Duff	10 Sep 14	9,746 km	
Holden Rodeo Dual Cab Utility WL5499		Maintenance	5-Nov-04	215,838 km	
Isuzu D-Max WL 19		Tony Kett	9-Sep 14	8,076 km	
Kia 2 Tonne Truck WL 5414		Jeff Cowan	9-Oct-07	110,275 km	
Holden Rodeo Crew Cab Utility WL842		Andrew Wood	15-Nov-06	270,182 km	Serviced
Holden Rodeo Single Cab Utility WL 826		James Lenehan	20-Nov-06	97,135 km	
Mitsubishi Triton Single Cab Utility WL 430		Stewart Cowcher	22-Sep-99	222,272 km	
Multipac Multi-Tyre Road Roller WL49		Construction Equipment	Ray Scobie	21-Oct-04	5,610 hr
Vibromax Roller WL 126			29-Sep-04	3,588 hr	
Caterpillar 12M Grader WL61	Richard Hewitt		Dec 2011	2,720 hr	
Caterpillar 12m Grader WL361	Andrew Wood		20-Oct-06	128 hr	
721E Case Loader WL 5639	Roger Gillett		May 2012	3,760 hr	
Volvo EC210BLC Excavator WL 499	Phil Reed		18-Jul-07	5,418 hr	
John Deere 315SE4 Backhoe WL 745	Trevor Palframan		17-Sep-01	2,181 hr	
John Deere MFWD Tractor WL 767	Works		21-Oct-97	9,400 hr	



Toro Reelmaster SP mower WL5502		Works	Aug-09	680 hr	
Kabota Generator	Parks & Gardens	Refuse Site		2,143 hr	
Toro Z597 Ride on Mower WL 731		Jeff Cowan	1-Oct-06	1,542 hr	
Toro Z400 Kholer Ride on Mower WL5302		Jeff Cowan	8-Aug-05	533 hr	
Honda TRX Four Wheel M/Cycle WL 429		Jeff Cowan	20-Mar-00	1,311 hr	
Toyota DA115 Tip Truck (Water Truck) WL 595		James Lenehan	24-Aug-94	233,600 km	
Isuzu FVZ1400 Tip Truck WL 093				31-Dec-03	250,462 km
Mercedes Benz Actross Prime Mover WL91	Trucks & Trailers	Phil Reed	21-Dec-05	256,706 km	
Isuzu Giga CXZ Tip Truck WL 128		Justin Murdock	10-Dec-08	164,256 km	
Isuzu NPR 300 Truck WL 016		Ray Scobie	21-Jan-13	39,219 km	
SFM Side Tipping Trailer WL 3730		Works	21-Dec-05	107,475 km	
Howard Porter Low Loader WL ITIF 238		Works	31-Aug-07	106,049 km	
Howard Porter Pig Trailer WL3792		Justin Murdock	10-Dec-08	106,456 km	

8.2.5 STAFF

- Nil to report

8.2.6 TOWN AND FACILITIES REPORT

- Industrial shed car park – sealed and kerbed

8.2.7 PRIVATE WORKS

- Nil to report

8.2.8 WORKS SUPERVISOR REPORT ACCEPTANCE

Voting Requirements

Simple Majority Required

Officers Recommendation

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



Council Resolution

Paterson/Johnstone

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

**Carried 8/0
Resolution 135/15**

Mr Kett left the meeting at 1.36pm



8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

The Environmental Health/Building Surveyors Steve Friend entered the meeting at 1.37pm for a general discussion on the progress of the Regional Waste Site.

Mr Friend left the meeting at 2.06pm.

PRESENTATION

The President welcomed Connor Earnshaw and George Fowler at 2.31pm along with Heidi Cowcher to talk about their experiences at the Regional Development Australia (Wheatbelt) Y20 Youth Conference.

George and Connor outlined their experiences at the Conference and some of the challenges and opportunities presented in discussing the future of the Wheatbelt (Imagine a Wheatbelt without wheat: discussing the future of the agricultural industry) and some of the ways that young people can make a difference in the Wheatbelt.

There was a definite agreement amongst the 32 attendees that to attract young people to the region they need to have access to job opportunities commensurate to their skills, qualifications and experiences. For Williams specifically, they raised the issue of needing to engage with and maintain contact with young people. Both Connor and George are happy to continue to engage with the Shire to assist with providing the link between their peers and Council.

If the opportunity arose to attend a similar Conference in the future, both indicated that they would love to attend.

They extended their appreciation to Heidi for nominating them to attend the Conference.

Cr Gilbert Medlen left the meeting at 3:01pm

Afternoon Tea

The President invited Connor and George to afternoon tea with Council. Council adjourned for afternoon tea at 3.01pm and resumed the meeting at 3.34pm.



8.4 CHIEF EXECUTIVE OFFICER'S REPORT

8.4.1 CHIEF EXECUTIVE OFFICER'S GENERAL REPORT

File Reference	4.1.20
Statutory Reference	N/A
Author & Date	Ryan Duff 11 th December 2014

Background

The Chief Executive Officer General Report provides Council with an update on the activities of the CEO and other matters that do not necessarily require a decision of Council.

Comment

The CEO General Report is provided to Council as a separate document.

Financial implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

That the Chief Executive Officer's General Report for December 2014 be received by Council.

Council Resolution

Earnshaw/Paterson

That the Chief Executive Officer's General Report for December 2014 be received by Council.

