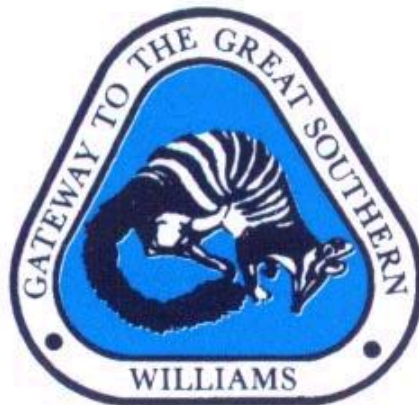


SHIRE OF WILLIAMS

***MINUTES ORDINARY MEETING HELD ON WEDNESDAY
19TH APRIL 2017***



COUNCIL DIARY

WEDNESDAY 19TH APRIL 2017

1.00pm

Ordinary Meeting

2.00pm

Visit from Jane O'Malley and Mel Durack, PHCC

MONDAY 25TH APRIL 2017

8.00am

ANZAC Day Ceremony

WEDNESDAY 17TH MAY 2017

1.00pm

Ordinary Meeting



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MINUTES – ORDINARY MEETING OF COUNCIL HELD 19TH APRIL 2017

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Separate Documents

1. Minutes – Council; LEMC, CRG
2. Appendices – CEO General Report
3. Payment Listing
4. Monthly Financial Report
5. Municipal Bank Reconciliation
6. Status Report
7. Info Statement



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AGENDA

1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President, Cr John Cowcher declared the meeting open at 1.02pm.

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(PREVIOUSLY APPROVED)

Cr John Cowcher	President
Cr Greg Cavanagh	Deputy President
Cr Gilbert Medlen	
Cr Jarrad Logie	
Cr Peter Paterson	
Cr Natalie Major	(from 1.04pm)
Cr Richard Johnstone	(from 1.06pm)
Cr Moya Carne	(from 1.06pm)
Geoff McKeown	Chief Executive Officer
Cara Ryan	Manager of Finance
Heidi Cowcher	Economic Development Officer (1.08pm to 2.01pm)
Gordon Tester	Environ. Health Officer/Building Surveyor (2.13pm to 2.35pm)

Apologies

Cr David Earnshaw

3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

2.30pm - Jane O'Malley and Mel Durack from Peel Harvey Catchment Council



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 15TH MARCH 2017

Officer's Recommendation

That the Minutes of the Ordinary Meeting held on 15th March 2017, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Medlen/Cavanagh

That the Minutes of the Ordinary Meeting held on 15th March 2017, as previously circulated, be confirmed as a true and accurate record.

**Carried 5/0
Resolution 181/17**

6.2 LEMC MEETING HELD 5TH APRIL 2017

Officer's Recommendation

That the Minutes of the LEMC Meeting held on 5th April 2017, as previously circulated, be received.

Council Resolution

Paterson/Cavanagh

That the Minutes of the LEMC Meeting held on 5th April 2017, as previously circulated, be received.

**Carried 5/0
Resolution 182/17**

Cr Major entered the meeting at 1.04pm.



6.3 CRG MEETING HELD 5TH APRIL 2017

Officer's Recommendation

That the Minutes of the Williams Bridge to Bridge Project - Community Reference Group Meeting held on 5th April 2017, as previously circulated, be received.

Council Resolution

Logie/Medlen

That the Minutes of the Williams Bridge to Bridge Project – Community Reference Group Meeting held on 5th April 2017, as previously circulated, be received.

**Carried 6/0
Resolution 183/17**

Cr Carne and Cr Johnstone entered the meeting at 1.06pm.

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.0 REPORTS



8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

The Economic Development Officer, Mrs Heidi Cowcher, attended the meeting at 1.08pm 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 April 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.

The quarterly financial report for January-March 2017 was completed and submitted in early April.

Summary of claims processed to date:

Shire	Total Funded	Total claimed to 13.04.17
West Arthur (3 units)	\$717,664 (+ interest) 2 units	\$610,847.07
Williams (2 units)	\$717,664 (+ interest) 2 units	\$716,792.13
Wagin (4 units)	\$1,076,496 (+ interest) 3 units	\$924,299.55
Dumbleyung (3 units)	\$717,664 (+ interest) 2 units	\$497,370.80
Lake Grace (3 units)	\$1,076,496 (+ interest) 3 units	\$517,286.46
Woodanilling (3 units)	\$717,664 (+ interest) 2 units	\$732,499.35
TOTAL (18 units)	\$5,023,648 (14 units)	\$3,999,095.36

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. All funds have now been drawn down from the WA Treasury Account and this account has been closed, so all funds are now in the Shire accounts.

Voting Requirements

Simple Majority

Officer's Recommendation

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



Council Resolution

Major/Carne

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

**Carried 8/0
Resolution 184/17**

8.1.2 GENERAL PROJECTS UPDATE

File Reference	EDO Files	
Statutory Reference	N/A	
Author & Date	Heidi Cowcher	13 th April 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 – 17 & 19 New Street

The units are now completed, with practical completion occurring on Friday 24th February, coinciding with the official opening date.

