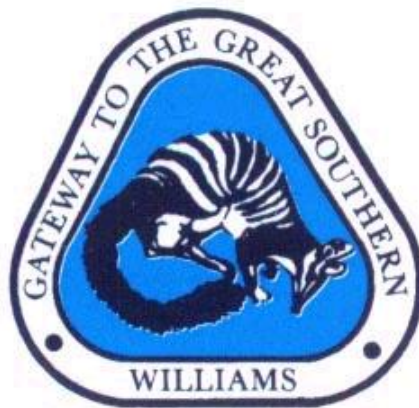


SHIRE OF WILLIAMS

***MINUTES ORDINARY MEETING HELD ON WEDNESDAY
17TH JUNE 2015***



COUNCIL DIARY

WEDNESDAY 17TH JUNE 2015

9.00am

Staff Review

10.30am

Budget Meeting

1.00pm

Ordinary Meeting

WEDNESDAY 15TH JULY 2015

1.00pm

Ordinary Meeting



TABLE OF CONTENTS

Item	Subject	Page
	NOTICE OF MEETING	4
	DISCLAIMER	5
1.0	Declaration of Opening / Announcement of Visitors	6
	The President declared the meeting open at 1.06pm.....	6
2.0	Record of Attendance / Apologies / Leave of Absence (previously approved).....	6
3.0	Public Question Time	7
4.0	Petitions / Deputations / Presentations	7
5.0	Declarations of Interest	7
6.0	Confirmation of Minutes of Previous Meetings	8
6.1	Ordinary Council Meeting Held 20th May 2015.....	8
6.2	4WDL Meeting Held 26th May 2015.....	8
6.3	HWEDA Meeting Held 9th June 2015	8
7.0	Announcements by Presiding Member without discussion.....	9
8.0	Reports	9
8.1	Economic Development Officer’s Report.....	10
8.1.1	4WDL Well Aged Housing Project.....	10
8.1.2	Williams Bowling Club	11
8.1.3	Williams Swimming Pool – Community Pool Revitalisation Grants 2015/16.....	13
8.1.4	EDO Report Acceptance	14
8.2	Works Supervisor’s Report	15
8.2.1	Maintenance Grading Activity	15
8.2.2	Road Maintenance Works	15
8.2.3	Upcoming Works & Items on Road Construction Program.....	16
8.2.4	Mechanical Report.....	16
8.2.5	Staff.....	17
8.2.6	Town and Facilities Report	17
8.2.7	Private Works	18
8.2.8	Works Supervisor Report Acceptance	18
8.3	Environmental Health / Building Surveyor’s Report	19
8.3.1	Building Permits.....	19



MINUTES – ORDINARY MEETING OF COUNCIL HELD 17TH JUNE 2015

8.3.2	Food Premises Inspection.....	19
8.3.3	Development Application.....	20
8.3.4	EHO Report Acceptance	23
8.4	Chief Executive Officer’s Report.....	24
8.4.1	Chief Executive Officer’s General Report	24
8.4.2	WALGA – Subscription Renewal 2015/16	25
8.4.3	Shire of Williams Policy Manual Review.....	26
8.4.4	MK & AL Iredell – Extractive Industry Annual Renewal, Lot 10126 Bates Rd.....	28
8.4.5	Disability Access Ramp – Lot 17 Albany Highway.....	30
8.4.6	Manager of Finance Employment - Contract Extension.....	32
8.5	Manager of Finance’s Report	34
8.5.1	Accounts for Payment	34
8.5.2	Financial Statements	35
8.5.3	Write-Off Outstanding Sundry Debts	36
8.5.4	Rate Debtor – Indigenous Land Corporation (ILC) – Assessment 1161.....	38
8.6	Councillors’ Reports.....	40
9.0	Elected Members Motions of which Notice has been given.	40
10.0	New Business of an Urgent Nature introduced by Decision of Meeting.	40
10.1	Elected Members.....	40
10.2	Officers.....	40
11.0	Application for Leave of Absence.....	40
12.0	Information Session	40
13.0	Closure of Meeting	40

Separate Documents

1. Minutes
2. Appendices
3. Payment Listing
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 on Wednesday 17th June 2015, preceded by the Budget Meeting at 10.30am.

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 1.06pm.

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

Cr Natalie Major

Cr Peter Paterson

Cr Moya Carne (until 3.18pm)

Ryan Duff Chief Executive Officer

Cara Ryan Manager of Finance

Heidi Cowcher Economic Development Officer (2.39pm – 3.44pm)

Tony Kett Works Supervisor (2.23pm – 2.37pm)

Steve Friend Environ. Health Officer/Building Surveyor (1.55pm – 2.22pm)

Apologies

Cr Jarrad Logie

Visitors

Williams Bowling Club President, Mr David Phelps (2.39pm to 3.04pm)

The President asked Council if they would be agreeable to adjourn the Ordinary Meeting to continue with the Special Meeting.

Council Resolution

Medlen/Cavanagh

That the Ordinary Meeting of Council be adjourned to continue with the Special Meeting.

Carried 8/0

Resolution 253/15

The meeting was adjourned at 1.07pm and reconvened at 1.36pm commencing at item 6.0 Confirmation of Minutes.



3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

Mr David Phelps and Heidi Cowcher entered the meeting at 2.39pm.

The President welcomed Mr Phelps for his presentation regarding the Williams Bowling Club's recent proposal to upgrade one of the grass greens to a synthetic surface.

Williams is the only club in the region with grass greens, and although the current greens are very pleasant to play on, the maintenance of the green is very labour intensive and the yearly costs are high.