Carried 7/0
Resolution 136/15



8.4.2 DELEGATIONS REGISTER REVIEW

File Reference	4.1.20
Statutory Reference	<i>Local Government Act 1995 section 5.42</i>
Author & Date	R.N. Duff 11 th December 2014
Attachments	Appendix 1 – Delegations Register

Background

Pursuant to the Local Government Act 1995 (LGA), the Council has the power to delegate to the Chief Executive Officer (CEO) (Section 5.42).

Council can delegate to the CEO, by an absolute majority resolution of Council, the exercise of any of its powers or the discharge of any of its duties from time-to-time and in such manner as the Council determines, excepting certain limitations as outlined below. The CEO has the power to on-delegate to other staff members (section 5.44 LGA 1995).

Delegations are to be in writing and a register of delegations is to be kept by the CEO.

Limitations to delegating to the CEO under *s5.43 of the Local Government Act 1995*

A local government cannot delegate to a CEO any of the following powers or duties —

- a. any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- b. accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- c. appointing an auditor;*
- d. acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- e. any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- f. borrowing money on behalf of the local government;*
- g. hearing or determining an objection of a kind referred to in section 9.5;*
- h. (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- i. any power or duty that requires the approval of the Minister or the Governor;*
- j. such other powers or duties as may be prescribed*

Council can delegate to a committee comprising of Council members only, any of the Council's powers or duties under the LGA, or to a committee comprising of Council members and employees any duties that can be delegated to the CEO.

Limitations of delegation of powers and duties to committees are prescribed under s5.17 LGA.

There is a requirement under the LGA that all delegations made must be reviewed annually.



The opportunity is also taken to review all other delegations to staff provided under alternative legislation. Various other acts such as the Bush Fires Act and the Building Act allow for delegations to local government officers by Council.

The Shire of Williams delegations were last reviewed and adopted by Council at the 18th April 2012 Ordinary Meeting of Council (Council decision number 183/12). A minor review amendment was completed in June 2013 whereby the Creditor Payments delegation was updated. (Council decision number 243/13)

Comment

A review of the delegations by Council under the LGA has been carried out.

The attached Register of Delegations consists of delegations from Council to the CEO under the LGA, and delegations from Council to the CEO and staff under other acts. Each delegation provides information on the respective head of power in the Delegation Register (**Appendix 1**).

Currently there are no Council committees with delegated authority under the LGA and therefore no delegations made by Council to any Council committees to review.

Financial Implications

Nil.

Voting Requirements

An **Absolute Majority** vote is required under section 5.42 of the LGA to delegate any of Council's powers or the discharge of any of its duties to the Chief Executive Officer

Officer's Recommendation

That Council, having reviewed the delegations and authorisations currently in place and noting the recommended amendments:

1. Delegates to the CEO under s5.42 LGA, the exercise of the following powers and the discharge of any of its duties under the Local Government Act 1995, effective immediately, as listed in the Delegations Register (APPENDIX 1)
2. Revokes any previous delegations.

Council Resolution

Major/Carne

That Council, having reviewed the delegations and authorisations currently in place and noting the recommended amendments:

1. Delegates to the CEO under s5.42 LGA, the exercise of the following powers and the discharge of any of its duties under the Local Government Act 1995, effective immediately, as listed in the Delegations Register (APPENDIX 1)
2. Revokes any previous delegations.

Carried 7/0
Resolution 137/15

8.4.3 ROAD CLOSURE – JESSIE MARTIN ST

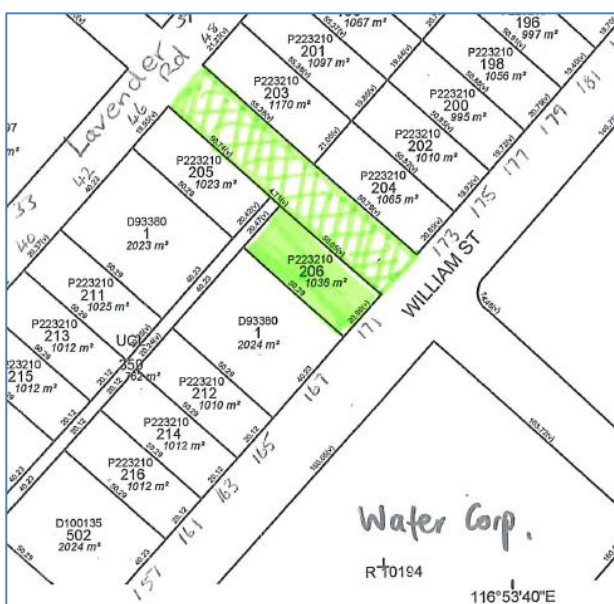
File Reference 12.15.37
Statutory Reference Section 58 of the Land Administration Act 1997
Author & Date Ryan Duff 11th December 2014

Background

In October 2014 Council received a request from Mrs M Lenehan to close Jessie Martin Street.

The simplified process is as follows:

1. Council resolves to seek comment on the closure of Jessie Martin Street
2. Write to neighbouring property owners and utility providers
3. Council formally resolves to close Jessie Martin St
4. S.58 Taking of Land
5. Request submitted to the Department of Regional Development and Lands – State Land Services



At the October meeting Council resolved its intention to close the unmade road reserve named Jessie Martin St Williams, as shown at above and advertise, in accordance with Section 58 of the Land Administration Act 1997 and that in the event no objections are received at the end of the notice period, the closure of the portion of road reserve is recommended to the Minister for Planning.



Comment

Letters were written regarding the above on the 17th October 2014 and a notice was placed in the Narrogin Observer on the 23rd October 2014. The public comment period closed on the 25th November 2014 with responses being received from:

- ATCO Gas Australia – No objection
- Western Power – No objection
- Water Corporation – No objection

As there were no objections Council can proceed with the request to State Land Services to formally close Jessie Martin St.