A number of defect items were identified at the final inspection, and these were attended to by the builder in a timely manner. The final payment (less half of the retention amount) has now been made to the builder. There is a defects period of 12 months post practical completion, and in this time any issues or defects identified, will be attended to by the builder. The balance of the retention amount is released at the end of the 12 month warranty period.

One unit has been tenanted, and the other unit is still vacant.

The Shire has installed safety rails at the front of the units, and gates at the rear of the 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 were 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 committing \$30,000. The balance of the project is to be funded from HWEDA funds that have been sourced from the 3 local government partners. The project will commence in the next few months engaging the services of Miranda Woodhouse from Moo Marketing (who was involved in developing the concept plan for funding).

Williams Lions Park Redevelopment

The Shire's application to the Federal Government's Building Better Regions Fund was submitted on the 27th February 2017. The Shire has requested funding of \$360,000 towards a project totalling \$916,850. Project Numbat have committed a total investment of \$20,000, including a \$5,000 grant that they received from Newmont. This is half the estimated cost of the installation of the feature numbat, with the balance of the cost sought from funding. DPAW in Narrogin committed to the provision of signage at the park in relation to the numbat and the Dryandra National Park, at an estimated in-kind value of \$30,000.

The project delivery has been staged into a possible two stage implementation, to be based around the proposed bridge work in the area, and the need to have a temporary bypass installed while the new bridge is being built. This will potentially impact the existing carpark and so until such time as the bridgework is completed, any work on the carpark will have to be delayed.

An application to Lotterywest for \$200,000 was submitted on the 24th March 2017. It is likely that the outcome will be known in 4-6 months.

It has also been suggested that the Shire engage with Newmont and Worsley/South32 as they may wish to invest in the project as they did with the Sport and Recreation Upgrade.

Williams Swimming Pool – Heat Pumps Installation

Funding was secured from DSR's Community Pool Revitalisation Scheme funding for the installation of two heat pumps at the Williams Swimming Pool.

The heat pumps were installed by Contract Aquatic Services over the weekend and are now ready for the electrical connection once Western Power have finalised the review of the power supply at the Sports Ground. A verbal update may be available at the meeting.

The funding is to be acquitted by 1st June 2017.

Community Strategic Plan

The comprehensive review of the Shire's Community Strategic Plan commenced in early 2017. This is a legislative requirement to be completed every 4 years throughout the life of the Plan. The last



review was a desk-top review and was completed by Council in 2014. Council needs to ensure that it engages with the community to ensure that the priority actions that are being implemented are the shared vision with the community and supported by the community as well as Council. At times, there will be actions that are a shared responsibility that will see a combination of community and local government investment and collaboration.

Community consultation was facilitated by Andrew Huffer and his report is included at Appendix 1. This report summarises the community workshops and the feedback that was provided by the community. A review of the online surveys is also included in the output report. A total of 95 community members were engaged in the engagement process.

The Councillor workshop held on the 30th March was facilitated in house by Shire staff. A report on the outputs from that meeting are included in Appendix 1.

The Strategic Plan is currently in draft format, with a view of being finalised for community comment by early May. Included in Appendix 1 is the Draft Strategies that have been developed based on a collaboration of the original strategic plan objectives and new strategies that have been introduced through the community and councillor consultation process. Council is invited to review the Draft Strategies and provide feedback at the meeting. A hard copy will be made available at the meeting for any written feedback/comments.

Following Council's review of the Draft Strategies, the community will be invited to comment, with the public comment period to conclude on Friday 12th May. All feedback will be provided for Council consideration at the May meeting.

Financial Implications

Project based, budgeted for as appropriate.

Voting Requirements

Simple Majority

Officer's Recommendation

That the General Projects update be received.

Council Resolution

Cavanagh/Medlen

That the General Projects update be received.

**Carried 8/0
Resolution 185/17**



Council Resolution

Carne/Paterson

That Council requests the Chief Executive Officer to approach Main Roads to express Council's desire for the installation of a pedestrian underpass to be included with the reconstruction of Bridge 25 over the Williams River. Further, if Main Roads are not agreeable to a pedestrian underpass, to provide detail as to why this is not possible.

**Carried 8/0
Resolution 186/17**

Mrs Cowcher left the meeting at 2.01pm.



8.2 WORKS SUPERVISOR'S REPORT

File Reference 12.15.36
 Statutory Reference N/A
 Author & Date Tony Kett 7th April 2017

8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (km)
EXTRACTS RD	12.2
ZILKO RD	19.3
BATES RD	3.5
MCKENZIE RD	5.4
PLAYLE RD	3.7
HARDIE RD	2.0
DARDADINE RD	21.5
COULTER RD	2.3
PINGELLY RD	8.1
CONGELIN-NARROGIN	6.1
Total Length for the Month	84.1 km

8.2.2 ROAD MAINTENANCE WORKS

- Ongoing with culvert cleaning
- Patching
- Various work done for Main Roads at Bridge 25

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	20.52	25.52	5 km			Completed.
9	Dardadine Road	Seal	00	2.00	2 km			



10	Pingelly Road	Seal to 7m	0.05	3.50	3 km		Completed.
1	York-Williams	Reseal	0.0	3.00	3 km		Completed.
7	Clayton Road	Widen Shoulders	0.0	2.00	2 km		Completed.
11	Marradong Road	Clear vegetation, drainage and repair failures	Various slks				Trees cleared Drainage done.
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					Completed.
5	Fourteen Mile Brook Road	Reconstruct culvert floodway.					Completed.