The Bowling Club is currently obtaining various quotes and are pulling together a budget. The Club are intending to apply for funding with the Department of Sport and Recreation. If the Club are unsuccessful with the funding the project will not be able to go ahead.

The Club would really appreciate help from Council and are seeking a cash and/or in-kind contribution.

The President thanked Mr Phelps for his presentation.

Mr Phelps left the meeting at 3.04pm.

The order of the meeting then reconvened at 8.1 Economic Development Officer's Report.

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 20TH MAY 2015

Officer's Recommendation

That the Minutes of the Ordinary Meeting held on 20th May 2015, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Johnstone/Carne

That the Minutes of the Ordinary Meeting held on 20th May 2015, as previously circulated, be confirmed as a true and accurate record.

**Carried 8/0
Resolution 254/15**

6.2 4WDL MEETING HELD 26TH MAY 2015

Officer's Recommendation

That the Minutes of the 4WDL Meeting held on 26th May 2015, as previously circulated, be received.

Council Resolution

Medlen/Earnshaw

That the Minutes of the 4WDL Meeting held on 26th May 2015, as previously circulated, be received.

**Carried 8/0
Resolution 255/15**

6.3 HWEDA MEETING HELD 9TH JUNE 2015

Officer's Recommendation

That the Minutes of the HWEDA Meeting held on 9th June 2015, as previously circulated, be received.

Council Resolution

Medlen/Johnstone

That the Minutes of the HWEDA Meeting held on 9th June 2015, as previously circulated, be received.

**Carried 8/0
Resolution 256/15**



7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
8.0 REPORTS

The order of the meetings proceedings was adjourned to attended to item 8.3 Environmental Health/Building Surveyor's Report and then to item 8.2 Works Supervisor's Report.



8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

The Economic Development Officer Heidi Cowcher began discussion of her report at 3.05pm.

8.1.1 4WDL WELL AGED HOUSING PROJECT

File Reference	EDO Files
Statutory Reference	N/A
Author & Date	Heidi Cowcher 12th June 2015

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 (\$838,470 remaining to spend)
- CLGF Regional Funding 2012/13 (construction of 7 units)
 - \$1,972,409 (\$950,595 remaining to spend)

Additional funding has been sought to construct a further 14 units across the 7 shires under the Southern Inland Investment Initiative (State). The applications is for \$5,023,648.

Comment

The 2011/12 CLGFR allocation of \$1,972,409 (plus interest) has all been expended as at 30th September 2014. The Final Report and Acquittal was completed and signed by the Shire Auditors on 7th May and submitted to the Department for their review.

The RCSF funding has had an extension for the completion of expenditure granted to **30th September 2015**, with the final report and acquittal to be submitted by 31st December 2015.

Update on RCSF expenditure:

Shire	Funds allocated	Remaining	% complete	Units to be built
West Arthur	\$415,100	\$24,087	94.23%	2 (under construction)
Williams	\$715,000	\$12,748	98.23%	2 (complete)
Wagin	\$688,130	\$0	100%	2 (under construction)
Dumbleyung	\$664,400	\$263,054	60.62%	2 (under construction)
Lake Grace	\$978,930	\$220,450	77.60%	3 (1 completed in LG, 2 under construction in Newdegate)
Woodanilling	\$707,600	\$109,698	84.58%	2 (under construction)
Kent	\$854,486	\$209,915	75.56%	2 (units are complete onsite)
TOTAL	\$5,023,646	\$838,470	inc 78.83%	
	+ interest	interest		

The 2012/13 CLGFR funding (\$1,972,409 to construct 7 units) is due for completion **11th February 2016**. The final report will be required to be completed by 11th May 2016.



Update on 2012/13 expenditure:

Shire	Funds allocated	Remaining	Units to be built
West Arthur	\$608,082.25	\$113,283	2 (under construction)
Williams	\$183,162.25	\$1358	1 (complete)
Lake Grace	\$538,082.25	\$134,196	2 (under construction)
Woodanilling	\$643,082.25	\$179,732	2 (under construction)
TOTAL	\$1,972,409	\$428,568	
	+ interest	inc interest	

SII Funding

The Business Case was submitted on 27th February 2015 and has been assessed by KPMG as part of their due diligence assessment as directed by the Department of Regional Development. Additional information was required and was submitted on 20th April 2015. It is understood that an outcome may be known in June/July 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.

Cr Carne left the meeting at 3.18pm.

8.1.2 WILLIAMS BOWLING CLUB

File Reference	EDO Files
Statutory Reference	N/A
Author & Date	Heidi Cowcher 12th June 2015

Background

The Williams Bowling Club is proposing the construction of a synthetic surface at the club to replace one of the grass greens. The Club has previously considered this, and Council submitted an application to DSRs CSRFF program, but unfortunately it was unsuccessful.

Comment

The Bowling Club have engaged two reputable synthetic surface companies to provide quotes to support the funding request. They are considering options associated with the installation of a 7 rink (and then retaining a grass green as well) or a 12 rink (which would see the replacement of both grass greens with one larger synthetic surface). The Club needs to determine which would



best suit its needs long term, as well as cater for the significant impost that grass greens have not only on the cost associated with a green keeper, but also the significant volunteer hours that are required as well. The whole reason behind considering the installation of a synthetic surface is to reduce the costs of a greenkeeper and the volunteer hours that are also associated with the maintenance of a grass green. The retention of one grass green and installation of one synthetic, still involves greenkeeper costs and volunteer time, whereas one larger synthetic surface significantly reduces the costs and volunteer time needed.