Legislative requirements

A partial or full road closure is initiated through Section 58 of the Land Administration Act 1997 (“Act”). To amalgamate the land with an adjoining freehold property(s) – Section 87 of the Land Administration Act 1997 is applied. Road Reserves are owned by the Crown or State Government with Local Government allocated the care, control and management of the minor roads. Under the Act, Local Government must begin the road closure process on behalf of the applicant/s and State Land Services (SLS), an office within the Department of Regional Development and Lands.

Financial implications

Nil.

Voting Requirements

Simple Majority

Officer’s Recommendation

That the Shire of Williams formally resolves to request State Land Service to action the closure of Jessie Martin Street in Williams.

Council Resolution

Johnstone/Carne

That the Shire of Williams formally resolves to request State Land Service to action the closure of Jessie Martin Street in Williams.

**Carried 7/0
Resolution 138/15**



8.4.6 UNIT 1 LOT 440 MARJIDIN WAY - LEASE VALUATION

File Reference	14.25.30
Statutory Reference	Section 3.58 of the <i>Local Government Act 1995</i> and Regulation 30 & 31 <i>Local Government (Functions and General) Regulations 1996</i> .
Author & Date	Ryan Duff 11 th December 2014
Attachments	Appendix 2 – Commercial Valuation Report

Background

In January 2014, the tender for the construction of the new Industrial Shed was advertised closing on 14th February 2014. The successful tenderer P & F Kulker was accepted in February to construct the new industrial unit to the Shire's specifications for \$402,972 with a completion date of October 2014.

At the March 2014 Council meeting Council resolved the following:

That Shire of Williams call for expressions of interest from suitable businesses to lease Unit 1 on Lot 440 Marjidin Way with the lease to be for a 3 years with a 3 year option and at an annual lease starting at \$18,500.

The Chief Executive Officer advertised for Expressions of Interest to lease the industrial unit in the Narrogin Observer (10th April 2014) and The Williams (7th & 22th April 2014).

At the close of the EOI period on the 28th April 2014 only one EOI was submitted. The submission was received from PrimeAG Services of Williams.

At the July 2014 Council meeting it was resolved to set the annual lease payment at \$20,540 ex GST as the basis for the lease document to be drawn up with PrimeAG.

Comment

For the purposes of complying with s3.58 of the *Local Government Act 1995* an independent market valuation was sought. The valuation report is attached at **APPENDIX 2**. The rental valuation has been advised at \$21,000 plus GST.

An advertisement was placed in the West Australian on the 13th December 2014 seeking submissions on the proposal to lease Unit 1, Lot 440 Marjidin Way with the public notice period closing on the 29th December 2014. The Shire office is closed during this period but the Chief Executive Officer will attend the office to check for any submissions lodged by post or email. Should any submission be received then a Special Meeting of Council needs to be held to consider the submission.

If no submissions are received Authority is given by Council to the Shire President and CEO to execute the proposed lease.



Statutory Environment

Section 3.58 of the *Local Government Act 1995* and Regulation 30 & 31 *Local Government (Functions and General) Regulations 1996*.

It is important to note that where property is not being disposed of by way of Public Auction or Public Tender, as defined by section 3.58(2), then Section 3.58(3) & (4) of the *Local Government Act 1995* (LGA 1995) applies.

Section 3.58(3) and (4) of the (LGA 1995) states the following:

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Strategic Implications

Objective: To support industry and business development success towards 2022.		
Strategy Ref	Proposed Strategy	Proposed Outcome
ED 1.1	Develop the industrial estate to offer affordable and appropriately serviced allotments.	Affordable and serviced industrial blocks available incrementally over the next ten years.



Financial Implications

Nil

Voting Requirements

Simple Majority

Officers Recommendation

That Council:

1. advertises the proposed lease of Unit 1 Part Lot 440 Marjidin Way for \$20,540 plus GST in accordance with Section 3.58 of the Local Government Act 1995;
2. subject to no submissions being received, delegates authority to the Chief Executive Officer and Shire President to execute the lease documents for Unit 1 Lot 440 Marjidin Way.
3. should any submission be received, hold a Special Meeting to consider the submission(s) made as soon as can be arranged.

Council Resolution

Major/Earnshaw

That Council:

1. advertises the proposed lease of Unit 1 Part Lot 440 Marjidin Way for \$20,540 plus GST in accordance with Section 3.58 of the Local Government Act 1995;
2. subject to no submissions being received, delegates authority to the Chief Executive Officer and Shire President to execute the lease documents for Unit 1 Lot 440 Marjidin Way.
3. should any submission be received, hold a Special Meeting to consider the submission(s) made as soon as can be arranged.

**Carried 7/0
Resolution 139/15**

8.4.7 PURCHASE OF LOT 9000 – ALBANY HIGHWAY WILLIAMS

File Reference	14.25.30
Statutory Reference	N/A
Author & Date	R.N. Duff 11 th December 2014

Background

Landcorp has developed 6 Light Industrial Blocks on Lot 1 Albany Highway Williams (Now Marjidin Way) as part of the Regional Development Assistance Program. Lot 1 was 29.5ha in size and a subdivision application was lodged for the industrial land. In September 2013 an item was presented to Council to finalise the subdivision and the following needed to occur:

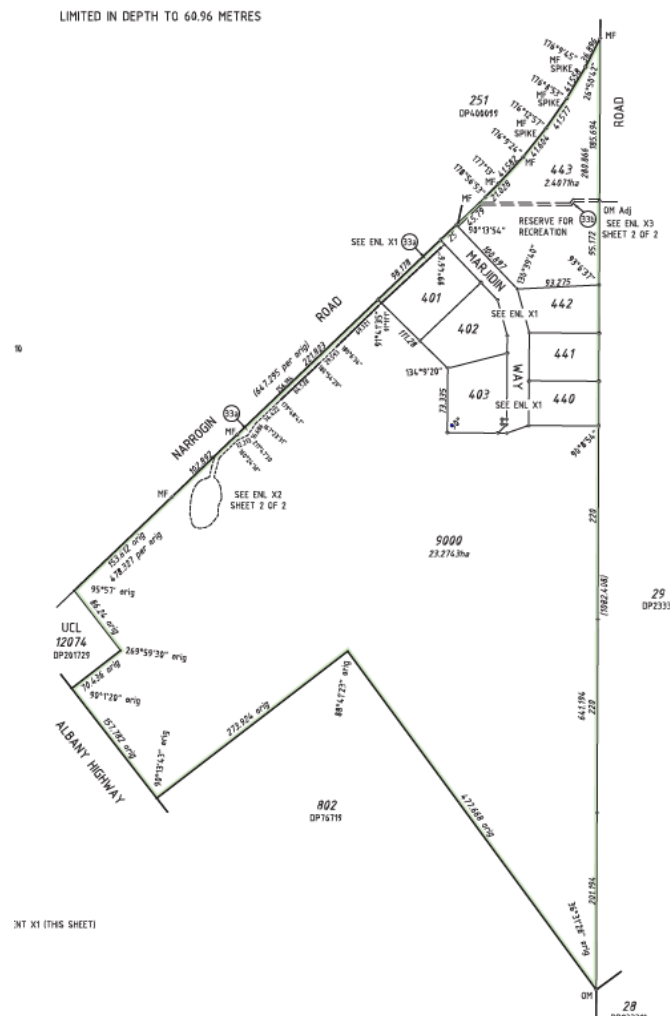
1. The Shire transfer the title of Lot 1 Albany Highway, Williams to LandCorp and LandCorp pay a \$1 consideration.

2. Through the subdivision process, LandCorp will apply to have titles created for 6 light industrial lots and 1 POS lot plus an additional lot, being the undeveloped balance portion of Lot 1, which we will refer to as "Lot 9000". The POS reserve will be ceded to the Crown.
3. A subsequent second contract of sale document will be created and it will show the transfer of the Lot 9000 from LandCorp to the Shire for a \$1 consideration.
4. The newly created titles for the 6 subdivided light industrial lots will be issued in Landcorp's name (unless there is sales contract in place with a third party for one of the released lots).
5. Lot 9000 will be created in the Shire's name.

Comment

The Chief Executive Officer has requested and is now in possession of the contract of sale for Williams Lot 9000 which will transfer the land remaining land back to the Shire of Williams.

With the Marjidin Way industrial blocks subdivided Lot 9000 is 23.2743 ha in size as shown below.





Strategic Implications

Objective: To support industry and business development success towards 2022.		
Strategy Ref	Proposed Strategy	Proposed Outcome
ED 1.1	Develop the industrial estate to offer affordable and appropriately serviced allotments.	Affordable and serviced industrial blocks available incrementally over the next ten years.

Financial Implications

Land sale price \$1.10
 Conveyancing fees \$660.60

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council authorise the Shire President and Chief Executive Officer to sign and seal land purchase documentation with Landcorp for Lot 9000 Albany Highway Williams.

Council Resolution

Johnstone/Cavanagh

That Council authorise the Shire President and Chief Executive Officer to sign and seal land purchase documentation with Landcorp for Lot 9000 Albany Highway Williams.

**Carried 7/0
 Resolution 140/15**

8.4.8 REGIONAL WASTE DISPOSAL FACILITY – SHIRE OF CUBALLING

File Reference 10.10.30
Statutory Reference N/A
Author & Date R.N. Duff 11th December 2014
Attachments Appendix 3 – Regional Waste Site Proposal

Background

Letter received from Urban & Rural Perspectives

“Urban & Rural Perspectives, on behalf of the landowners, Peter John Dowdell and Heather Mary Dowdell, and the Wagin Voluntary Group of Councils (WVGC), has prepared and submitted documentation to the Shire of Cuballing in support of an Application for Planning Approval for the establishment of a new Regional Waste Disposal Facility (i.e. Regional Rubbish Tip) on portion of the abovementioned property.



As your local authority is a member Council of the WVGC we hereby enclose a digital copy of the relevant documentation submitted to the Shire of Cuballing in support of the planning application for your information and records.

We now expect that the Shire of Cuballing will assess and process the planning application pursuant to the requirements contained in its operative town planning scheme, which will likely include local community and relevant agency consultation.

Given that Christmas is approaching and local authorities do not traditionally schedule an ordinary meeting of Council in the month of January, it is likely that the matter will be determined by the Shire of Cuballing Council at its February or March 2015 meeting.

Urban and Rural Perspectives will monitor the progress of the application on behalf of the landowners and the WVGC.

Should you have any queries or require any additional information regarding this matter please do not hesitate to contact the undersigned of this office on (08) 9248 8777 or steve@urp.com.au.

Comment

The Wagin Voluntary Group of Councils (WVGC) comprises the following local government authorities:

- Shire of Wagin
- Shire of Cuballing
- Shire of Pingelly
- Shire of Wickepin
- Shire of Williams
- Shire of Narrogin
- Town of Narrogin

All seven (7) participating Councils are seeking to establish a regional approach to waste management and disposal which is a key objective of the Strategic Waste Management Plan (SWMP) prepared for the WVGC in April 2009.

