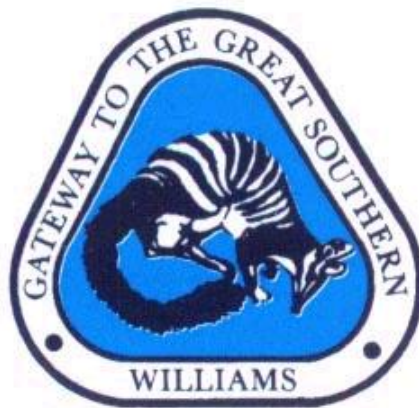


SHIRE OF WILLIAMS

***MINUTES ORDINARY MEETING HELD ON WEDNESDAY
15TH FEBRUARY 2017***



COUNCIL DIARY

WEDNESDAY 15TH FEBRUARY 2017

1.00pm

Ordinary Meeting

WEDNESDAY 15TH MARCH 2017

1.00pm

Ordinary Meeting



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AGENDA

1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President, Cr John Cowcher declared the meeting open at 1.00pm.

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(PREVIOUSLY APPROVED)

Cr John Cowcher	President
Cr Greg Cavanagh	Deputy President
Cr David Earnshaw	
Cr Richard Johnstone	
Cr Gilbert Medlen	
Cr Natalie Major	
Cr Jarrad Logie	
Cr Peter Paterson	
Cr Moya Carne	
Geoff McKeown	Chief Executive Officer
Cara Ryan	Manager of Finance
Heidi Cowcher	Economic Development Officer (1.03pm to 1.15pm)
Tony Kett	Works Supervisor (1.17pm to 2.13pm)
Gordon Tester	Environ. Health Officer/Building Surveyor (2.14pm to 2.23pm)

3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	Geoff McKeown / Chief Executive Officer
Item No. / Subject	8.4.6 / Memorandum of Understanding – Williams Campdraft
Type of Interest	Impartiality



DECLARATION OF INTEREST	
Name / Position	Moya Carne / Councillor
Item No. / Subject	8.4.9 / Lease of Vacant Shire Land – Lot 9000 Albany Highway
Type of Interest	Impartiality

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 ORDINARY COUNCIL MEETING HELD 21ST DECEMBER 2016

Officer's Recommendation

That the Minutes of the Ordinary Meeting held on 21st December 2016, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Earnshaw/Johnstone

That the Minutes of the Ordinary Meeting held on 21st December 2016, as previously circulated, be confirmed as a true and accurate record.

**Carried 9/0
Resolution 139/17**

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 to discuss her report.

8.1.1 4WDL WELL AGED HOUSING PROJECT

File Reference	EDO Files
Statutory Reference	N/A
Author & Date	Heidi Cowcher 13 th February 2017

Background

The Shire of Williams, as lead agency on behalf of the 4WDL Regional Group, has secured funding to construct a total of up to 50 units across seven local governments from various sources since 2010. To date five separate funding streams have financed the construction, four of which are now complete. The final funding stream (SII) is underway and due for completion 2018.

Comment

Funding totalling \$5,023,648 has been secured to construct an additional 14 units across 6 shires. Confirmation has been received that additional units are being built, which will bring the total to 18. In each Shire the project is progressing reasonably well.

Summary of claims processed to date:

Shire	Total Funded	Total claimed to 13.02.17
West Arthur (3 units)	\$717,664 (+ interest) 2 units	\$550,731.93
Williams (2 units)	\$717,664 (+ interest) 2 units	\$640,650.64
Wagin (4 units)	\$1,076,496 (+ interest) 3 units	\$719,651.84
Dumbleyung (3 units)	\$717,664 (+ interest) 2 units	\$352,600.80
Lake Grace (3 units)	\$1,076,496 (+ interest) 3 units	\$418,232.60
Woodanilling (3 units)	\$717,664 (+ interest) 2 units	\$686,747.37
TOTAL (18 units)	\$5,023,648 (14 units)	\$3,368,615.18

A quarterly report for the period October-December 2016 was submitted in January 2017.

Financial Implications

Project Management and Audit expenses attributed to this project are funded from the interest earned on the investment of the funding. The Shire of Williams does not incur any additional expenditure on this project that is not funded from the project interest.

Voting Requirements

Simple Majority

Officers Recommendation

The report on progress of the 4WDL Well Aged Housing Project is received.



Council Resolution

Medlen/Carne

The report on progress of the 4WDL Well Aged Housing Project is received.

**Carried 9/0
Resolution 140/17**

8.1.2 GENERAL PROJECTS UPDATE

File Reference	EDO Files
Statutory Reference	N/A
Author & Date	Heidi Cowcher 13 th February 2017

Background

The EDO manages and supports the management of a variety of projects that are either currently being implemented, in the final stages of delivery/reporting or awaiting outcome advice on potential funding.

Comment

Williams Aged Units – Lots 67 & 68 New Street

The units are complete, however practical completion is yet to be issued due to a couple of minor works to be attended to. It is anticipated that the

All fencing has now been installed. Landscaping should be completed this week. The additional paving that was requested by the housing committee was completed last week.

An official opening of the units has been confirmed for Friday, 24th February 2017 at 10:30am, with the official duties to be undertaken by Terry Waldron MLA prior to his retirement from politics at the March State Election. This function will serve as an official opening of all 7 units, together with the public open space. All Councillors have been invited.

Time permitting at the meeting, we may have an opportunity to inspect the completed units.

HWEDA

A Project Plan for the Marradong Country Self-Drive Trail has been completed in support of funding applications that will enable this project to be implemented. Funding applications have been submitted to the Wheatbelt and Peel Development Commission's Community Chest Fund for \$15,000 respectively and Worsley/South32 for \$30,000.

The project has been successfully funded, with the WDC committing \$10,000; PDC committing \$15,000 and Worsley/South32 have committed \$55,000. The HWEDA Board will be discussing the commencement of implementation of the project at its meeting on the 14th February.



Williams Lions Park Redevelopment

The Shire's application to the Federal Government's Building Better Regions Fund is underway with a draft due to RDAW on 14th February. Feedback will be provided by the 16th February, with the application due Tuesday 28th February 2017. Once submitted, it is not likely that the outcome will be known for around 4-6 months.