The Bowling Club supported the consideration of a funding submission at its AGM held in May, and are now presenting their request to Council for assistance with the project.

Council staff have assisted with financial modelling to demonstrate the viability of the project from a financial point of view, to ensure that the club does not place itself in a difficult financial position in order to be able to achieve the outcome of a synthetic surface. The modelling also demonstrated the ability for the club to be able to afford the project, and also invest funds into a 'sinking fund' to plan for the replacement of the surface in approximately 10 years' time (the average lifespan of a synthetic surface - it is feasible that this could be longer dependent on the wear on the surface).

Financial Implications

To be determined, based on final quotes (it is anticipated that these will be available at the meeting).

Voting Requirements

Simple Majority

Officers Recommendation

1. That the Shire of Williams act on behalf of the Williams Bowling Club to manage the new synthetic surface project, including all accounts in association with the project;
2. That the Shire of Williams prepares an application to the Department of Sport & Recreation's Community Sport and Recreation Facilities Fund on behalf of the Williams Bowling Club;
3. That Council considers a cash and/or in-kind contribution to the project of their determination;
4. That Council consider raising a self-supporting loan on behalf of the Williams Bowling Club for the balance of the funds required to finance the project.

Council Resolution

Cavanagh/Earnshaw

1. That the Shire of Williams act on behalf of the Williams Bowling Club to manage the new synthetic surface project, including all accounts in association with the project;
2. That the Shire of Williams prepares an application to the Department of Sport & Recreation's Community Sport and Recreation Facilities Fund on behalf of the Williams Bowling Club;



3. That Council contribute in-kind works of up to \$10,000 to the project of their determination;
4. That Council will consider raising a self-supporting loan on behalf of the Williams Bowling Club for the balance of the funds required to finance the project.

Carried 7/0
Resolution 262/15

8.1.3 WILLIAMS SWIMMING POOL – COMMUNITY POOL REVITALISATION GRANTS 2015/16

File Reference	11.20.20
Statutory Reference	N/A
Author & Date	Heidi Cowcher 12th June 2015

Background

In 2014 the Department of Sport and Recreation launched a new funding program granting up to \$30,000 to swimming pools to assist regional local governments with the cost of maintaining and upgrading an aquatic centre. Williams was granted the funding in November 2014 and has submitted its acquittal for the funding that is due 15th June 2015. The 2014/15 funding was allocated to general maintenance at the Williams Swimming Pool.

Comment

Council is eligible to once again apply for this funding of \$30,000 as of the 10th July 2015 for the 2015/16 season, with applications closing on the 15th August 2015.

The community has long held the belief that the Williams Swimming Pool needs heating to extend its season usage as well as to make the pool temperature more amenable to community use as it has a tendency to be exceptionally cold. Daisy Solar blankets were purchased in April 2009 and at the time the 'bubble' blankets were considered preferable based on their ease of use for operators as well as their heating capability (the foam blankets were slightly more expensive and were a better insulator but did not actually generate any heat as the bubble blankets do).

To supplement the heating provided by the solar blankets, consideration may like to be given to using the 2015/16 Community Pool Revitalisation Grants on installing solar heating at the Williams Swimming Pool. Various quotes are in the process of being obtained, and it is hopeful that these will be available at the Council meeting.

Financial Implications

Council may need to provide additional cash to the project, subject to sourcing more definitive quotes to confirm actual costs of installation.

Voting Requirements

Simple Majority



Officers Recommendation

1. That Council consider applying the 2015/16 DSR Community Pool Revitalisation Grant to the installation of solar heating at the Williams Swimming Pool;
2. That subject to final quotes, Council considers a cash allocation in the 2015/16 Budget.

Council have requested that this item is postponed until next meeting, once all quotes have arrived for the solar heating.

8.1.4 EDO REPORT ACCEPTANCE

Voting Requirements

Simple Majority

Officers Recommendation

That the EDO's report as presented be received.

Council Resolution

Major/Earnshaw

That the EDO's report as presented be received.

**Carried 7/0
Resolution 263/15**

Heidi Cowcher

Economic Development Officer

12th June 2015

Ms Cowcher left the meeting at 3.44pm.

Afternoon Tea

Council adjourned for afternoon tea at 3.44pm and resumed the meeting at 4.07pm, at item 8.4 Chief Executive Officer's Report.



8.2 WORKS SUPERVISOR'S REPORT

Works Supervisor Tony Kett attended the meeting at 2.23pm to discuss his report.

File Reference	12.15.36	
Statutory Reference	N/A	
Author & Date	Tony Kett	9 th June 2015

8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (kms)
Chapman Rd	2.1
Top End Rd	1.1
Tin Shed Rd	2.5
Cowcher Rd	4.4
Bates Rd	3.5
Quindanning-Darkan Rd	18.2
Congelin-Narrogin Rd	6.1
Pingelly Rd	8.1
Zilko Rd	19.3
Westmere Rd.	5.1
Yarrabin Rd	4.5
Plank Rd	4.7
Total Length for the Month	79.6 km

8.2.2 ROAD MAINTENANCE WORKS

- Patching on rural roads.
- Road side spraying.
- New road name signs up.
- Replaced white posts which got burnt in fire on Quindanning-Darkan Rd.



