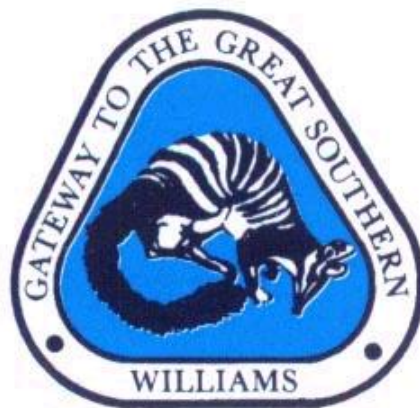


SHIRE OF WILLIAMS

***MINUTES ORDINARY MEETING
HELD ON WEDNESDAY 18 DECEMBER 2019***



COUNCIL DIARY

WEDNESDAY 18 DECEMBER 2019

1.00pm

Ordinary Meeting

3.00pm

Citizenship Ceremony

5.00pm

Electors' Meeting

WEDNESDAY 19 FEBRUARY 2020

1.00pm

Concept Forum

3.30pm

Ordinary Meeting



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Separate Documents

1. Minutes – Council; 4WDL, LEMC, CRG
2. CEO General Report
3. Appendix to CEO Report
4. Action Items Report
5. Appendix to Work Supervisor’s Report
6. Payment Listing
7. Monthly Financial Report
8. Municipal Bank Reconciliation
9. Status Report
10. Info Statement

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AGENDA

1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President Jarrad Logie declared the Meeting open at 1.01pm.

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Cr Jarrad Logie	President
Cr Natalie Major	Deputy President
Cr Moya Carne	(from 1.34pm)
Cr Gil Medlen	
Cr Simon Harding	
Cr Alex Watt	
Cr Bob Baker	
Cr Tracey Price	
Geoff McKeown	Chief Executive Officer
Tony Kett	Works Supervisor (1.11pm – 1.44pm)
Trevor Brandy	Environmental Health Officer/Building Surveyor (1.46pm – 2.06pm)
Cara Ryan	Manager of Finance (4.39pm – 4.56pm)
Manuela Lenehan	Minute Taker
Apologies	Nil
Leave of Absence	Nil

3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	Cr Alexander Watt / Councillor
Item No. / Subject	8.4.1 CEO General Report Item – Phone Connection to Lot 403 Marjidin Way
Type of Interest	Proximity

DECLARATION OF INTEREST	
Name / Position	Cr Baker / Councillor
Item No. / Subject	8.4.5 Cost of Electricity – Williams Arts & Crafts Facility
Type of Interest	Impartiality



6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 ORDINARY COUNCIL MEETING HELD 20 NOVEMBER 2019

Officer's Recommendation

That the Minutes of the Ordinary Meeting held 20 November 2019, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Watt/Major

That the Minutes of the Ordinary Meeting held 20 November 2019, as previously circulated, be confirmed as a true and accurate record.

**Carried 7/0
Resolution 110/20**

6.2 CRG MEETING HELD 2 DECEMBER 2019

Officer's Recommendation

That the Minutes of the CRG Meeting held 2 December 2019, as previously circulated, be received.

Council Resolution

Price/Major

That the Minutes of the CRG Meeting held 2 December 2019, as previously circulated, be received.

**Carried 7/0
Resolution 111/20**

6.3 LEMC MEETING HELD 25 NOVEMBER 2019

Officer's Recommendation

That the Minutes of the LEMC meeting held 25 November 2019, as previously circulated, be received.

Council Resolution

Major/Watt

That the Minutes of the LEMC meeting held 25 November 2019, as previously circulated, be received.

**Carried 7/0
Resolution 112/20**

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.0 REPORTS

8.1 COMMUNITY DEVELOPMENT OFFICER'S REPORT

Nil Report



The Works Supervisor, Tony Kett, attended the Meeting at 1.11pm to discuss his report.

8.2 WORKS SUPERVISOR'S REPORT

File Reference	12.15.36	
Statutory Reference	N/A	
Author & Date	Tony Kett	6 December 2019
Attachments	Appendix 1	

8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (km)
Congelin-Narrogin Rd	6.1
Zilko Rd	19.3
Culbin-Boraning Rd	17.7
Wangeling Gully Rd	8.8
Medlen Rd	8.2
Dardadine Rd	21.5
Sattler Rd	5.4
Hillman-Dardadine Rd	1.7
English Rd	6.5
Kennedy Rd	2.7
Johnstone Rd	1.2
Narrakine Rd	6.5
Top End Rd	1.3
Bates Rd	3.5
Taylor Rd	9.1
Pig Gully Rd	11.0
Kelly Rd	8.4
Darkan-Quindanning Rd	14.0
Roccis Rd	4.1
Hardie Rd	2.0
Total Length for the Month	159 km