Williams Swimming Pool – Heat Pumps Installation

Funding was secured from DSRs Community Pool Revitalisation Scheme funding for the installation of two heat pumps at the Williams Swimming Pool. The installation has been delayed as currently the Shire is in negotiations with Western Power as it has been identified that a power upgrade may be required into the Williams Sport and Recreation Complex. Ray Sherry has been working with Cara to provide the information required by Western Power to review this request. At this stage it is not known how long this work may take. The funding is to be acquitted by 1st June 2017.

Financial Implications

Project based, budgeted for as appropriate.

Voting Requirements

Simple Majority

Officers Recommendation

That the General Projects update be received.

Council Resolution

Paterson/Medlen

That the General Projects update be received.

**Carried 9/0
Resolution 141/17**

Ms Cowcher left the meeting at 1.15pm.



8.2 WORKS SUPERVISOR'S REPORT

Works Supervisor Tony Kett attended the meeting at 1.17pm to discuss his report.

File Reference 12.15.36
 Statutory Reference N/A
 Author & Date Tony Kett 9th February 2017

8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (km)
Playle Rd	3.7
Yarrabin Rd	4.5
Westmere Rd	5.1
Extracts Rd	12.2
Anderson Rd	2.5
Pingelly Rd	4.6
Congelin –Narrogin Rd	6.1
Martin Rd	3.8
Folland Rd	2.9
Munthoola Rd	2.0
English Rd	6.5
Curteis Rd	4.2
Total Length for the Month	58.1 km

8.2.2 ROAD MAINTENANCE WORKS

- White posts and signs back up on Clayton Rd
- Attended fires Wilkie Rd, Nash Rd, Dardadine Rd (Shire loader, water truck and grader at Nash and Dardadine Rds)

8.2.3 2016/17 ROAD CONSTRUCTION PROGRAM

Road Construction Program 2016-17								
Road No	Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Start Date	Finish Date	Comments
128	Williams-Darkan Rd	Reseal	22.52	25.52	3 km			
9	Dardadine Road	Seal	00	2.00	2 km			



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10	Pingelly Road	Seal to 7m	0.05	3.50	3 km		Completed.
1	York-Williams	Reseal	0.0	3.00	3 km		
7	Clayton Road	Widen Shoulders	0.0	2.00	2 km		Completed.
11	Marradong Road	Clear vegetation, drainage and repair failures	Various slks				
12	Zilko Road	Clear vegetation and gravel sheet	Various slks				Completed.
2	Darkan-Quindanning	Tree trimming south end	Cross roads to Boundary		15km		Completed.
54	Kennedy Road	Gravel sheet	0.00	2.74	2.74km		Completed.
88	Curteis Road	Clear sections and gravel sheet 1km.			1 km		Trees cleared.
99	Wilkie road	Reconstruct culvert floodway					Started
5	Fourteen Mile Brook Road	Reconstruct culvert floodway.					

8.2.4 MECHANICAL REPORT

Plant Description		Driver	Date Purchased	Hours/Km December 2016	Works Completed this month
Mazda CX5 WL 16	Light Vehicles	Cara Ryan	23 Sep 15	48,254 km	
Toyota Prado 16 WL		Geoff McKeown	10 Sep 16	1,800 km	
Holden Rodeo Dual Cab Utility WL 5499		Outside staff	5-Nov-04	241,197 km	
Isuzu D-Max WL 19		Tony Kett	9 –Sep 14	75,000 km	Serviced
Kia 2 Tonne Truck WL 5414		Jeff Cowan	9-Oct-07	143,300 km	
Holden Colorado Crew Cab Ute WL 742		Andrew Wood	5-Oct 15	204,566 km	
Isuzu 4x2 Single Cab Ute WL 916		Maintenance	25-Nov-2016	42 km	
Holden Rodeo Single Cab Utility WL 826		Outside works crew	20-Nov-06	116,987 km	
Isuzu 4x2 Single Cab Ute WL 915		James Lenehan	25 Nov 2016	154 Km	



Skid Steer Track Loader 1EVV725	Construction Equipment	Outside works crew	Sep 2015	340 hr	
Multipack Multi-Tyre Road Roller WL 49		Outside works crew	21-Oct-04	6,377 hr	
Vibromax Roller WL 126		Outside crew	29-Sep-04	4,203 hr	Serviced. Welded up leak in fuel tank.
Caterpillar 12M Grader WL 61		Richard Hewitt	Dec 2011	4,735 hr	Replaced cracked manifold.
Caterpillar 12M Grader WL 361		Andrew Wood	15-10-2014	1,875 hr	
721E Case Loader WL 5639		Roger Gillett	May 2012	5,879 hr	
Volvo EC210BLC Excavator WL 499		Phil Reed	18-Jul-07	6,811 hr	
John Deere 315SE4 Backhoe WL 745		Trevor Palframan	17-Sep-01	2,697 hr	
Toro Reelmaster SP Mower WL 5502		Works	Aug-09	1,010 hr	New battery
Kubota Generator		Refuse Site		3,477 hr	
Toro Z597 Ride on Mower WL 731	Parks & Gardens	Jeff Cowan	1-Oct-06	1,943 hr	
Toro Z400 Kholer Ride on Mower WL 5302		Jeff Cowan	8-Aug-05	594 hr	
Honda TRX Four Wheel M/cycle WL 429		Jeff Cowan	20-Mar-00	1,392 hr	
Toyota DA115 Tip Truck (Water Truck) WL 595		James Lenehan	24-Aug-94	235,800 km	
Isuzu FVZ1400 Tip Truck WL 093			31-Dec-03	293,382 km	Replaced broken gear linkage
Mercedes Benz Actross Prime Mover WL 91	Trucks & Trailers	Phil Reed	21-Dec-05	308,626 km	Serviced
Isuzu Giga CXZ Tip Truck WL 128		Justin Murdock	10-Dec-08	200,853 km	
Isuzu NPR 300 Truck WL 016		Ray Scobie	21-Jan-13	74,662 km	
SFM Side Tipping Trailer WL 3730		Works	21-Dec-05	140,500 km	
Howard Porter Low Loader WL ITIF 238		Works	31-Aug-07	132,500km	
Howard Porter Pig Trailer WL 3792		Justin Murdock	10-Dec-08	1405,300 km	
Nissan Patrol Fire Ute 1CXV788		BFB Fast attack	23- Feb 2016	167,500 km	



8.2.5 STAFF

- Nil to report

8.2.6 TOWN AND FACILITIES REPORT

- Started work on the new bowling green
- Gardens started at new aged homes

8.2.7 PRIVATE WORKS

- Nil to report

8.2.8 WORKS SUPERVISOR REPORT ACCEPTANCE

Voting Requirements

Simple Majority Required

Officer's 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 9/0
Resolution 142/17**

Mr Kett left the meeting at 2.13pm.