8.2.3 UPCOMING WORKS & ITEMS ON ROAD CONSTRUCTION PROGRAM

Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Status	Comment
York-Williams Rd (19.50km)	Shoulder widening and Seal from 6m to 7m	11.60	18.60	7.00	All gravel in.	Polycoring the gravel pieces. Completed
York-Williams Rd (19.50km) 2013-14 RRG Funding	Shoulder widening and Seal from 6m to 7m	4.60	11.60	7.00		Sealed.
Tarwonga-Dardadine (21.50km)	Clearing, gravel sheeting	7.60	10.60	3.00		Started tree clearing
Brooking St ROW	Seal and Kerb					Completed
Bowling Club Car Park	Seal and Kerb					Completed
Aged Homes	Drainage, seal and kerb					Completed
New Hockey Oval	Install lights and reticulation and plant grass					Retainer wall in. Fence up.

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	Fitted tool boxes.
Kia 2 Tonne Truck WL 5414		Jeff Cowan	9-Oct-07	110,275 km	Two new front tyres, repaired vibration in front end.
Holden Rodeo Crew Cab Utility WL842		Andrew Wood	15-Nov-06	270,182 km	
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	New rocker cover gasket.
Caterpillar 12M Grader WL61		Richard Hewitt	Dec 2011	2,720 hr	Fitted freeroller.
Caterpillar 12m Grader WL361		Andrew Wood	20-Oct-06	128 hr	
721E Case Loader WL 5639		Roger Gillett	May 2012	3,760 hr	Repaired rams on rake. Repaired alternator.
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	
Kubota Generator		Refuse Site		2,143 hr	
Toro Z597 Ride on Mower WL 731	Parks & Gardens	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	New rear tyres.
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	New front wheel bearings.
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

- Started gardens at new aged homes.



8.2.7 PRIVATE WORKS

- Small job for Main Roads

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/Medlen

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

**Carried 8/0
Resolution 261/15**

Mr Kett left the meeting at 2.37pm.

The order of the meeting was adjourned to attend to item 4.0 Presentation by David Phelps on behalf of the Williams Bowling Club.



8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

The Environmental Health/Building Surveyor Mr Steve Friend entered the meeting at 1.55pm to discuss his report.

8.3.1 BUILDING PERMITS

File Reference 13.34.10
Statutory Reference N/A
Author & Date Steve Friend 6th June 2015

Comment

The following building licenses have been issued under delegation by the EHO/BS:
#360 P & F Kulker Lot 440 Marjidin Way Road Occupancy Certificate

Financial Implication

Fees: Shire \$0; BSL- \$40.50; BCF \$0

Voting Requirements

Simple Majority Required

Officers Recommendation

That Building Permits issued by the EHO/BS as listed above be endorsed by Council.

Council Resolution

Johnstone/Major

That Building Permits issued by the EHO/BS as listed above be endorsed by Council.

Carried 8/0
Resolution 257/15

8.3.2 FOOD PREMISES INSPECTION

File Reference 7.40.41
Statutory Reference N/A
Author & Date Steve Friend 5th June 2015

Comment

Shell Roadhouse – Cleanly maintained. A request to the owners to repair or replace the floor covering in the kitchen.

Williams Woolshed – Well maintained. A request to the owners to clean tiles in the toilets.



Voting Requirements

Simple Majority Required

Officers Recommendation

That the Food Premises Inspection report be endorsed by Council

Council Resolution

Medlen/Earnshaw

That the Food Premises Inspection report be endorsed by Council.

**Carried 8/0
Resolution 258/15**

8.3.3 DEVELOPMENT APPLICATION

File Reference	13.34.10
Statutory Reference	Shire of Williams Town Planning Scheme
Author & Date	Steve Friend 10 th June 2015
Attachments	Appendix 1

Background

The owners of Lot 10 Pinjarra Williams Road have applied to undertake several developments on their property.

The development includes extending the front of the house, building a 4m x 7m shed, building a 3.75m x 3.75m shed, building a 7.5m x 3.75m shed, building a 9m x 20m shed, a patio and up to 3 greenhouses.

The letter accompanying the Development Application states the land (including proposed sheds and greenhouses) will be used for “semi-commercial” aquaponics business).

Comment

The property in question is zoned Rural Residential in the Shire of Williams Town Planning Scheme (TPS) and as such, as well as some of the development requiring building approval, all requires development approval.

Council is required to consider such things as the size, shape, mass, external finishes and “appropriateness” of the development.

This could also include “any detrimental circumstances that could originate from the proposal, including noise, vibration, smell, light, traffic generation, potential health or safety hazard,



electrical interference, unsightly appearance, smoke, fumes, dust, oil, waste water or other waste products”

The property already has an existing transportable dwelling on it as well as two reasonably large Colorbond clad sheds.

There are a couple of smaller sheds on the place as well. Lastly there is already a greenhouse towards the rear of the property.

Dwelling – the proposal is to add 2m to the front of the dwelling which will consist of an enlarged lounge and an enlarged bedroom. The remainder of the front extension will be a pine deck.

The external sheeting will be villa board which will match the existing house materials.

The owners also propose to build a 4m x 7m pine pergola on the western side of the existing dwelling

Sheds – it is proposed to build several sheds of varying sizes. All will be Colorbond clad. There are already 2 existing largish sheds on the property and if approved, the proposed sheds will increase the number to seven sheds.

Green houses – the type of greenhouse is shown attached. The request is for three of these – there is already an existing one behind the house.

Part 2.22.of the TPS states the objective of the Rural Residential Zone is to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural residential retreats, and also to make provisions for the retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

The present owners have improved the property immensely since purchasing the place. The enlargement of the dwelling should not present a problem, providing a building permit can be issued.

What might concern Council (and the neighbours) is the proliferation of sheds on the property.

As mentioned, if all are approved, the number will increase to seven.

The greenhouses also are probably not a problem as growing flowers or vegies in a Rural Residential zone would be quite normal.