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	
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	
Caterpillar 12M Grader WL 61		Richard Hewitt	Dec 2011	4,735 hr	
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	New solenoid for joystick
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	Cracked head
Toro Reelmaster SP Mower WL 5502		Works	Aug-09	1,010 hr	
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	New battery
Isuzu FVZ1400 Tip Truck WL 093	Trucks & Trailers		31-Dec-03	293,382 km	
Mercedes Benz Actross Prime Mover WL 91		Phil Reed	21-Dec-05	308,626 km	
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

- Get Pavilion area ready for Campdraft and Expo

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

Logie/Paterson

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

**Carried 8/0
Resolution 187/17**



8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

The Environmental Health Officer/Building Surveyor, Mr Gordon Tester, attended the meeting at 2.13pm.

8.3.1 BUILDING PERMITS

File Reference 13.34.10
Statutory Reference Building Act 2011, Building Regulations 2012
Author & Date Gordon Tester 20 April 2017

Comment

Permit Number	Owner	Address	Description
392	David Read	Lot 116,243 Richmond Street Williams	Demolition of Existing Steel Shed
393	David Read	Lot 116, 243 Richmond Street Williams	Relocation of Existing Steel Shed & Construction of new Timber Framed Carport

FARM SHEDS AND FARM BUILDINGS - COUNCILLOR AND EXECUTIVE INFORMATION

In the Shire of Williams no building permit is required for the construction of a Class 10a shed or incidental structure outside the town site of Williams.

An owner of a rural property in Williams in the past appealed to the State Administrative Tribunal disputing the classification that had been applied to the owners proposed building as it would result in a great deal of expense .

This situation was becomingly increasingly common in rural areas and has now resulted in this matter being addressed in the two principal codes dealing with the classification of buildings as indicated below.

The ABCB, (Australian Building Codes Board), who are the authors of the Building Code of Australia and the National Construction code, have developed a new part to the BCA, Part H3 to deal with a long running issue of classifying large farm sheds, shearing sheds, dairy sheds and the like.

The concern was that a large number of these were not just class 10a sheds and were really more like a class 7 or 8 carpark, warehouse or factory, with the accompanying risks and issues.

It was however recognised that these buildings were likely to be isolated from services and other buildings and that the people within them familiar with the building layout, or at least readily able to identify an escape route.



In this regard the ABCB came to the conclusion that these buildings should still be designated as a class 7 or 8 however, they also realised that the buildings should be afforded some concessions from the standard requirements for the above reasons.

With this in mind the ABCB created two new definitions being a:

1. Farm Shed; and
2. Farm Building.

Although not totally restricting the class 10a shed classification, it alludes to an expectation that a shed over 500 m² should be classed as a **Farm Shed** or **Farm Building**. If a Farm Structure has more than 1 occupants per 200m², it is deemed that it will then be classified as a **Farm Building** and more stringent requirements will apply, albeit still with applicable concessions.

This triggers new basic requirements for these structures.

These requirements typically are as follows.

Farm Sheds

- a) 500m² to 2000 m²
- b) No more than 2 occupants at any time.
- c) Used in connection with farming or to store farm vehicles.
- d) Occupied infrequently nor for extended periods.

Examples:

- Hay storage shed
- Farm Machinery Shed
- Stock shelter

Generally new requirements include:

- i. Setbacks of 6 metres to boundaries and other buildings.
- ii. Designated Exits, (at least 1 exit) and maximum travel distances, though doors do not have to open outwards.
- iii. Stair, handrail, balustrade design requirements where applicable.
- iv. Exit Signs unless openings are greater than 2.0 metres
- v. Fire Extinguishers

Farm Buildings

- a) 500 m² to 3500 m²
- b) No more than 1 occupant per 200m².
- c) Used in connection with farming or to store farm vehicles.
- d) Occupied infrequently nor for extended periods.
- e) Generally where a form of activity is being carried out such as a dairy or shearing shed.
(Note: only when over 500m²)



Examples:

- Dairy
- Shearing Shed
- Produce packing shed

Generally new requirements include:

- i. Setbacks of 6 metres to boundaries and other buildings.
- ii. Designated Exits, (at least 1 exit) and maximum travel distances, though doors do not have to open outwards.
- iii. Stair, handrail, balustrade design requirements where applicable.
- iv. Exit Signs
- v. Artificial internal lighting where required.
- vi. Emergency lighting for buildings requiring internal lighting.
- vii. Fire Extinguishers
- viii. Water supply for firefighting purposes, e.g. dam, bore, permanent water body, tank etc., it does however includes other specific requirements for access to the water supply for fire fighters.

8.3.2 FOOD PREMISES INSPECTIONS

File Reference	7.40.41	
Statutory Reference	Food Act 2008	
Author & Date	Gordon Tester	12 April 2017

Comment

An inspection of the Williams Hotel kitchen and associated facilities was undertaken. The kitchen was found to be being maintained to an acceptable level of hygiene with several maintenance issues being attended to in a planned and considered manner.

The occupiers will be issued with a guide on how to design a commercial kitchen indicating the options available to them when considering upgrade issues.