The full proposal prepared by URP is attached at **APPENDIX 3**.

The Shire of Cuballing has also written us requesting any written comment regarding the Planning Application.

Strategic Implications

No specific reference is made in the Williams 2022 document, however waste disposal is a core service of the Shire and the transition to a transfer station is an operational decision that will ensure Council's compliance with the relevant Waste Disposal Legislation.



Financial Implications

The Shire of Williams has allowed an amount of \$85,000 in the 2014/15 Budget to contribute to the purchase of land for the Regional Waste Site.

Voting Requirements

Simple Majority

Officer's Recommendation

That the Shire of Williams write to the Shire of Cuballing supporting the Planning Application for the Proposed Landfill Facility on Portion Lot 23 (3118) Wandering Narrogin Rd, Cuballing.

Council Resolution

Carne/Cavanagh

That the Shire of Williams write to the Shire of Cuballing supporting the Planning Application for the Proposed Landfill Facility on Portion Lot 23 (3118) Wandering Narrogin Rd, Cuballing.

Carried 7/0
Resolution 141/15

8.4.9 CITIZEN OF THE YEAR AWARD

File Reference	4.11.30
Statutory Reference	N/A
Author & Date	R.N. Duff 11 th December 2014

Background

The Council has adopted the Australia Day awards program and has been calling for nominations for inspiring community members or groups from our Shire for an award to be presented at a ceremony on Australia Day - 26th January. The three awards highlight active citizenship, outstanding contribution to the local community and Australian pride and spirit. Nominations closed 27th November 2014.

The Shire has previously appointed a committee consisting of Cr Carne, the Chief Executive Officer, Community Development Officer and a community member to oversee the Premier's Australia Day Active Citizenship Award.

Comment

The awards will be presented at the Council Australia Day Breakfast which is currently being organized by office staff.

A large number of nominations have been received this year, in addition to the carryover nominations from last year, and these will have to be assessed by the Committee.



Financial Implications

Nil.

Voting Requirements

Simple Majority

Officer’s Recommendation

That Cr Carne, the Chief Executive Officer, Economic Development Officer and a community member be appointed to oversee the Premier’s Australia Day Active Citizenship Award.

Council Resolution

Cavanagh/Earnshaw

That Cr Carne, the Chief Executive Officer, and Economic Development Officer be appointed to oversee the Premier’s Australia Day Active Citizenship Award.

**Carried 7/0
Resolution 142/15**

8.4.102015 COUNCIL MEETING DATES

File Reference

4.1.20

Statutory Reference

Section 5.25 (g) of the Local Government Act 1995

Author & Date

Ryan Duff 11th December 2014

Background

To provide suggested dates for Council approval for meeting dates for the 2015 year to enable public advertising as required by the Local Government Act 1995.

Comment

Below is a draft schedule of proposed dates for Council meetings for the 2015 year which is based on the Third Wednesday of each month:

January	No meeting
18 th February 2015	Ordinary
18 th March 2015	Ordinary
15 th April 2015	Ordinary
20 th May 2015	Ordinary
17 th June 2015	Ordinary
15 th July 2015	Ordinary
19 th August 2015	Ordinary
16 th September 2015	Ordinary
21 st October 2015	Ordinary
18 th November 2015	Ordinary
16 th December 2015	Ordinary



Statutory Implications

Section 5.25 (g) of the Local Government Act 1995 stipulates that Regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings.

Regulation 12 of the Local Government (Administration) Regulations 1996 states;

1. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration Regulations) 1996 sets the minimum and maximum amounts for the payment of meeting fees.

Financial implications

There are no financial implications to Council in relation to this item. The holding of Council meetings including all associated costs is provided in the current budget and will be provided for in future budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Adopts the meeting schedule for the period January 2015 to December 2015 as list above, based on one Ordinary Meeting of Council per month;
2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.

Council Resolution

Johnstone/Paterson

That Council:

1. Adopts the meeting schedule for the period January 2015 to December 2015 as list above, based on one Ordinary Meeting of Council per month;
2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.

**Carried 7/0
Resolution 143/15**



8.4.11 TOWN PLANNING SCHEME NO2 AMENDMENT 18 - LOT 200 ALBANY HIGHWAY

File Reference	10.60.10
Statutory Reference	N/A
Author & Date	Liz Bushby, Gray & Lewis Landuse Planners 12 th December 2014

Background

Existing Zoning

Lot 200 Albany Highway is zoned 'Rural' under the Shire of Williams Town Planning Scheme No 2 ('the Scheme').

Proposed Scheme Amendment

The Shire received a request to re-zone Lot 200 earlier this year so that it can be developed in conjunction with adjacent Lots 16, 17 and 18 Albany Highway to accommodate a building for steel fabrication to be operated by Prices Erections. The business was operating in Narrogin and the owners wish to relocate to Williams.

The business entails making mostly custom made sheds which are constructed at the customers property once fabricated. The type of machinery used for steel fabrication includes welders, punch and shear, and drills.

It will also include the supply and sale of Pioneer Water Tanks. The water tanks will not be constructed at Lot 200 as they will be delivered to the lot (on demand) in a kit form and then assembled at the customer's premises.

Relevant Council resolution

At the Ordinary Meeting held on the 20th August 2014 Council resolved to 'agree to the request to initiate rezoning of Lot 200 Albany Highway, Williams subject to any costs associated with the rezoning being borne by the applicant'.

The amendment was formally initiated at the Ordinary Council meeting held on the 15th October 2014.

Referral to Environmental Protection Authority (EPA)

Under current legislation every scheme amendment has to be referred to the EPA for consideration prior to proceeding with formal advertising.