8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

The Environmental Health Officer/Building Surveyor, Mr Gordon Tester, attended the meeting at 2.14pm.

8.3.1 BUILDING PERMITS

File Reference 13.34.10
Statutory Reference Building Act 2011, Building Regulations 2012
Author & Date Gordon Tester 27th January 2017

Comment

Schedule of Building Permits processed for Councils information.

Permit Number	Owner	Address	Description	Value
388	W&B Lavender	10096 Pinjarra Williams Road	Below Ground Swimming Pool	\$20,000
389	Duncan Phillis	11 Adam Street	Roof Replacement	\$15,000
390	W&B Lavender	10096 Pinjarra Williams Road	Timber Deck & Glass, Pool Barrier Fence	\$17,000

Voting Requirements

Simple Majority Required

Officer's Recommendation

That Building report as presented above be endorsed by Council.

Council Resolution

Medlen/Logie

That Building report as presented above be endorsed by Council.

Carried 9/0
Resolution 143/17

8.3.2 FOOD PREMISES INSPECTIONS

File Reference 7.40.41
Statutory Reference N/A
Author & Date Gordon Tester 27th January 2017

Comment

Several food premises were inspected in the month of January.



Field sheet reports were issued with a number of minor matters to be attended to and registration issues continue to be discussed with several applications for registration being received.

Voting Requirements

Simple Majority Required

Officer's Recommendation

That the Food Premises Inspection report be endorsed by Council.

Council Resolution

Earnshaw/Cavanagh

That the Food Premises Inspection report be endorsed by Council.

**Carried 9/0
Resolution 144/17**

8.3.3 WILLIAMS PUBLIC SWIMMING POOL

File Reference	11.20.20
Statutory Reference	Health (Aquatic Facilities) Regulations
Author & Date	Gordon Tester 27 th January 2017

Comment

Routine swimming pool samples were obtained and forwarded to the analyst for assessment.

Results obtained indicate continuing satisfactory water quality.

Officer's Recommendation

That the Williams Public Swimming Pool report be endorsed by Council.

Council Resolution

Major/Logie

That the Williams Public Swimming Pool report be endorsed by Council.

**Carried 9/0
Resolution 145/17**

Mr Tester left the meeting at 2.23pm.



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	Geoff McKeown	10 th February 2017
Attachment	Nil	

Background

The Chief Executive Officer's 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 February 2017 be received by Council.

Council Resolution

Earnshaw/Paterson

That the Chief Executive Officer's General Report for February 2017 be received by Council.

Carried 9/0
Resolution 146/17

Afternoon Tea

The President adjourned the meeting for afternoon tea at 2.51pm and the meeting resumed at 3.43pm.



At the request of the Williams Tennis Club the following Item 8.4.2 Williams Tennis Club – Fundraising Market Events was withdrawn.

8.4.2 WILLIAMS TENNIS CLUB – FUNDRAISING MARKET EVENTS

File Reference	11.70.80
Statutory Reference	Nil
Author and Date	Geoff McKeown 6 th January 2017
Attachment	Nil

Background

Correspondence has been received from the Williams Tennis Club seeking Shire approval to hold market days on the last day of several long weekends during 2017.

Comment

In its letter the Williams Tennis Club states:

“The Williams Tennis Club would like to hold a dynamic Fundraising market event on the last day of the long weekends. We wish create a thriving event for the town of Williams, attracting people and wonderful stall holders of all types of goods from the region.

We would like to hold these markets at the Williams Lions Reserve on the grassed area between the car park and toilets. We feel this would increase the people stopping to take a break from their long drives and hopefully help to raise funds in the local community. We hope to be able to hold up to 50 (3x3m) stalls.

We would like to raise funds for our club with 100% of the stall holder fees for each market going directly back into our club and therefore our community. We would also like to hold a sausage sizzle on each market day run by members of our club.

We currently have had many expressions of interest from stall holders wanting to attend these long weekend markets with products of knitted arts and crafts, chocolates, rustic sculptures and planters, cooking goods, linen, candles and accessories, ladies clothing, shoes handbags and accessories, farm fresh produce including eggs, goats milk, fruit, chalky painted goods, not to mention a petting zoo and face painting for the kids.

We would be asking all stall holders to have their own current public liability insurances with a minimum of 10 million dollars currency.

Market dates as follows

Monday 17th of April 2017, Monday 5th June 2017, Monday 25th September 2017

We thank you for your time and look forward to hearing your response.”



Voting Requirements

Simple Majority

Financial Implications

Nil

Officer's Recommendation

That Council grants approval to the Williams Tennis Club to use the Williams Lions Park grassed area for market events on the 17th April 2017, 5th June 2017 and 25th September 2017 subject to stall holders having current public liability insurance and meeting all health requirements to the satisfaction of the Shire.

8.4.3 DEVELOPMENT ASSESSMENT PANEL MEMBERSHIP

File Reference	10.60.10
Statutory Reference	<i>Planning and Development (Development Assessment Panels) Regulations 2011</i>
Author & Date	Geoff McKeown 6 th January 2017
Attachment	Nil

Background

Advice has been received from the Department of Planning reminding local governments that Development Assessment Panels (DAP) member appointments expire on 26 April 2017.

Comment

Members whose term has expired will be eligible for re-consideration at this time. Under regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations), local government authorities are requested to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on the DAP. The local government nomination process requires online submissions, which must be received by the 28th February 2017.

Following receipt of nominations, the Minister for Planning will consider and appoint nominees for up to a three-year term, expiring on 26 April 2020. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government members who have previously undertaken training are not required to attend further training, but are encouraged to attend refresher training.

The Department of Planning advises that when selecting nominees, the Council should consider that local government elections may result in a change to DAP membership if current councillors, who are DAP members, are not re-elected. If members are not re-elected, the local government will need to re-nominate for the Minister's consideration.