Voting Requirements

Simple Majority Required

Officer's Recommendation

That the Officer's Report be endorsed by Council.



Council Resolution

Johnstone/Paterson

That the Officer's Report be endorsed by Council.

**Carried 8/0
Resolution 188/17**

Mr Tester left the meeting at 2.35pm.

Jane O'Malley and Mel Durack from the Peel Harvey Catchment Council (PHCC) attended the meeting at 2.36pm.

The President welcomed and introduced Jane O'Malley and Mel Durack to the meeting and invited them to make their presentation to Council.

Jane O'Malley commenced her presentation by providing information about the extent of PHCC Catchment Area and the organisation's focus on Natural Resource Management (NRM) within the Hotham-Williams area. She discussed the PHCC investment in the Williams area in the past and detailed current and future projects. The PHCC currently has three local people employed looking after the upper catchment area, including one (1) part-time and two (2) casual. State NRM funding will enable the employment of these officers to June 2018.

The PHCC is seeking support from the four (4) local governments in the Hotham-Williams area (Williams, Boddington, Wandering and Cuballing) for assistance to employ a full-time Officer. The contribution being sought from local government represents 30% of the total employment costs for the Officer.

Jane O'Malley and Mel Durack then answered various questions from Elected Members.

The presentation concluded at 3.12pm.

Afternoon Tea

The President adjourned the meeting for afternoon tea at 3.12pm and invited Jane O'Malley and Mel Durack to join the Councillors during the break.

Jane O'Malley and Mel Durack left the meeting at 3.12pm.

The meeting resumed at 3.49pm.



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	13 th April 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 April 2017 be received by Council.

Council Resolution

Johnstone/Medlen

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

Carried 8/0
Resolution 189/17



8.4.2 WILLIAMS SWIMMING POOL – OPERATION CONTRACT

File Reference	11.20.20
Statutory Reference	<i>Local Government Act 1995, section 3.57 and Local Government (Functions and general) Regulations 1996, r 11</i>
Author and Date	Geoff McKeown 11 th April 2017
Attachment	Nil

Background

The current contract for operation of the Williams Swimming Pool expired with the conclusion of the 2016/17 pool season on the 31st March 2017. Contact Aquatic Services has been providing this service to the Shire of Williams for a number of years.

It is appropriate to invite tenders for the provision of this service for another period of time.

Comment

A statement of objectives contained in the recently expired contract includes the following:

1. To promote, enhance, maintain and improve the Aquatic Centre complex facilities for the benefit of the community.
2. To provide efficient, accountable and quality management of a community asset and infrastructure.
3. To operate the Aquatic Centre complex in a financially prudent and ethical manner.
4. To ensure the provision of a comfortable and aesthetically pleasant complex for the enjoyment of the public.
5. To ensure delivery of a high level of service to the community in a friendly and courteous manner.
6. To ensure that services are delivered by principles of best practice and standards.

The current model where the operation of the swimming pool is contracted, offers the Shire a best practice management and value for money.

Council is asked to endorse the calling of tenders for the continued contract arrangements for the operation of the Williams Swimming Pool. A draft scope of works will be developed.

Financial Implications

To be included as a budget item for the next financial year.

Voting Requirements

Single Majority

Officer's Recommendation

That Council endorse the calling of tenders for the provision of contract services for operation of the Williams Swimming Pool for a five (5) year period commencing in the 2017/18 financial year.



Council Resolution

Medlen/Major

That Council endorse the calling of tenders for the provision of contract services for operation of the Williams Swimming Pool for a five (5) year period commencing in the 2017/18 financial year.