The Shire received formal correspondence from the EPA on the 7 November 2014 confirming no environmental assessment was required.



Advertising

Scheme amendments are required to be advertising for a minimum of 42 days unless otherwise approved by the Western Australian Planning Commission (WAPC).

The WAPC granted formal consent on the 4 November 2014 for the scheme amendment to be advertising for a period of 28 days.

The Shire advertised the scheme amendment from the 12 November 2014 to the 11 December 2014.

Advertising included:

- A sign erected on Lot 200;
- Letters to surrounding landowners, key stakeholders and service authorities;
- Advertising in the West Australian (published 12 November 2014); and
- A public notice displayed on the Shire’s noticeboard.

A total of 4 submissions were received during advertising – all of which were non objections lodged by government agencies.

Comment

The scheme amendment will facilitate future development of Lot 200 and adjacent Lots 16-18 for industrial purposes.

The purpose of this report is for Council to formally consider final adoption of Scheme Amendment No. 18, with or without modifications.

Council has to consider each submission received, and determine whether any modifications should be made to the amendment as a result of submissions – refer Table of Submissions below.

Submitter	Summary of Submission	Gray & Lewis recommendation
1. Main Roads WA PO Box 333 Northam WA 6401	MRWA has no objections to the amendment provided the current vehicle access to Albany highway is closed and a new crossover to Williams Narrogin Highway is constructed, as part of the future development proposal for the steel manufacturing business. The new crossover will require MRWA approval prior to construction and will need to meet MRWA standards.	That the submission be noted however no modifications be required to the amendment as a result of the submission. The issue of crossovers relates to future development as opposed to the re-zoning, and needs to be examined at the more detailed development stage.



<p>2. Department of Health PO Box 8172 Perth Business Centre WA 6849</p>	<p>The DoH has no objections to the proposed amendment providing future development connects to reticulated sewer and scheme water in accordance with the Draft Country Sewerage Policy.</p>	<p>That the submission be noted however no modifications be required to the amendment as a result of the submission.</p> <p>The application can examine available service connections for future development.</p>
<p>3. Water Corporation By email</p>	<p>The Water Corporation has no objections to the proposed amendment.</p>	<p>That the submission be noted however no modifications be required to the amendment as a result of the submission.</p>

Submitter	Summary of Submission	Gray & Lewis recommendation
<p>3. Water Corporation continued</p>	<p>There is existing wastewater reticulation that should be allowed for in Lot 200 that will need to be protected. There is no formal easement however a 3 metre wide protection zone over the pipe should be allowed for.</p>	<p>It is recommended that the Shire provide a copy of the Water Corporation advice to the applicant as it includes a map showing the location of infrastructure adjacent to the north and north west boundary.</p>
<p>4. Department of Water PO Box 332 Mandurah WA 6210</p>	<p>The DoW has no objection to the proposed rezoning.</p> <p>DoW advises that the subject areas are located within the Karri Groundwater area. Groundwater abstraction in this area is not required to be licenced by the Department as the groundwater area is not proclaimed under the Rights in Water and Irrigation Act 1914.</p> <p>The proponent should be aware that the nature of the groundwater resource is highly variable, thus locating a viable source for substantial non potable use may be difficult.</p>	<p>That the submission be noted however no modifications be required to the amendment as a result of the submission.</p>



<p>5. Western Power 363 Wellington Street Perth WA 6000</p>	<p>As there is/are overhead/underground distribution/transmission lines/cables/easement adjacent to your proposed works, Western Power will review the proposal with respect to any impact on its network and respond within an appropriate timeframe if required.</p> <p>Where detailed investigations are needed to support accurate advice, Western Power will advise Shire of Williams of additional information requirements within the advertising period.</p> <p><i>Note: The submission included general advice on occupational safety and links to the Western Power website.</i></p>	<p>That the submission be noted however no modifications be required to the amendment as a result of the submission.</p> <p>No further advice was received from Western Power.</p>
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The proposed amendment will facilitate future development on Lot 200, will simply be a minor extension to the existing Industrial zone, and there are no significant issues raised in any of the submissions received.

It is recommended that the amendment be supported without modification. If the amendment is adopted for final approval by the Shire of Williams Council, it still requires approval by the Honourable Minister for Planning.

The Shire needs to lodge the amendment to the WAPC with a formal request seeking Ministerial approval.

POLICY REQUIREMENTS

N/A

LEGISLATIVE REQUIREMENTS

Shire of Williams Town Planning Scheme No 2 ('the Scheme'): Clause 4.6 (4) outlines development controls for the Industrial zone.

Planning and Development Act 2005 and the Town Planning Regulations 1967 outline the statutory requirements for Scheme Amendments.



Final approval of the amendment is required by the Minister for Planning and is subject to assessment by the Western Australian Planning Commission.

STRATEGIC IMPLICATIONS

The Shire may in the future consider alternative zonings for existing Lots 13, 14 and 15 Albany Highway which are zoned 'Residential'.

The lots will have lower residential amenity as they are located on a major Highway, and are adjacent to non-residential zones being commercial to the north-west and Industrial to the south east. If Lot 200 is re-zoned then the 3 residential lots will be completely surrounded by non-residential landuses.

SUSTAINABILITY IMPLICATIONS

- **Environment**
 - There are no known significant environmental implications associated with this proposal.
- **Economic**
 - There are no known significant economic implications associated with this proposal.
- **Social**
 - There are no known significant social implications associated with this proposal.

Financial implications

The Shire pays planning consultancy fees to Gray & Lewis for planning advice.