In February 2016 the Shire nominated Councillors Cavanagh and Carne as members, with Councillors Major and Cowcher as proxy members to sit on a DAP.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council nominate Councillors and as members, with Councillors and as proxy members to sit on a Development Assessment Panel to represent the Shire of Williams following the completion of terms for the current members.

Council Resolution

Medlen/Earnshaw

That Council nominate Councillors Cavanagh and Carne as members, with Councillors Major and Logie as proxy members to sit on a Development Assessment Panel to represent the Shire of Williams following the completion of terms for the current members.

**Carried 9/0
Resolution 147/17**

8.4.4 CHANGE IN METHOD OF VALUATION – MARJIDIN WAY, WILLIAMS

File Reference	3.2.10
Statutory Reference	section 6.28 <i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 13 th January 2017
Attachment	Nil

Background

In July 2014 the Council considered a proposal to change the method of valuation for the rating of properties in the Marjidin Way industrial subdivision. At the time Council passed the following resolution:

Major/Johnstone

That the Shire of Williams request the Minister for Local Government to change the method of valuation in the Marjidin Way Industrial Area from Unimproved Value to Gross Rental Value.

***Carried 6/0
Resolution 16/15***

Council is again asked to endorse this proposed change following a period of public consultation.

Comment

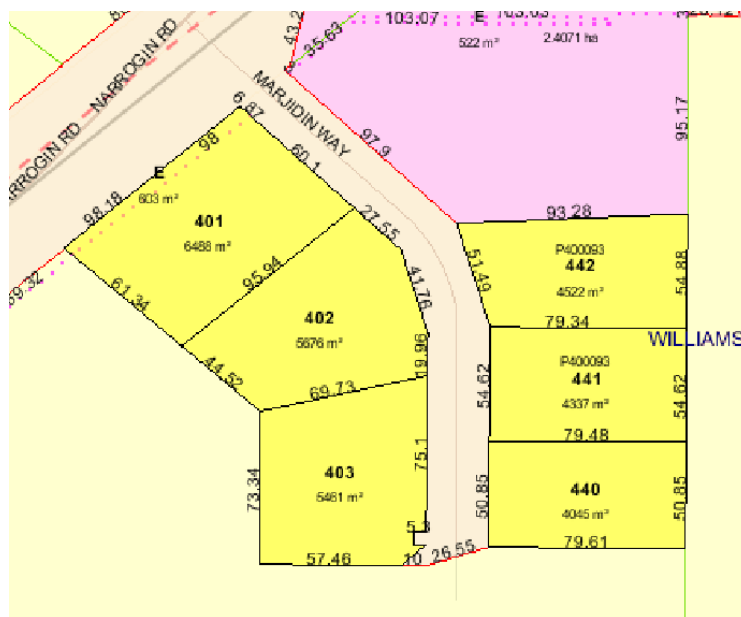
Provisions of the *Local Government Act 1995* detail the arrangements whereby a property is rated on Gross Rental Value or Unimproved Value. The Minister for Local Government is to determine the method of valuation to be used by a local government. The detail is then published in the *Government Gazette*.

In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- where the land is used predominantly for rural purposes, the Unimproved Value of the land; and
- where the land is used predominantly for non-rural purposes, the Gross Rental Value of the land.

Council is asked to review the following list of properties to be proposed for a change to Gross Rental Value. The properties were created following rezoning to ‘industrial’ and subsequent subdivision.

Property Owner	Property	Area (m ²)	Current Rates	Future Rates Est
Zefari Pty Ltd	Lot 401 Marjidin Way	6,488	710.00	610
WA Land Information Authority	Lot 402 Marjidin Way	5,676	Not rated	Not rated
WA Land Information Authority	Lot 403 Marjidin Way	5,481	Not rated	Not rated
Shire of Williams	Lot 440 Marjidin Way	4,045	710.00	1,400
Alex & Sheree Watt	Lot 441 Marjidin Way	4,337	710.00	610.00
WA Land Information Authority	Lot 442 Marjidin Way	4,522	Not rated	Not rated





The Department of Local Government and Communities has published an Operational Guidelines for “Changing Methods of Valuation of Land”. A copy of these guidelines is available for Council’s reference. The guidelines mention the following principles to be observed by local governments when implementing suitable systems and procedures:

- Objectivity;
- Fairness and equity;
- Consistency;
- Transparency; and
- Administrative efficiency.

One of the more difficult factors in determining whether a property should have the method of valuation changed is making a judgement on its predominant use. The guidelines provide some advice on this point. In determining the ‘predominant use’ the guidelines flag the following occurrences:

- Building and development approvals;
- Town Planning Scheme amendments; and
- Subdivision of land.

Further, the factors that should be considered when deciding to review the ‘predominant use’ include:

- Activity conducted on the land;
- Development of the land;
- Income; and
- Town Planning Scheme restrictions.

The properties that are the subject of this application are zoned ‘industrial’ in the Shire’s Town Planning Scheme No.2 and were created following a subdivision. It can be argued that the predominant use of these properties will therefore be non-rural.

It is considered that the change to the method of valuation of these properties meets the principles to be observed by local governments.

The Guidelines also suggest that the local government should consult with affected property owners before a change is made. The consultation should detail the reasons for seeking the change, indicate the overall likely impact of such changes and detail how to provide comment on the proposed changes.

Letters were sent to all the affected property owners, including the WA Land Information Authority (Landgate) inviting comment. At the closing date no submissions were received.

If the change in method of valuation is approved it is expected that the new valuation method will apply for the 2017/2018 financial year.



Financial Implications

There is no significant financial implication until more of the properties are sold and developed.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council request the Minister for Local Government to endorse a change in the method of valuation from Unimproved Value to Gross Rental Value, for the following properties:

- Lots 401 to 403 Marjidin Way, Williams; and
- Lots 440 to 442 Marjidin Way, Williams

Council Resolution

Logie/Medlen

That Council request the Minister for Local Government to endorse a change in the method of valuation from Unimproved Value to Gross Rental Value, for the following properties:

- Lots 401 to 403 Marjidin Way, Williams; and
- Lots 440 to 442 Marjidin Way, Williams.