What Council would need to consider is would it be appropriate to be growing vegetables on the premises and selling them. This equally applies to harvesting fish.

This would of course depend on the scale.



If a crate of lettuce was grown and taken into town and sold to the roadhouses, this would not constitute a big deal.

But if the venture was successful, and businesses and the public were able to buy from the property, or that trucks were coming and going delivering vegetables, or fish, or materials to grow the vegetables and fish, this might then be a business better suited to the Rural Zone.

Council could approve the erection of the greenhouses but disallow the selling of any produce from the premises.

Anticipating a question from Council as to what all the sheds will be used for, I have asked the owner and the response follows:

Hi Steve.

The one next to the house sheds are to put the truck in, the one behind the greenhouse is for process of vegetables and fish etc from the aquaponics, and the one down the back is to house food for fish, chooks etc and to keep things like 4 wheel motorbike slasher for the paddocks and things like that. We have 3 cars as well as the truck.

Table 1 of the TPS states that a “Rural Pursuit” is not permitted in a Rural Residential zone without the prior approval of Council.

A “Shop” is not permitted in a Rural Residential zone.

The definition of a **Rural Pursuit** is-

means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- a) The growing of vegetables, fruit, cereals or food crops;
- b) The rearing or agistment of sheep, cattle, goats or beasts of burden;
- c) The stabling, agistment or training of horses;
- d) The growing of crops or pasture for grazing or seed production;
- e) The sale of produce grown solely on the said land.

The definition of a **Shop** is –

Means a building wherein goods are kept, exposed or offered for sale by retail....

Whereas the proposed development could be approved if the produce produced is for the use of the owners only, or is for sale to the public off farm, if approved by Council, the TPS does not permit the selling of produce from a “shop’ on the property.

If Council is worried about any aspects of this application, it could consult with the neighbours either side to determine feedback prior to making a decision.



Officers Recommendation

That the development proposed by the owners of Lot 10 Pinjarra Williams Road Williams be approved as submitted, subject to:

1. Building permits being granted for those buildings that require one and
2. The development cannot be used to produce goods (vegetables, fish etc) for sale to the public by the public attending the property
3. The produce produced could be sold to the public by delivery only
4. All food production, for sale, must meet the requirements of the Food Act and Regulations.

Council Resolution

Major/Cavanagh

That the development proposed by the owners of Lot 10 Pinjarra Williams Road Williams be approved in principle as submitted, subject to:

1. Building permits being granted for those buildings that require one and;
2. The development cannot be used to produce goods (vegetables, fish etc) for sale to the public by the public attending the property
3. The produce produced could be sold to the public by delivery only
4. All food production, for sale, must meet the requirements of the Food Act and Regulations.
5. The proponents supplying an accurate site diagram showing the location of all the proposed development, with the locations to be approved by the Environmental Health Officer/Building Surveyor.

**Carried 8/0
Resolution 259/15**

8.3.4 EHO REPORT ACCEPTANCE

Voting Requirements

Simple Majority

Officers Recommendation

That the EHO's report as tabled be received.

Council Resolution

Carne/Paterson

That the EHO's report as tabled be received.

**Carried 8/0
Resolution 260/14**

Mr Friend left the meeting at 2.22pm.

The order of the meeting then proceeded to item 8.2 Works Supervisor's Report.



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 June 2015

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 June 2015 be received by Council.

Council Resolution

Medlen/Paterson

That the Chief Executive Officer's General Report for June 2015 be received by Council.

Carried 7/0
Resolution 264/15

Council Resolution

Medlen/Paterson

That Council request that the Chief Executive Officer apply for Black Spot Funding for the intersection of William Street/Albany Hwy and re-apply for the Zilko Rd section previously submitted for 2015/16.

Carried 7/0
Resolution 265/15



8.4.2 WALGA – SUBSCRIPTION RENEWAL 2015/16

File Reference 4.12.00
Statutory Reference N/A
Author & Date Ryan Duff 11th June 2015

Background

The Western Australian Local Government Association (WALGA) has provided Council with a forecast for Membership and Services for the 2015-2016 Budget. The forecast is based on the services that the Shire of Williams is currently utilising from WALGA.

Comment

	Forecast	2014/15
Association Membership	\$7,135	\$6,249
Local Government Act Update Service	\$191	\$191
CouncilsConnect(Website)	\$4,500	\$4,500
Roman II System License Fees	\$5,395	\$5,276
Tax Service	\$1,300	\$1,300
Total	\$18,521	\$17,516
Services not Utilised	2015/16 Quote	
Local Laws Service	\$562	\$562
Procurement Consultancy Service	\$2,200	\$2,200
Workplace Solutions Service**	\$2,700	
Councils online **		
** Forecast not given for 2015/16		

Financial implications

As Above

Voting Requirements

Simple Majority

Officer’s Recommendation

That council include the following WALGA fees and charges in the 2015/16 budget:

1. Association Membership
2. Local Government Act Update Service
3. CouncilsConnect (Website)
4. Roman II System License Fees
5. Tax Service



Council Resolution

Major/Medlen

That council include the following WALGA fees and charges in the 2015/16 budget:

1. Association Membership
2. Local Government Act Update Service
3. CouncilsConnect (Website)
4. Roman II System License Fees
5. Tax Service.

**Carried 7/0
Resolution 266/15**

8.4.3 SHIRE OF WILLIAMS POLICY MANUAL REVIEW

File Reference	4.1.20
Statutory Reference	<i>Local Government Act 1995 - sect 2.7</i>
Author & Date	Ryan Duff 11 th June 2015
Attachments	Appendix 1 – Current Shire of Williams Policy Manual Appendix 2 – Amended Shire of Williams Policy Manual

Background

A policy is a general rule to be applied in the exercise of a function (power or duty) and includes a statement of conditions under which an authorisation may, or is to be given or withheld. A policy will ordinarily apply irrespective of whether a matter is to be determined

- by an employee with delegated authority; or
- at a meeting of the Council.