The applicant will be required to pay Scheme Amendment fees to the local government. The fees are charged at an hourly rate and calculated based on officer's times in accordance with Planning Bulletin 93/2013.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Adopt Amendment 18 to the Shire of Williams Town Planning Scheme No. 2 (without modification) pursuant to Section 75 of the Planning and Development Act 2005 by re-zoning
 - A. Lot 200 Albany Highway, Williams from 'Rural' zone to 'Industrial' zone and
 - B. Lot 15994 Albany Highway, Williams from 'Farming' zone to 'No Zone' as depicted on the Scheme Amendment map (Attachment 1).
2. Adopt the recommendations in the 'Table of Submissions' by noting each submission and resolving not to require any modifications to the amendment as a result of the submissions.



3. Note that the Environmental Protection Authority has confirmed that no formal environmental assessment of Amendment 18 is required under Part IV Division 3 of the Environmental Protection Act 1986.
4. Authorise the Chief Executive Officer and Shire President to sign the Amendment 18 documents and apply the Shire seal.
5. Authorise the Chief Executive Officer to lodge 3 copies of the signed Amendment 18 documents with the Western Australian Planning Commission (WAPC) seeking final approval by the Minister for Planning with required information including the WAPC amendment checklist, copies of all submissions, advertising details and copies of all Council reports.
6. Authorise the Chief Executive Officer to formally notify the applicant of the Water Corporation advice and provide a copy of the Water Corporation submission for information.

Council Resolution

Earnshaw/Paterson

That Council:

1. Adopt Amendment 18 to the Shire of Williams Town Planning Scheme No. 2 (without modification) pursuant to Section 75 of the Planning and Development Act 2005 by re-zoning
 - A. Lot 200 Albany Highway, Williams from 'Rural' zone to 'Industrial' zone and
 - B. Lot 15994 Albany Highway, Williams from 'Farming' zone to 'No Zone' as depicted on the Scheme Amendment map (Attachment 1).
2. Adopt the recommendations in the 'Table of Submissions' by noting each submission and resolving not to require any modifications to the amendment as a result of the submissions.
3. Note that the Environmental Protection Authority has confirmed that no formal environmental assessment of Amendment 18 is required under Part IV Division 3 of the Environmental Protection Act 1986.
4. Authorise the Chief Executive Officer and Shire President to sign the Amendment 18 documents and apply the Shire seal.
5. Authorise the Chief Executive Officer to lodge 3 copies of the signed Amendment 18 documents with the Western Australian Planning Commission (WAPC) seeking final approval by the Minister for Planning with required information including the WAPC amendment checklist, copies of all submissions, advertising details and copies of all Council reports.
6. Authorise the Chief Executive Officer to formally notify the applicant of the Water Corporation advice and provide a copy of the Water Corporation submission for information.

Carried 7/0
Resolution 144/15



8.5 MANAGER OF FINANCE’S REPORT

8.5.1 ACCOUNTS FOR PAYMENT

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	12 th December 2014

Background

That the Chief Executive Officer be authorised to make payments from Councils Municipal Fund, Trust and Reserve Accounts to a maximum of \$100,000 for payment of:

- Refunds of overpayment, deposits and bonds.
- Postage
- Salaries and Wages
- Petty cash recoup
- Payment of creditors where a discount or penalty applies
- Council vehicle licenses
- Special emergency payments as authorised
- Loan Repayments
- Police Licensing, receipts.
- Credit Card purchases up to \$5,000 for items contained in the Budget
- Progress payments for tender contracts

Comment

The list of account for payment is a separate attachment to this agenda.

Financial Implications

As listed in the recommendation below.

Voting Requirements

Simple Majority

Officers Recommendation

That Municipal Fund cheques 104281 - 104289, EFT, Bpay and Direct Debits totalling \$397,268.66, Trust Fund EFT transfers totalling \$1076.00, CLGF Regional Funding EFT transfers totalling \$686,944.26 approved by the Chief Executive Officer be endorsed and Municipal EFT transfers totalling \$172,218.12 and Municipal Fund Cheques 104290 - 104297 totalling \$4072.46 be approved for payment.

Council Resolution

Johnstone/Paterson

That Municipal Fund cheques 104281 - 104289, EFT, Bpay and Direct Debits totalling \$397,268.66, Trust Fund EFT transfers totalling \$1076.00, CLGF Regional Funding EFT transfers



totalling \$686,944.26 approved by the Chief Executive Officer be endorsed and Municipal EFT transfers totalling \$172,218.12 and Municipal Fund Cheques 104290 - 104297 totalling \$4072.46 be approved for payment.

**Carried 7/0
Resolution 145/15**

8.5.2 FINANCIAL STATEMENTS

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	12 th December 2014

Background

A statement of financial activity must be produced monthly and presented to Council.

In accordance with the Local Government Act 1995, a statement of financial activity must be presented to each Council meeting, including a comparison to the budget and variance from it. It must also include explanations of any variances.

Statutory Implications

Local Government (Financial Management) Regulations 1996, reg 34.

Comment

The financial statements are a separate attachment to this agenda.

Financial Implications

As disclosed in the financial statements.

Voting Requirements

Simple Majority

Officers Recommendation

That the financial statements presented for the period ending 30th November 2014 be received.

Council Resolution

Cavanagh/Earnshaw

That the financial statements presented for the period ending 30th November 2014 be received.

**Carried 7/0
Resolution 146/15**



LATE ITEMS

Council Resolution

Cavanagh/Johnstone

That the following late item be accepted for discussion.