**Carried 8/0
Resolution 190/17**

8.4.3 PROPOSED STRUCTURE (FOR VEHICLE PARKING) – LOT 243 NARROGIN ROAD, WILLIAMS

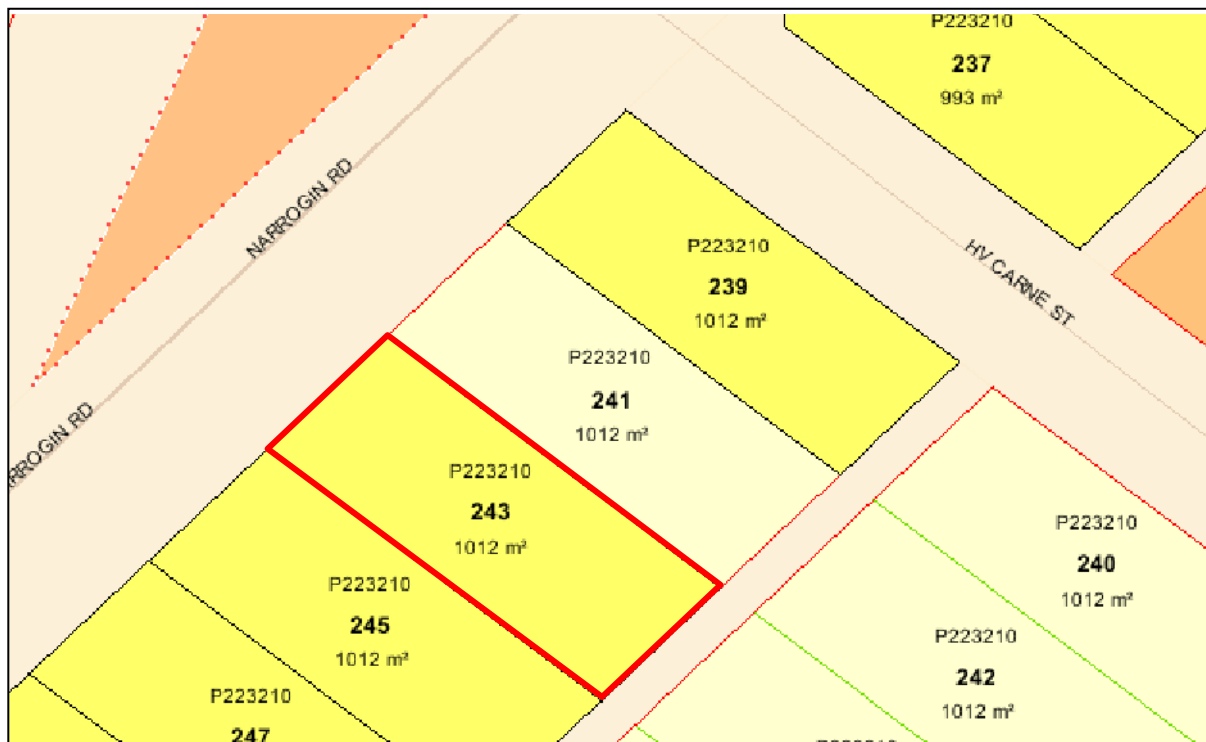
File Reference	10.60.15
Statutory Reference	Shire of Williams Town Planning Scheme No.2
Author & Date	Liz Bushby, Grey & Lewis Landuse Planners 11 th April 2017
Attachment	Applicant’s Submission

Background

Lot 243 is zoned ‘Industrial’ under the Shire of Williams Town Planning Scheme No 2 (‘the Scheme’).

The lot has an approximate area of 1012m², and contains an existing industrial shed used for vehicle storage. The applicant has submitted a site plan which includes adjacent Lot 241 and 239.

It is understood that a mechanical repair workshop operates from Lot 239.