Carried 9/0
Resolution 148/17

8.4.5 SPEED ZONING - YORK WILLIAMS ROAD (PINGELLY ROAD)

File Reference	12.15.33
Statutory Reference	Nil
Author & Date	Geoff McKeown 16 th January 2017
Attachment	Nil

Background

Correspondence has been received from the Department of Parks and Wildlife asking Council to consider supporting a speed limit being imposed in the area of the Congelin camping grounds and entrance roads to the Dryandra Woodland.

Comment

The Shire has recently sealed the section of the road up to this area. The imposing of speed limits is the responsibility of Main Roads and can only be done where the road is sealed and has sufficient width.

The Department of Parks and Wildlife's letter states:



“The Department requests that Council considers a speed limit of 90 kilometres per hour on the section of York-Williams Road within the Shire of Williams through the Dryandra Woodland. It is my understanding the road has an open speed classification at the moment.

The main reason for the request is for the safety of people entering and leaving the York-Williams Road to access the Congelin and Gnaala Mia camping grounds, Congelin Picnic Ground and the main access road (Tomingley Road) heading towards the Dryandra Village and Barna Mia Visitor Centre.

Dryandra Woodland has experienced a significant increase in visitor numbers and it is not uncommon for both campgrounds to be near capacity during peak season. Officers have witnessed large trucks travelling at speed on this road using it as a main access way often carting to the Narrakine Bin or the Albany Highway. We fear that at the current speed limits a vehicle will crash into a vehicle entering from the many points of entry from the woodland onto the York-Williams Road.

A secondary benefit, and an important one, is that a lower speed limit is likely to reduce the incidents of road kill especially those animals listed as threatened such as the numbat and woylie.

The Department would also like to investigate the installation of “entering traffic” warning signage for the intersection of Godfrey Road and York-Williams Road for traffic traveling south along the York-Williams Road. As there is a slight rise to the north of this intersection which may impact visibility of vehicles turning and travelling to the south along York-Williams Road.

Council is aware of plans to create a National Park at Dryandra. The Department believes that a controlled speed limit through this section will benefit the values that a National Park brings to the region.

Thank you for your consideration. I look forward to your response to this request.”

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council approach Main Roads seeking its approval to speed zone a section of York Williams Road (Pingelly Road), incorporating the intersections with Tomingley Road, Godfrey Road and the Congelin Picnic Ground, to 90 kilometres per hour.



Council Resolution

Cavanagh/Medlen

That Council defer a determination to approach Main Roads seeking its approval to speed zone a section of York Williams Road (Pingelly Road), incorporating the intersections with Tomingley Road, Godfrey Road and the Congelin Picnic Ground, to 90 kilometres per hour.

**Carried 9/0
Resolution 149/17**

The resolution differed to the recommendation as Council wished to defer approaching Main Roads to seek approval to change the speed zone on a section of York Williams Road (Pingelly Road,) until there was information presented to Council in relation to the current speed of traffic and types of vehicles utilising the road.

The Chief Executive Officer, Mr Geoff McKeown declared an Impartiality Interest for the following Item 8.4.6 Memorandum of Understanding – Williams Campdraft Inc. The nature of his interest relates to being a relative to a member of the Williams Campdraft Inc.

8.4.6 MEMORANDUM OF UNDERSTANDING – WILLIAMS CAMPDRAFT INC.

File Reference	11.30.50
Statutory Reference	Nil
Author & Date	Geoff McKeown 20 th January 2017
Attachment	Draft Memorandum of Understanding

Background

Over the last twelve months Williams Campdraft Inc. has developed infrastructure at the Williams Recreation Ground comprising a semi-permanent arena, joined to existing permanent cattle yards and camp enclosure. The Club would like to leave this infrastructure in place and hold more regular events, with a view to growing the sport in this area.

Council indicated that it is supportive of the Club continuing to operate from the Recreation Ground. It approved the Chief Executive Officer developing a Memorandum of Understanding (MOU) in the form of an agreement that outlines the obligations on each of the parties.

Comment

The Williams Campdraft Inc. has booked a number of events in the first half of 2017, involving club days, weekend clinics and its major event on the 1st & 2nd April.

It is timely that consideration be given to an MOU. A draft has been prepared and sent to the Club for consideration and is now presented for review by Council. Please see attached. Following is a plan showing the area that the Club would like designated in the MOU.



Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council endorses the Memorandum of Understanding between the Shire of Williams and Williams Campdraft Inc. outlining the obligations on both parties for access to and use of Williams Recreation Ground.

Council Resolution

Cavanagh/Paterson

That Council endorses the Memorandum of Understanding between the Shire of Williams and Williams Campdraft Inc. outlining the obligations on both parties for access to and use of Williams Recreation Ground.

**Carried 9/0
Resolution 150/17**



8.4.7 STATIC DISPLAY – LIONS PARK

File Reference	11.30.30
Statutory Reference	Nil
Author & Date	Geoff McKeown 23 rd January 2017
Attachment	Nil

Background

A request has been received from the Jehovah's Witnesses to have a static display set up on an occasional basis in the Williams Lions Park.

Comment

The request for Shire approval included the following information:

"For many years Jehovah's Witnesses have been working voluntarily to provide free public education to the communities in which they live. The nature of our work is to offer practical support to families, youths, the elderly, and those struggling to deal with day to day challenges. Our work is completely carried out by volunteers, the literature is free of charge, and we do not solicit donations as part of our public ministry. Nor do we approach passers-by, these are welcome to approach us if they wish to.

As a volunteer minister I would like to seek permission to have regular small static display in the park adjacent to the public rest area to the west of the Albany Highway. Please see the below map relating to the location and the attached image for an idea of how the display and volunteers will be presented.

Displays of this nature are in place in most Major cities throughout the world, and every major city and town in Australia, in accordance with section 116 of the Australian Constitution.

I propose that we have these displays operating from 9:30 am to 12:30 pm each Friday.

I acknowledge the practical stipulation that the foot traffic is not to be impeded, and that the public facilities available are respectfully cared for, and available to passers by. A Public Liability insurance policy has been arranged.

In anticipation of your reply,

Gregory Spark"



This request falls outside the typical development application or retail stallholder request as it is a static display and individuals can choose interact if they wish to.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council gives approval to the Jehovah's Witnesses to use the park adjacent to the public rest area at the Williams Lions Park for a static display from 9:30am to 12:30pm each Friday subject to having current public liability insurance.