Policies should not be confused with delegations and procedures. A delegation for the purposes of the Act, will only apply when –

- a ‘person’ has a statutory power or duty;
- the person has the power of delegation;
- the person commits that power or duty, in writing to another to perform;
- the person has the power to make the delegation to the delegatee.

A “procedure” is “the act or manner or proceeding in any action or process; conduct”, and procedural statement can be construed accordingly.

In very simple terms –

Policy provides what can;

Delegation provides who can;

Procedures provide how to.



Policies are the province of Council. Delegations are primarily the province of the CEO – i.e. Council can delegate only to a committee or the CEO, whereas the latter delegates to employees. Procedures are appropriately a function of management.

Only policies should be in the Policy Manual.

Comment

The Shire of Williams Policy Manual was compiled in 1999 with many amendments being made since this time. A major review was conducted in 2005 and over the last few months Cr Cowcher, Cr Carne and Cr Major have undertaken a review of the current policies of Council.

Both the existing and amended Policy Manual are attached as APPENDIX 1 and APPENDIX 2.

Legislative Requirements

LOCAL GOVERNMENT ACT 1995 - SECT 2.7

2.7 . Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

[Section 2.7 amended by No. 17 of 2009 s. 4.]

Financial implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

That the Shire of Williams adopts the policies in the document presented "Shire of Williams Policy Manual 2015" and includes any amendments made at the meeting.

Council reviewed the draft document in its entirety and will formally adopt the Policies once the final copy is presented, and advice has been received by the Auditors and LGIS on a number of issues raised during the review.



8.4.4 MK & AL IREDELL – EXTRACTIVE INDUSTRY ANNUAL RENEWAL, LOT 10126 BATES RD

File Reference	10.64.20
Statutory Reference	Shire of Williams Town Planning Scheme No. 2
Author & Date	R.N. Duff 11 th June 2015

Background

In August 2010 Urban and Rural Perspectives (URP), on behalf of landowners Mark and Agnes Iredell of Lot 10126 Bates Rd Williams made an application for retrospective approval for an Extractive Industry (gravel extraction).

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

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

Council granted the Extractive Industry License for 12 months and charged the scheduled fee at the time.

Comment

MK & AL Iredell have written to Council seeking a further extension to the Extractive Industry License for Lot 10126 Bates Rd similar to what was done in July 2011, 2012, 2013 & 2014.

Council’s August 2010 approval was as below:

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

- *The area to be mined is restricted to the area mentioned in the submission*
- *Clearing of native vegetation is restricted as per the submission*
- *Revegetation is to occur as per the submission*
- *Gravel extraction is to be limited to supply within the Shire of Williams unless a further submission is made.*
- *Approval is for a 12 month period, renewable on the 1st July each year subject to an application being submitted. No fee will be charged for renewal.*
- *The hours of operation be 6:00 am to 8:00 pm Monday to Saturday and other times subject to approval.*
- *Restoration and reinstatement of the excavation site and staging of such works to a maximum work area of 1 ha;*
- *Except where the local government approves otherwise the applicant must drain and keep drained to the local government’s satisfaction any excavation to which the license applies so as to prevent the accumulation of water;*
- *Council will not permit the dumping of any material, such as building material or metal objects, on extractive industry sites or any other sites that is incompatible with the planned future use of the land. Council will only permit the fill of extractive industry sites with clean material that is specified in the approved rehabilitation plan.*



- *Minimum setbacks to roads and other property (30 metres unless otherwise approved);*
- *The amenity of the locality by reason of the emission of dust, noise, vibration, waste production, smoke, odour or otherwise shall not be affected, any complaint will be investigated and this permit may be revoked.*
- *Transportation of material from the site shall not occur during school bus hours or during or after significant rain. The applicant is to ensure that all efforts are made not to adversely affect the roads because of their activities. Should the road be damaged other than fair wear and tear then renewal of the permit may not be granted.*
- *Erection of signs in conjunction with the Shire Works Supervisor clearly indicating the access point to the site*
- *No Blasting or Crushing to be carried out without prior approval from the Council*
- *The permit is non-transferable unless written approval is granted by Council*
- *Council reserves the right to cancel an extractive industry approval at any time without redress where it is of the view that any of the above conditions are not being complied with.*

Financial Implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council approve the extension of the Extractive Industry Licence for Lot 10126 Bates Road for a further 12 months with no changes to the previous conditions.

Council Resolution

Major/Medlen

That Council approve the extension of the Extractive Industry Licence for Lot 10126 Bates Road for a further 12 months with no changes to the previous conditions.

**Carried 7/0
Resolution 267/15**



8.4.5 DISABILITY ACCESS RAMP – LOT 17 ALBANY HIGHWAY

File Reference 12.21.40
Statutory Reference N/A
Author & Date R.N. Duff 10th June 2015

Background

In March 2015 Council gave planning approval for Lot 17 (No. 34) Albany Highway to be used as a pharmacy.



Comment

The owner of Lot 17 has approach the Chief Executive Officer to seek Council approval to construct a disability access ramp to the front of the building. As can be seen in the image above the building abuts the property boundary and any ramp would have to be constructed on the Council footpath.

The proposed ramp will be constructed out of steel and will be removable should it cause concern or is no longer required. The ramp will be constructed to Australian Standards and the owner has advised that it would not affect visual amenity.