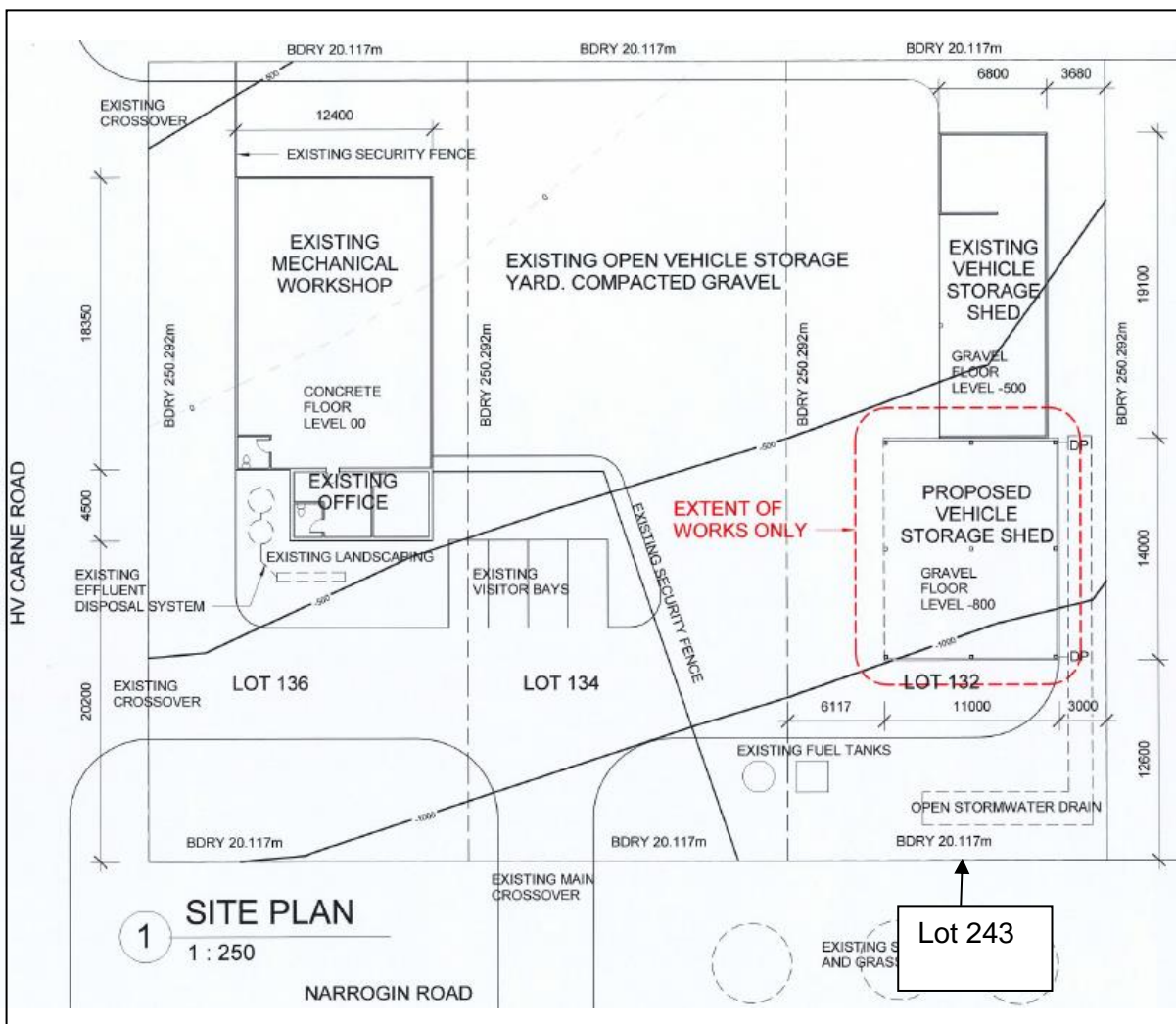


Comment

• **Proposed Development**

The application is for a 14 metre by 11 metre (154m²) structure proposed to be used for vehicle storage. At the highest peak the roof will have a height of 4.65 metres. The structure will include 1.2 metre zincalume screen sheets on 3 elevations and a zincalume roof.

A site plan is included for ease of reference.



Note: Incorrect lot numbers shown on site plan.

• **Landuse Classification and Permissibility**

When an application is lodged, part of the planning assessment involves examining the landuse definitions in the Scheme, and determining the ‘best fit’ landuse classification.



The structure is proposed to be used for the 'storage of vehicles'. Whilst there is no definition for storage under the Shires Scheme, there is a definition for 'warehouse/storage' in the Model Scheme Text contained in the Planning and Development (Local Planning Schemes) Regulations 2015 as follows:

- 'means premises including indoor or outdoor facilities used for –*
- (a) the storage of goods, equipment, plant or materials; or*
 - (b) the display or sale by wholesale of goods'*

The 'warehouse/storage' landuse is not listed in 'Table 1 : Zoning Table' of the Scheme.

Council has 2 options when dealing with a 'Use Not Listed' in accordance with Clause 4.3.2 of the Scheme as follows:

- (a) determine that the use is not consistent with the objectives and purposes of the Industrial zone and is therefore not permitted;*
- (b) determine by Absolute Majority that the proposed use may be consistent with the objectives and purpose of the Industrial zone and thereafter follow the advertising procedures of Clause 2.6 in considering an application for planning consent.*

It is recommended that Council pursue Option (b) as:

- The proposed warehouse/storage use is considered to be compatible with the objectives of the Industrial zone.
- Option (b) allows for public advertising so surrounding landowners are consulted.

• **Public Consultation**

The Shire advertised the application for public comment by writing to adjacent landowners. Public advertising closed on the 5 April 2017.

One submission was received from Kevin Fisher in support of the application, advising that the zinalume material would blend in with other buildings in the area.

• **Scheme Variation (zinalume material)**

Clause 4.6 (4)(h) of the Scheme does not permit new industrial buildings to be constructed out of zinalume or reflective materials. The applicant seeks to construct the new structure using zinalume materials as:

1. It will match all other existing industrial buildings in the area, and the existing buildings on Lots 239 and 243.



Photograph of location of proposed storage structure on Lot 243 (supplied by applicant)

2. The most affected landowner is a non-conforming residential house, located approximately 20 metres from the proposed building. There are existing mature trees along the boundary which will screen the building.



3. A change of material will cause financial hardship. Colorbond material will cost an additional \$663.00 or 25%, based on price guides (and not taking into account regional cost variables, builders mark up or installation).



A copy of the applicants' submission is included as Attachment 1, and includes additional site photographs.

Council has discretion to vary the Scheme where it considers that requiring the materials to be non-reflective may result in 'undue hardship' or 'be contrary to the interests of the area'. Where Council seeks to waive a requirement of the Scheme it has to advertise the proposal.

Gray & Lewis does not consider that the additional cost of development (to use colorbond) would result in 'undue hardship' as it is only approximately \$663.00.

Despite this, Gray & Lewis supports the proposed variation as zincalume materials have already been extensively used in the established Industrial zone. Zincalume materials form part of the existing streetscape and established character of the area.

Gray & Lewis is of the view that requiring non reflective materials to be used in this context would 'be contrary to the interests of the area' and introduce new development that does not blend in with existing development.

It is recommend that Council support waiving the requirement restricting materials, and approve the use of zincalume for the proposed development.

- **Setback Variation**

Clause 4.6 (4)(a) requires a minimum building setback of 16.5 metres to the front and rear for the Industrial zone. The application proposes a 12.6 metre front setback.

Council has discretion to vary the setback requirement. Gray & Lewis is supportive of the setback variation as the existing lot only has an area of 1012m² which means it is less capable of physically accommodating larger setbacks.

- **State Planning Policy 3.7 : Planning in Bushfire Prone Areas**

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone. The Guidelines are under review and will change periodically. The last version (1.1) became effective on the 20 January 2017.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. The structure is proposed within the declared bushfire prone area.



Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment. There is no specific exemption for non-habitable buildings.

Despite the above, the WAPC released a new Planning Bulletin 111/2016 in October 2016 that clarifies requirements under the deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 and SPP3.7.

Council has discretion to determine the application without a BAL.