Council Resolution

Johnstone/Medlen

That Council gives approval to the Jehovah's Witnesses to use the park adjacent to the public rest area at the Williams Lions Park for a static display from 9:30am to 12:30pm each Friday subject to having current public liability insurance for an initial trial period of three months.

**Lost 2/7
Resolution 151/17**

The proposed Council Resolution differed to the Officer's Recommendation with the inclusion of a trial period of three months.

8.4.8 HALL HIRE FEE – WILLIAMS LADIES BADMINTON CLUB

File Reference	11.70.15
Statutory Reference	Section 6.12 <i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 27 th January 2017
Attachment	Nil

Background

Correspondence has been received from the Williams Ladies Badminton Club requesting consideration of a reduced fee for use of the Town Hall while the Club determines if it will be able to continue.

Comment

The letter from the Club states:

“At this stage it looks like our club will fold due to lack of players. We only have 4-6 ladies who are keen to keep playing in 2017, and this is not enough to form a club.

An advert will be placed in “The Williams” and hopefully we will gain more members to form a club.

If we fold as a club would the Shire be prepared to accept \$10 a day for Hall Hire if occasionally some of the ladies are available to play.

We would like you to please consider our request and inform us of your decision before the 8th of March when a meeting will be held to discuss the future of our club.”

The Town Hall hire fee that would have been charged to the Williams Ladies Badminton Club this year is set at \$270.25. To vary this requires a resolution of Council.

The single day hire fee for the Town Hall is \$32.00.



Aside from this request, there is an issue with the current lines marked for badminton. Sections of the taped lines have detached from the wooden floor and others are lifting and will come away soon. A decision needs to be made whether they are reinstated or removed entirely. When this issue initially came to light there was a suggestion that the Club could work with the Shire to renew the lines. Given the low player numbers it is unlikely that this can happen and it may not be financially viable for the Shire to renew the lines if badminton ceases to be played in the Hall.

Statutory Implications

There is limited delegation for the Chief Executive Officer to discount such an amount. The delegation to the Chief Executive Officer only includes amounts up to \$50.

Section 6.12 of the *Local Government Act 1995* gives power to Council to waive or grant a concession, or write off an amount of money. The legislation states:

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.

** Absolute majority required.*

Financial Implications

Hall hire fees for the 2016/17 financial year will be reduced by the \$270.25. This will be compensated by any single day hire fees received.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council grants a concession for hire of the Town Hall by the Williams Ladies Badminton Club and will charge a fee of \$10 for single day hire for the Hall up to the 30th June 2017. Further, consideration of any continuation of the Town Hall hire concession will be made following advice on the future of the Club.

Council Resolution

Carne/Major

That Council grants a concession for hire of the Town Hall by the Williams Ladies Badminton Club and will charge a fee of \$25 for single day hire for the Hall up to the 30th June 2017. Further, consideration of any continuation of the Town Hall hire concession will be made following advice on the future of the Club.

**Carried by Absolute Majority 9/0
Resolution 152/17**



The resolution differed to the recommendation as Council wished to allow a reduction of the fee charged for single day hire for the Williams Ladies Badminton Club to \$25, rather than \$10.

Cr Carne declared an impartiality interest for the following Item 8.4.9 Lease of Vacant Shire Land – Lot 9000 Albany Highway. The nature of her interest relates to her current involvement as a member of the Williams Bowling Club.

8.4.9 LEASE OF VACANT SHIRE LAND – LOT 9000 ALBANY HIGHWAY

File Reference	11.70.30
Statutory Reference	Section 3.58 <i>Local Government Act 1995</i> and Clause 30 <i>Local Government (Functions and General) Regulations 1996</i>
Author & Date	Geoff McKeown 30 th January 2017
Attachment	Nil

Background

The Williams Bowling Club wrote to the Shire asking Council to give consideration to the Club having access to the vacant land at Lot 9000 Albany Highway for cropping purposes to assist with fundraising to be put towards its proposed self-supporting loan. The Club has requested access to the land for 3 years.

At the December 2016 Ordinary Meeting the Council passed the following resolution:

Council Resolution

Major/Johnstone

That Council:

- 1) *Seek expressions of interest from sporting clubs and community groups to lease Lot 9000 Albany Highway for period of three years.*
- 2) *Advise interested sporting clubs and community groups that:*
 - (i) *the successful lessee will recognise the Shire of Williams as a contributor to or sponsor for its fundraising effort; and*
 - (ii) *should the land be required for development by the Shire during the period of the lease, the land will be returned without any commitment or obligation to provide compensation for cancellation of the lease; and*
 - (iii) *there will be a requirement to establish boundary fencing to the property, to formalise the area available for cropping.*

Carried 5/2
Resolution 132/17

Comment

In recent months the Shire has had discussions with the Williams Bowling Club regarding arrangements for the self-supporting loan to fund the synthetic green project. Council is supportive of the Club being in a strong financial position to meet its repayments.



The decision from the December 2016 Council Meeting called for expressions of interest from any other interested community groups to ensure that they have the opportunity to be considered. Once the applications are received Council can assess each on their merits and award the lease for fundraising purposes.

Expressions of interest were invited via a notice on the Shire's Facebook page and an article in The Williams. Clubs and groups in the Shire's database were also sent emails inviting them to register their interest.

It is important to note that the leasing of property owned by a local government is governed by provisions contained in the *Local Government Act 1995* and *Local Government (Function and General) Regulations 1996*. To lease property to an individual outside a public tender involves a process where the public can make submissions and the detail of the disposition is publicised. However the regulations do allow for the disposition of property to a recreational or sporting organisation without going through this process. An extract of the relevant section of Clause 30 of the Regulations follows:

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

In calling for expressions of interest, Council needs to be mindful that it currently has an informal arrangement with the previous owner of Lot 9000, David Carter, which allows him to graze the property. The Chief Executive Officer has spoken with Mr Carter about the possibility of the land being used for cropping. He acknowledged this and made comment about the amount of available arable land.

A plan highlighting Lot 9000 is shown below. Interestingly the internal fenced areas do not accurately follow the property boundary. This has not been an issue to date under the informal grazing arrangement with Mr Carter. There is also an area of unallocated crown land on the corner of Albany Highway and the Narrogin Road, which cannot be included in a potential lease arrangement. It is identified as Lot 12074 with an area of 5,850m².