The ramp will run north/south with entry point being at the north end of the ramp.

The Chief Executive Officer is currently investigating Council's liability with respect to any structure built on a Council footpath. The issue is not as simple as it would appear but as long as these



issues are resolved then Council could agree to the request and authorise the CEO to give approval whilst working with LGIS to ensure Council liability issues are covered.

Issues which will be clarified are:

- How the potential obstruction and hazards to other path users (pedestrians and cyclists) will be managed
- Will there be sufficient room for other path users to manoeuvre around the ramp
- Will the ramp be visible in all conditions sufficiently contrasting with its surrounds (particularly in low light)
- Will the ramp require handrails
- Can the ramp be oriented to minimise intrusion into the footpath
- Does the ramp present and will it maintain a slip resistant surface
- Does the ramp comply with relevant requirements for example including:
 - Legislative
 - Australian standards
 - National Construction Code (BCA)
 - Disability access (including the Shires own Disability Access and Inclusion Plan)

It may also be beneficial for the Shire to consider an agreement with the business owner/occupier that outlines each party's responsibilities and indemnifies the Shire in relation to injury, damage or loss arising from the ramp.

Financial Implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

That approval is given for a steel disability access ramp to be constructed on the footpath at Lot 17 Albany Highway.

Council Resolution

Major/Medlen

That approval is given for a steel disability access ramp to be constructed on the footpath at Lot 17 Albany Highway subject to a legal agreement being executed with the owner absolving the Shire of Williams from any liability with all cost to be met by the owner.

**Carried 7/0
Resolution 268/15**



8.4.6 MANAGER OF FINANCE EMPLOYMENT - CONTRACT EXTENSION

File Reference	4.20.10
Statutory Reference	Local Government Act 1995 – S5.39
Author & Date	R.N. Duff 11 th June 2015

Background

The Manager of Finance been employed in the position since May 2013 on a 3 year contract which expires in May 2016. The Manager of Finance has advised the CEO that she is seeking a contract extension for a further 3 years.

Comment

Excerpt from the Manager of Finance’s Contract:

4. TERM OF EMPLOYMENT

Subject to the terms and conditions contained in this Contract, the Local Government will employ Cara Ryan, in the position of the Local Government’s MOF, for a term of Three (3) Years, commencing on 6th May 2013 and expiring on 5th May 2016.

5. FURTHER CONTRACTS

There is no compulsion on either the Council or the MoF to agree to a new Contract. The Council and/or the MOF shall initiate discussions not later than 12 months prior to the expiry of the Term for the parties to enter into a new Contract for a further term with the Council making a decision to finalise those discussions not later than 9 months prior to the expiry of the term of this Contract. In the event that the Council and the MOF agree to a new contract, a new contract will be executed.

Legislative Requirements

LOCAL GOVERNMENT ACT 1995 - SECT 5.39

5.39 . Contracts for CEO and senior employees

(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) —

(a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

(b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

(2) A contract under this section —

(a) in the case of an acting or temporary position, cannot be for a term exceeding one year;

(b) in every other case, cannot be for a term exceeding 5 years.



- (3) A contract under this section is of no effect unless –
- (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person’s performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

Financial Implications

The Manager of Finance’s salary package is included in the Annual Budget and Long Term Financial Plan.

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council renew the Manager of Finance’s Employment Contract for a further 3 years expiring May 2019.

Cara Ryan left the meeting 5.32pm so Council was able to discuss with the Chief Executive Officer confidentially.

Council Resolution

Major/Earnshaw

That Council renew the Manager of Finance’s Employment Contract for a further 3 years expiring May 2019.

**Carried 7/0
Resolution 269/15**

Ms Ryan returned to the meeting at 5.34pm.



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	10 th June 2015

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 104397-104399, EFT Transfers and Direct Debits totalling \$311,977.81, CLGF Regional Funding EFT transfers totalling \$706,596.60 approved for payment by the Chief Executive Officer be endorsed and Municipal Fund EFT Transfers totalling \$172,541.98 be approved for payment.



Council Resolution

Johnstone/Earnshaw

That Municipal Fund cheques 104397-104399, EFT Transfers and Direct Debits totalling \$311,977.81, CLGF Regional Funding EFT transfers totalling \$706,596.60 approved for payment by the Chief Executive Officer be endorsed and Municipal Fund EFT Transfers totalling \$172,541.98 be approved for payment.

**Carried 7/0
Resolution 270/15**

8.5.2 FINANCIAL STATEMENTS

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	10 th June 2015

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 31st May 2015 be received.

Council Resolution

Cavanagh/Paterson

That the financial statements presented for the period ending 31st May 2015 be received.

**Carried 7/0
Resolution 271/15**



8.5.3 WRITE-OFF OUTSTANDING SUNDRY DEBTS

File Reference 4.21.25
Statutory Reference Local Government Act 1995 Section 6.12(1)
Author & Date Cara Ryan 10th June 2015

Background

This report is presented to advise Council of non-collectable debts and seeks Council approval to write-off debts that have been outstanding for an excessive period of time and are considered unrecoverable.

The total outstanding monies owed to Council of \$541.80, are as detailed on the following schedule.

Date	Invoice Number	Name	Details	Amt
30/04/2014	1414	Kaisey McArthy	1 Load of Water Delivered - Ms McArthy no longer resides in Williams and we have been unable to locate her.	\$167.50
04/12/2013	1198	Jodie Shaw	Lost Books – Ms Shaw was a short term resident and we have been unable to locate her.	\$122.30
16/07/2013	13.903	Elaine Stanton	Dog Pound Fees – There is confusion on who is liable for this debt. The dog was unregistered and has since been re-homed with SAFE.	\$252.00

Statutory Implications

LOCAL GOVERNMENT ACT 1995 - SECT 6.12

6.12 . Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
 which is owed to the local government.