Gray & Lewis recommend that the application be determined without a BAL for the following reasons:

- The proposed development is only for the storage of vehicles and will not result in any intensification of landuse or an increased number of workers on site.
- Whilst SPP3.7 requires lodgement of a BAL assessment for the proposed development, a BAL is not required as part of the separate Building Permit process.
- Planning Bulletin No 111/2016 clarifies Council has discretion over this matter and states that *'Exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker.'*

● **Notification on Title**

SPP 3.7 states that 'a notice on title' advising that the site is located in a bushfire prone area should be required as a condition of any planning approval.



Council can impose a condition on any approval requiring a notification to be placed on the Certificate of Title of Lot 243 to alert any future purchaser that it is in a bushfire prone area.

Council has to have 'due regard' for SPP 3.7, however Gray & Lewis does not recommend any notification on the title for the following reasons:

- a) A notification would need to be compiled by a solicitor and there are costs associated with lodging any notification on a title.
- b) Bushfire mapping will be reviewed annually and the existing vegetation on site is a snapshot in time.
- c) Bushfire mapping is readily available to purchasers through the DFES website. Any purchaser needs to undertake due diligence when buying land.
- d) A footnote can be placed on the planning approval advising the applicant that the lot is within a bushfire prone area.

POLICY REQUIREMENTS

Not applicable.

LEGISLATIVE REQUIREMENTS

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations include 'deemed provisions' which automatically apply to the Shire, without the need to amend the Shires Scheme.

Regulation 67 of the deemed provisions outlines '*matters to be considered by Council*' including but not limited to orderly and proper planning, the compatibility of the development with its setting including the relationship to development on adjoining land, the amenity of the locality, the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to all relevant State Planning Policies.

Shire of Williams Town Planning Scheme No 2 – discussed in the body of this report.

Under Clause 4.7 (4) of the Scheme it states that the objectives of the Industrial zone are:

- To encourage industrial development and particularly those which may provide employment opportunities and benefits to the local district
- To cater for a range of industrial uses and encourage quality development.



STRATEGIC IMPLICATIONS

The Department of Planning has drafted an update of the existing Scheme Text to ensure there is no conflict with the Planning and Development (Local Planning Schemes) Regulations 2015.

The scheme update will need to be progressed through a scheme amendment process, which provides Council with an opportunity to review development standards under the Scheme.

This application has highlighted some existing Scheme requirements. As part of a Scheme Amendment Council may consider issues such as:

1. Introducing lesser setbacks for smaller Industrial lots (less than 2,000m²)
2. Increasing flexibility for the use of zincalume material where it is proposed to blend in with existing development on a lot or within an established Industrial zone.

SUSTAINABILITY IMPLICATIONS

Environment

There are no known significant environmental implications associated with this proposal.

Economic

There are no known significant economic implications associated with this proposal.

Social

There are no known significant social implications associated with this proposal.

Financial Implications

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

Voting Requirements

Absolute Majority

Consultant Planner's Recommendation

That Council:

1. Determine that the proposed 'warehouse/storage' use may be consistent with the objectives and purpose of the Industrial zone, and note that the application has been advertised in accordance with the Shire of Williams Town Planning Scheme No 2 ('the Scheme').
2. Note that one supporting submission was received during advertising.
3. Approve the application lodged by Carl Bowman for a 'warehouse/ storage' structure on Lot 243 Narrogin Road, Williams subject to the following conditions:
 - (i) All development shall be generally in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.



- (ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.
 - (iii) The building to be used for the storage of vehicles only as stated in the application.
 - (iv) The development approved is to substantially commence within 2 years after the date of the planning consent issued in writing by the Shire. The approval lapses if the development is not substantially commenced before expiry of the nominated two year period.
4. Advise the applicant via a footnote advice on the planning approval that:
- (a) The Planning Consent is not an approval to commence construction. A separate Building Permit must be obtained for all work.
 - (b) The lot is within a designated bushfire prone area as declared by the Commissioner for Emergency Services. Bushfire mapping can be viewed on the Department of Fire and Emergency website – www.dfes.wa.gov.au

Council Resolution

Cavanagh/Logie

That Council:

1. Determine that the proposed 'warehouse/storage' use may be consistent with the objectives and purpose of the Industrial zone, and note that the application has been advertised in accordance with the Shire of Williams Town Planning Scheme No 2 ('the Scheme').
2. Note that one supporting submission was received during advertising.
3. Approve the application lodged by Carl Bowman for a 'warehouse/ storage' structure on Lot 243 Narrogin Road, Williams subject to the following conditions:
 - (i) All development shall be generally in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.
 - (ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.
 - (iii) The building to be used for the storage of vehicles only as stated in the application.
 - (iv) The development approved is to substantially commence within 2 years after the date of the planning consent issued in writing by the Shire. The approval lapses if the development is not substantially commenced before expiry of the nominated two year period.
4. Advise the applicant via a footnote advice on the planning approval that:
 - (a) The Planning Consent is not an approval to commence construction. A separate Building Permit must be obtained for all work.



- (b) The lot is within a designated bushfire prone area as declared by the Commissioner for Emergency Services. Bushfire mapping can be viewed on the Department of Fire and Emergency website – www.dfes.wa.gov.au.
5. Advise the applicant that Council approves the use of zincalume material for the construction and approves the reduced front setback to be 12.6 metre.
- Carried by Absolute Majority 8/0
Resolution 191/17**

The resolution differed to the recommendations as Council wished to clarify its approval of the use of zincalume material for the construction and the reduced setback distance from the front boundary.