The Council resolution from December 2016 mentions the requirement to establish boundary fencing to the property, to formalise the area available for cropping. Although this should have occurred when the Shire originally purchased the property, it is now important that it be done. An option could include the Shire purchasing the material and Mr Carter erecting the boundary fence. The club that leases the land can also be involved to assist with the project, as it will benefit from



the additional land available for cropping.



Interested sporting and community groups were invited to express their interest by close of business on Thursday, 10th February 2017. At the closing date none were received and Council can now consider the Williams Bowling Club's proposal.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

- 1) Agrees to the Williams Bowling Club having a lease of Lot 9000 Albany Highway for the purpose of cropping, for period of three years from the 1st March 2017 to 28th February 2020, subject to the following conditions:
 - (i) a boundary fence being established with Lot 802 to formalise the area available for cropping;
 - (ii) arrangements for the grazing of the lot between cropping periods being negotiated separately with the Shire;
 - (iii) the Shire being recognised as a contributor and sponsor for its fundraising effort;



- and
 (iv) should the land be required for development by the Shire during the period of the lease, the land will be returned without any commitment or obligation to provide compensation for cancellation of the lease.

Council Resolution

Cavanagh/Major

That Council requests that the previous owner of Lot 9000 Albany Highway establish a boundary fence with Lot 802 by the 30th April 2017.

**Carried 9/0
 Resolution 153/17**

Council Resolution

Cavanagh/Paterson

That Council:

- 1) Agrees to the Williams Bowling Club having a lease of Lot 9000 Albany Highway for the purpose of cropping, for period of three years from the 1st March 2017 to 28th February 2020, subject to the following conditions:
 - (i) arrangements for the grazing of the lot between cropping periods being negotiated separately with the Shire;
 - (ii) the Shire being recognised as a contributor and sponsor for its fundraising effort; and
 - (iii) should the land be required for development by the Shire during the period of the lease, the land will be returned without any commitment or obligation to provide compensation for cancellation of the lease.

**Carried 8/1
 Resolution 154/17**

The resolution differed to the recommendation as Council wished for the previous owner of the lot to establish a boundary fence.

8.4.10 PROPOSED DISPOSAL OF LOT 300 ALBANY HIGHWAY TO CALTEX PETROLEUM PTY LTD

File Reference	10.60.15
Statutory Reference	Nil
Author & Date	Geoff McKeown 9 th February 2017
Attachment	Nil

Background

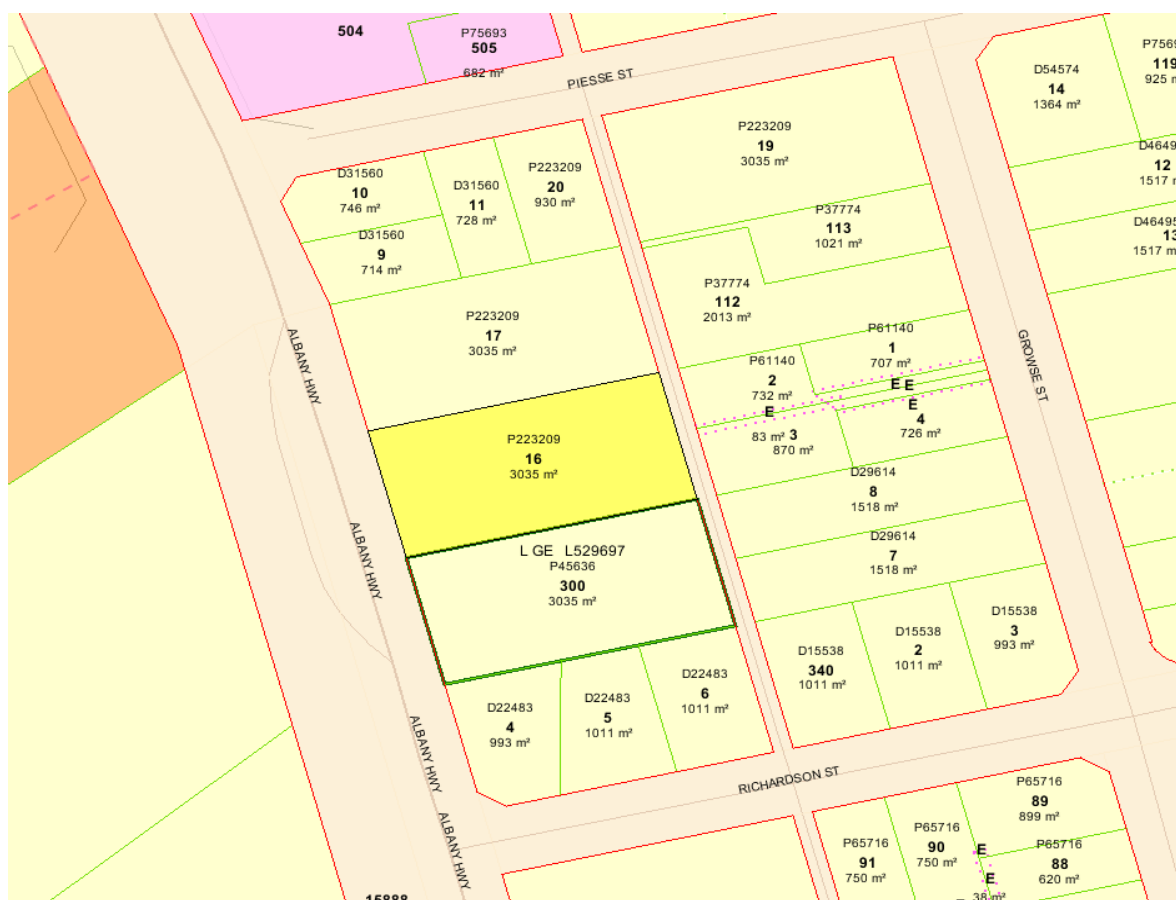
The Department of Lands has received a request from Caltex Petroleum Pty Ltd to purchase in freehold Lot 300 on Deposited Plan 45636 on Albany Highway within the Williams Townsite.



Comment

Lot 300 on Deposited Plan 45636 is the subject of Lease held by Caltex Petroleum for the purpose of ‘Parking’, which is due to expire on the 31st December 2020. The Department of Lands is seeking the Shire’s comments on the proposed sale in freehold.