**Carried 7/0
Resolution 147/15**

8.5 MANAGER OF FINANCE – LATE ITEM

8.5.3 AUDIT COMMITTEE MEETING 17TH DECEMBER 2014

File Reference	4.22.00
Statutory Reference	Local Government Act 1995, Part 7 Local Government (Audit) Regulations 1996
Author & Date	Cara Ryan 17 th December 2014
Attachments	Appendix 1 – Audit Committee Terms of Reference Appendix 2 – Risk Management Governance Framework Appendix 3 – Risk Management Report

Purpose

To consider adoption of the Terms of Reference for the Shire of Williams Audit Committee, and the Risk Management (RM) Governance Framework, including the Risk Management Policy, and to receive the review on the systems and procedures in regard to risk management, internal control and legislative compliance.

Background

An amendment of the Local Government (Audit) Regulations 1996 was gazetted on 8th February 2013, which extended the role of the Audit Committee. The CEO is to review and report on the appropriateness and effectiveness of systems and procedures relating to: Risk Management, Internal Control, and Legislative Compliance. The results of the review are to be presented to the Audit Committee biennial, with the first one due by 31 December 2014.

- The Terms of Reference as presented was drafted based on the Department of Local Governments model presented in the Local Government Operation Guidelines, Number 9. This document provides information on the role and function of the Audit Committee and will benefit existing and future members.
- The Risk Management Governance Framework contains a Risk Management Policy and was developed with the assistance of Local Government Insurance Services (LGIS). This Framework provides guidance to the CEO and staff on the Shire's approach to the identification, assessment, management, and reporting of risks.



- The CEO's Risk Management review as presented to the Audit Committee covered all three components; risk management, internal control and legislative compliance. As this is the initial report the primary focus is on the framework. The report assesses sixteen themed areas and the internal control on three areas were highlighted as inadequate.

The Audit Committee reviewed and endorsed the Terms of Reference for the Shire of Williams Audit Committee, along with the Risk Management Governance Framework and agreed that the Policy within the Framework be included in the Williams Policy Manual.

Statutory Implications

Local Government Act 1995

5.22. Minutes of council and committee meetings

(2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Local Government Act 1995 S7.1 – Audit Committees

7.1A . Audit Committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
** Absolute majority required.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

7.1B . Delegation of some powers and duties to Audit Committees

- (1) *Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.*
** Absolute majority required.*
- (2) *A delegation to an audit committee is not subject to section 5.17.*

7.1C . Decisions of audit committees

Despite section 5.20, a decision of an audit committee is to be made by a simple majority.



Local Government (Audit) Regulations 1996 – Reg 16 & 17

16. Audit Committee, functions of

An audit committee –

- (a) is to provide guidance and assistance to the local government –
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;**

and

- (b) may provide guidance and assistance to the local government as to –
 - (i) matters to be audited; and*
 - (ii) the scope of audits; and*
 - (iii) its functions under Part 6 of the Act; and*
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and**
- (c) is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to –
 - (i) report to the council the results of that review; and*
 - (ii) give a copy of the CEO's report to the council.**

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
 - (a) risk management; and*
 - (b) internal control; and*
 - (c) legislative compliance.**
- (2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) The CEO is to report to the audit committee the results of that review.*

Comment

With the changes to the Local Government (Audit) Regulations it is essential that Council adopt the Terms of Reference and the Risk Management Governance Framework to ensure compliance to the legislation, regulations and internal policies.

The CEO's initial review on the systems and procedures in relation to risk management, internal control and legislative compliance focuses on the framework to ensure that future reports will continue to provide relevant insight and recommendation on the management of risk. The framework is a practical tool for assessing risks whilst covering both internal control and legislative compliance. The assessment of the sixteen themed areas highlighted three areas of internal control as inadequate. Whilst the control on these areas is inadequate the risk and consequence associated with these areas, as a whole, are low.



The view from the Audit Committee is that the framework may need to be extended to include risks and controls on financial accounting operations. A Financial Management Review is due for the 2014/2015 financial year. This has been scheduled for the month of February 2015 and it is anticipated that this will highlight any areas of concern in relation to financial accounting operations.

Financial Implications

Where possible actions will be included within the existing budget and considered in future budget adoption.

Voting Requirements

Absolute Majority

Officers Recommendation

That Council adopts:

1. The Terms of Reference for the Shire of Williams Audit Committee as presented and endorsed by the Audit Committee;
2. The Risk Management Governance Framework including the policy and that the policy as presented is included in the Shire of Williams Policy Manual.

That Council receive the review of the CEO's report as endorsed by the Audit Committee on the systems and procedures in relation to risk management, internal control and legislative compliance.

Council Resolution

Cavanagh/Major

That Council adopts:

1. The Terms of Reference for the Shire of Williams Audit Committee as presented and endorsed by the Audit Committee;
2. The Risk Management Governance Framework including the policy and that the policy as presented is included in the Shire of Williams Policy Manual.

That Council receive the review of the CEO's report as endorsed by the Audit Committee on the systems and procedures in relation to risk management, internal control and legislative compliance.

**Carried 7/0
Resolution 148/15**



8.6 COUNCILLORS' REPORTS

Cr Cavanagh attended and discussed the CLC Meeting he attended on the 4th December 2014

Cr Cavanagh discussed the recent Hotham Williams Economic Development Alliance meeting he attended in Boddington on the 9th December 2014.

Cr Cowcher discussed the WALGA Central Country Zone meeting he attended in Darkan on the 28th November 2014.

9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN.

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

10.1 ELECTED MEMBERS.

10.2 OFFICERS.

11.0 APPLICATION FOR LEAVE OF ABSENCE

12.0 INFORMATION SESSION

13.0 CLOSURE OF MEETING

The President declared the meeting closed at 5.35pm.