8.4.4 PROPOSED SALE OF 14 ADAMS STREET, WILLIAMS

File Reference	9.10.20
Statutory Reference	<i>Local Government Act 1995, section 3.58</i>
Author & Date	Geoff McKeown 11 th April 2017
Attachment	Nil

Background

At the December 2016 Council Meeting a resolution was passed to instigate the process for the sale of 14 Adams Street, see below. This item progresses the sale following receipt of an acceptable offer.

Cavanagh/Paterson

That Council proceed to offer the property at 14 Adam Street, Williams for sale by listing it with a local real estate agent, and on receipt of an offer that in the opinion of Council is acceptable, follow the provisions of Section 3.58(3) of the Local Government Act 1995 to dispose of the property.

***Carried 7/0
Resolution 133/17***

Comment

Quotes were obtained from two local Real Estate Agents to list the property for sale. The Real Estate Agent selected was Landmark Harcourts Boddington.

Shortly after listing the property the Real Estate Agent received a signed offer for a purchase price greater than the recent market valuation obtained by the Shire.

The provisions of the *Local Government Act 1995* dictate the manner in which a local government can dispose of property. The Council decision from December 2016 follows the process outline in s3.58(3)&(4), rather than proceeding to public auction or public tender. Detail of legislation follows:



3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or



- (d) any other disposition that is excluded by regulations from the application of this section.

In accordance with the legislation the following advertisement was published in the Narrogin Observer and The Williams.

SHIRE OF WILLIAMS

PROPOSAL TO DISPOSE OF PROPERTY

Pursuant to Section 3.58 of the *Local Government Act 1995*, local public notice is hereby given that the Shire of Williams intends to sell the premises situated at 14 Adams Street, Williams to Mr Andrew Thomas Wilson. The purchaser will pay \$175,000.

The market value was assessed at \$165,000 on the 13th February 2017.

Members of the public are invited to make submissions in relation to the proposal.

Submissions should be made to the Shire of Williams, 9 Brooking Street, Williams WA 6391 by Thursday, 20th April 2017.

Geoff McKeown
Chief Executive Officer

The closing date for public submissions falls after the April 2017 Ordinary Council Meeting. Council can decide to progress the sale, subject to no adverse submissions being received during the consultation period.

Financial Implications

Proceeds from this sale have not been included in the 2016/17 Budget. If settlement concludes before the end of the financial year a separate decision will be required by Council on the allocation of those funds.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. agrees to the disposal of 14 Adam Street, Williams to Mr Andrew Thomas Wilson for the sum of \$175,000 after meeting the requirements of Section 3.58(3)&(4) of the *Local Government Act 1995* dealing with the dispose of the property, subject to no adverse submissions being received during the public notice period.
2. authorises the President and Chief Executive Officer to sign the necessary documentation to execute the transfer of ownership under the *Transfer of Land Act 1893*.



Council Resolution

Cavanagh/Logie

That Council:

1. agrees to the disposal of 14 Adam Street, Williams to Mr Andrew Thomas Wilson for the sum of \$175,000 after meeting the requirements of Section 3.58(3)&(4) of the *Local Government Act 1995* dealing with the dispose of the property, subject to no adverse submissions being received during the public notice period.
2. authorises the President and Chief Executive Officer to sign the necessary documentation to execute the transfer of ownership under the *Transfer of Land Act 1893*.

**Carried 8/0
Resolution 192/17**

8.4.5 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 13 th April 2017
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 February 2017 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. \$200,000 from the Municipal Fund to the Municipal Cash Management Account to invest surplus funds.
2. \$100,000 from the Municipal Cash Management Account to the Municipal Fund to meet scheduled payments.



- **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 a Notification Under Section 70A of the *Transfer of Land Act 1893* to endorse the condition on the proposed subdivision of Lot 35 Bates Road, Williams recognising that a network electricity supply is not available to the lots.

- **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 months of February and March 2017.

Council Resolution

Johnstone/Medlen

That Council accepts the report "Use of Common Seal and Actions Performed under Delegated Authority" for the months of February and March 2017.

**Carried 8/0
Resolution 193/17**



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	12 th April 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 list of accounts for payment is 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 104613 - 104619 totalling \$577,427.28, Trust Cheque 1162 totalling \$1,000 and SII Funding EFT payments totalling \$311,633.82 approved by the Chief Executive Officer be endorsed.



Council Resolution

Logie/Medlen

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104613 - 104619 totalling \$577,427.28, Trust Cheque 1162 totalling \$1,000 and SII Funding EFT payments totalling \$311,633.82 approved by the Chief Executive Officer be endorsed.

**Carried 8/0
Resolution 194/17**

8.5.2 FINANCIAL STATEMENTS

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	12 th April 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 period ending 31st March 2017 be received.

Council Resolution

Paterson/Cavanagh

That the financial statements presented for the period ending 31st March 2017 be received.

**Carried 8/0
Resolution 195/17**



8.6 COUNCILLORS' REPORTS

No Councillors' reports received.

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 5.54pm.