This lot is the subject of a current planning application by Caltex Petroleum which is seeking to redevelop the service station on Lots 16 & 17 that it owns. The current plans for the redevelopment show a small encroachment into the leased Lot 300, which may account for request to purchase the lot.



Lot 300 has been used as parking by Caltex Petroleum for many years and is incorporated into the overall service station development. There is no reason for the Shire not to support its conversion to freehold and sale.

Financial Implications

Nil

Voting Requirements

Simple Majority



Officer’s Recommendation

That Council advise the Department of Lands that it has no objection to the proposed sale in freehold of Lot 300 on Deposited Plan 45636 Albany Highway, Williams to Caltex Petroleum Pty Ltd.

Council Resolution

Johnstone/Carne

That Council advise the Department of Lands that it has no objection to the proposed sale in freehold of Lot 300 on Deposited Plan 45636 Albany Highway, Williams to Caltex Petroleum Pty Ltd.

**Carried 9/0
Resolution 155/17**

8.4.11 USE OF THE COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY

File Reference	4.50.60
Statutory Reference	Sections 5.42 and 9.49A <i>Local Government 1995</i>
Author & Date	Geoff McKeown 10 th February 2016
Attachment	Nil

Background

The purpose of this Agenda Item is to report to Council for information, the use of the Common Seal and actions performed under delegated authority requiring referral to Council.

Council approved the updated Delegations Register at the December 2015 Ordinary Council Meeting. The procedure associated with the register is to report to Council the activities or actions that have been performed under the delegated authority. A report will be completed for Council at each meeting that identifies: (1) use of the Common Seal, and (2) actions performed under the delegated authority requiring referral to Council as per the Shire of Williams Delegations Register.

Comment

Actions performed under delegation during the month of August 2016 are provided below:

- **Investment of Shire Monies – Delegation LGA4**

Delegation - The Chief Executive Officer has delegated authority, subject to Part 3 of the *Trustees Act 1962*, to invest money held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose.

Action - The Chief Executive Officer approved a transfer of:

1. \$100,000.00 from the Municipal Cash Management Account to the Municipal Fund to meet scheduled payments.



2. \$1,523,648.00 from the WA Treasury Corporation to the 4WDL Cash Management Account as a drawdown of grant funds.
3. \$805,128.77 from the Municipal Fund Term Deposit to the Municipal Fund to meet scheduled payments.
4. \$500,000.00 from the Municipal Fund to the Municipal Cash Management Account to invest surplus funds.
5. \$663,802.35 Reserve Fund Term Deposit reinvested for a further 90 days at an interest rate of 2.45%.

- **Common Seal – Delegation LGA7**

Delegation - The Chief Executive Officer has delegated authority to affix the common seal of the Shire of Williams to any document which requires the affixing of the common seal to be validly executed.

Action - The President and Chief Executive Officer affixed the common seal to the Transfer of Land Form to transfer the balance of Lot 9001 on Deposited Plan 63114 from LandCorp to the Shire of Williams.

- **Payment of Creditors – Delegation FMR1**

Delegation - Under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996*, in regard to the making of payments from the municipal and trust funds.

Action - Payments from the Municipal Fund and Trust Fund as per financial report attached at 8.5.1 of this Agenda.

Financial Implications

Payments from the Municipal Fund and Trust Fund have been approved in the 2016/17 Annual Budget or by separate resolution of Council.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council accepts the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of December 2016 and January 2017.

Council Resolution

Earnshaw/Major

That Council accepts the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of December 2016 and January 2017.

**Carried 9/0
Resolution 156/17**



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 February 2017

Background

It is a requirement of the Local Government (Financial Management) Regulation 1996 to produce a list of payments made from Councils Municipal Fund and Trust Fund bank accounts to be presented to the Council in the following month.

Further, in accordance with the Delegation adopted by Council in December 2015 the Chief Executive Officer has the delegated authority to make payments from the Municipal Fund and Trust Fund. The Chief Executive Officer in exercising his authority is required to produce a list of accounts recorded in monthly Council meeting minutes.

Statutory Implications

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 – REG 13

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

Comment

The lists of accounts for payment for December 2016 and January 2017 are a separate attachment to this agenda.

Financial Implications

As listed in the recommendation below.

Voting Requirements

Simple Majority

Officer's Recommendation

That Municipal Fund EFT, BPay, Direct Debits and Cheques 104594 - 104596 totalling \$342,343.19 and SII Funding EFT payments totalling \$476,506.47, approved by the Chief Executive Officer, during the month of December 2016, be endorsed.



Council Resolution

Medlen/Earnshaw

That Municipal Fund EFT, BPay, Direct Debits and Cheques 104594 - 104596 totalling \$342,343.19 and SII Funding EFT payments totalling \$476,506.47, approved by the Chief Executive Officer, during the month of December 2016, be endorsed.

**Carried 9/0
Resolution 157/17**

Officer's Recommendation

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104598 - 104603 totalling \$442,947.36 and SII Funding EFT payments totalling \$306,605.14 approved by the Chief Executive Officer, during the month of January 2017, be endorsed.

Council Resolution

Earnshaw/Johnstone

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104598 - 104603 totalling \$442,947.36 and SII Funding EFT payments totalling \$306,605.14, approved by the Chief Executive Officer, during the month of January 2017, be endorsed.

**Carried 9/0
Resolution 158/17**

8.5.2 FINANCIAL STATEMENTS

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	6 th January 2017

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 monthly financial report and municipal bank reconciliation are separate attachments to this agenda.



Financial Implications

As disclosed in the financial statements.

Voting Requirements

Simple Majority

Officer's Recommendation

That the financial statements presented for the periods ending 31st December 2016 and 31st January 2017 be received.

Council Resolution

Cavanagh/Logie

That the financial statements presented for the periods ending 31st December 2016 and 31st January 2017 be received.

**Carried 9/0
Resolution 159/17**



8.6 COUNCILLORS' REPORTS

Cr Cavanagh attended and discussed the Hotham Williams Economic Development Alliance (HWEDA) meeting hosted by the Shire of Wandering on the 14th February 2017.

Cr Cowcher discussed the WALGA Central Country Zone Working Group on the review of the Emergency Service's Levy (ESL). Williams hosted the first meeting held on the 7th February 2017.

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

There being no further business for discussion the President declared the meeting closed at 6.07pm.