Comment

All outstanding debtors are reviewed on a monthly basis and whilst the Council has a good track record at managing and recovering debts there will always be some debts that become uncollectable. Due to the excessive age of the debts presented and the significant costs that would be associated with debt collection it would be uneconomical to pursue the debt with legal action.

In relation to bad debts associated with lost books, the borrower is immediately de-registered in the library system with notes advising that the borrower has an outstanding debt and is unable to borrow any further items until the debt is paid. Stricter registration procedures have also been



implemented in the library to ensure prospective borrowers are properly identified and have proof of residency. Temporary residents are limited to borrowing one item at a time.

Financial Implications

Should the council decide to write off \$541.80 as a bad debt, there would be a nil effect to the year-end closing funds as there is a provision on the balance sheet of \$14,273.42 for doubtful debts.

Voting Requirements

Absolute Majority

Officers Recommendation

That Council agrees to write off the following bad debts totalling \$541.80:

<u>Invoice Number</u>	<u>Name</u>	<u>Amt</u>
1414	Kaisey McArthy	\$167.50
1198	Jodie Shaw	\$122.30
13.904	Elaine Stanton	\$252.00

Council Resolution

Cavanagh/Paterson

That Council agrees to write off the following bad debts totalling \$541.80:

<u>Invoice Number</u>	<u>Name</u>	<u>Amt</u>
1414	Kaisey McArthy	\$167.50
1198	Jodie Shaw	\$122.30
13.904	Elaine Stanton	\$252.00.

**Carried 7/0
Resolution 272/15**



8.5.4 RATE DEBTOR – INDIGENOUS LAND CORPORATION (ILC) – ASSESSMENT 1161

File Reference	3.1.97
Statutory Reference	Local Government Act 1995 Section 6.12(1) Section 193P of the Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1995
Author & Date	Cara Ryan 10 th June 2015
Attachments	Appendix 1 - LG Rates Exemption for Indigenous Org. Appendix 2 - Practice Notes: The Complete Guide to the Local Government Act 1995, pages 6.51 & 6.52 Appendix 3 - Inquiry into the operation of Section 6.26 of Local Government Act 1995, pages 30,31 & 32 Appendix 4 – Indigenous Land Corporation, 9 th May 2013

Background

The Indigenous Land Corporation (ILC) are the current landholders of Gibbagunya, Quindanning Rd, Williams, which includes Wellington Locations: 2310, 2311, 2312, 3667, 2103, 2106, 2107, 2308 and 2309. They have been the owners of this land since October 2010 and they have had rates raised against these properties from this time, up to and including 2013/2014 financial year. The outstanding amount as of 31st May 2015 is \$14,327.89.

Whilst, ILC are exempt from the payment of rates, it had been brought to the attention of Council that the adjoining landholder is leasing the property on a commercial basis. The Chief Executive Officer wrote to ILC in March 2012 and January 2013 requesting that the Corporation consider agreeing on making an ex gratia payment, as Council were aware of the commercial lease. No response was received from ILC. It was only after a third letter was sent in April 2013 that a response was received from ILC, from their legal counsel, advising that they will not pay ex gratia rates at this time as the rent achieved from the commercial arrangement is low, see Appendix 4.

Statutory Implications

LOCAL GOVERNMENT ACT 1995 - SECT 6.12

- 6.12 . Power to defer, grant discounts, waive or write off debts
- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
 which is owed to the local government.

LAND FUND AND INDIGENOUS LAND CORPORATION (ATSIC AMENDMENT) ACT 1995

Exemption from taxation

"193P. The Indigenous Land Corporation is not subject to taxation under a law of the Commonwealth, a State or a Territory.



LOCAL GOVERNMENT ACT 1995 - SECT 6.26

6.26 . Rateable land

- 1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land —
 - (j) land which is exempt from rates under any other written law; and

Comment

Section 193P of the *Land Fund and Indigenous Land Corporation Act 1995* provides exemption of all Commonwealth, State and Territory taxes, therefore the corporation is exempt from local government rates on any land it holds. Although there appears to be a commercial lease with the adjoining owner, it is difficult to ascertain whether this is formally written.

Appendices 1 to 3 attached, provide an insight of the Indigenous Land Corporation exemption on rates. Although there may be a lease arrangement at Gibbagunya, it could be argued that the revenue raised serves a charitable purpose, as was the case for the BindiBindi Judgement.

Financial Implications

Should the council decide to write-off Rates Assessment 1161 for \$14,327.89 this would result in a decrease to year end closing funds.

Voting Requirements

Absolute Majority

Officers Recommendation

That Council agrees to write off \$14,327.89 against rates assessment 1161, and grants exemption of any further rates raised, whilst the land is owned by the Indigenous Land Corporation.

Council Resolution

Johnstone/Medlen

That Council agrees to write off \$14,327.89 against rates assessment 1161, and grants exemption of any further rates raised, whilst the land is owned by the Indigenous Land Corporation.

**Carried 5/2
Resolution 273/15**



8.6 COUNCILLORS' REPORTS

Cr Cavanagh attended and discussed both the Hotham Williams Economic Development Alliance (HWEDA) and the Mines CLC meeting.

Cr Medlen attended and discussed the recent Landcare Annual General Meeting held on the 15th June 2015.

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 5.50pm.