8.2.2 ROAD MAINTENANCE WORKS (SEE APPENDIX)

- Patching on Tarwonga East Rd and Williams-Darkan Rd
- Put out traffic counter on Darkan-Quindanning Rd and Congelin-Narrogin Rd



8.2.3 2019/20 ROAD CONSTRUCTION PROGRAM

Road Construction Program 2019-2020								
Road No	Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Start Date	Finish Date	Comments
10	Pingelly Rd	Seal 7m wide	6.50	8.01				Completed.
128	Williams Darkan Road	Reseal. Pavement repair	11.0 21.07	16.0 21.17				
7	Clayton Road	Seal Shoulder	4.00	6.00				
7	Clayton Road	Widen Shoulders	6.00	8.00				Tree trimming done. Carting in gravel.
1	York Williams Road	Reseal 3kms and pavement repairs	9.10	12.10				
23	Wangeling Gully Road	Gravel Sheet Tree Clear	4.70 7.70	7.70 9.30				
12	Zilko Road	Seal Widen over Culverts						
14	Narrakine Road	Stabilise pavement	7.21	7.27				
21	Carne Road	Stabilise pavement	3.71	3.86				
04-03	Lavender St, Forrest St, Stan Gillett St: Seal to 7.0m wide.		650m	650m.				Gravel in, drainage and culverts done.
12	Zilko Road	Gravel sheet	10.4	13.4				
11	Marradong Road	Stabilising Pavement						

8.2.4 MECHANICAL REPORT

Plant Description		Driver	Date Purchased	Hours/Km Nov/19	Works Completed this Month
Vibromax Roller WL 126		Outside staff	Sep 04	4,806hr	Re gassed air con and fitted new fan.
Caterpillar 12M Grader WL 361		A Wood	Oct 14	4,479 hr	Re gassed air con.
721E Case Loader WL 5639		N Fisher	May 12	10,086 hr	Serviced
Volvo EC210BLC Excavator WL 499		P Reed	Jul 07	8,250 hr	Serviced
Isuzu FVZ1400 Tip Truck WL093		Outside staff	Dec 03	328,441 km	8 new drive tyres
Howard Port. L-Loader 1TIF238	Trucks & Trailers	Works	Aug 07	170,000 km	12 new tyres. Have done wheel bearings and seals.

8.2.5 STAFF

- Nil report



8.2.6 TOWN AND FACILITIES REPORT

- Oval / Trotting Track fencing started
- Sprayed oval for black beetle

8.2.7 PRIVATE WORKS

- Water deliveries

Cr Moya Carne attended the Meeting at 1.34pm.

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

Medlen/Baker

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

**Carried 8/0
Resolution 113/20**

Tony Kett left the Meeting at 1.44pm.

The Environmental Health Officer/Building Surveyor, Trevor Brandy, attended the Meeting at 1.46pm to discuss his report.



8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

8.3.1 BUILDING PERMITS

File Reference	13.34.10
Statutory Reference	<i>Building Act 2011, Building Regulations 2012</i>
Author & Date	Trevor Brandy 10 December 2019
Attachments	Nil

Comment

One application was received during November 2019:

Permit Number	Owner	Address	Description
6/19	Caltex Australia	56 - 58 Albany Highway	Solar Panels

Lot 802 (13255) Albany Highway Service Station

Discussions are still underway between the applicant and the Health Department with reference to the size required for the effluent disposal system. The proposed system is considered a commercial application that requires Health Department approval.

Certificate to use an Effluent Disposal System

A Certificate to Use an Effluent Disposal System was issued for 21 Pinjarra /Williams Road, owner Mr Bell. This is the first flatbed leach drain system used within the Shire and will be monitored with interest.

Building Proposal – Lot 28 Albany Highway, Williams

The owner of Lot 28 Albany Highway is pursuing with requirements to build a Dwelling on the said lot. An Engineer and Land Surveyor have been employed to set levels and design a finished floor level to satisfy a 100 year flood plan.

The issues to date involve access to the lot. Main Roads have indicated they would not support access from Albany Highway and suggest access should be from a possible lane way off Piesse Street. This access would be limited during winter months and therefore its construction is not supported by Shire staff.

The disposal of effluent is also an issue to be considered before a formal Building application can be considered.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 4.4 Monitor and ensure compliance with regulatory framework for local government business

Financial Implications

Applicants for Building Permits pay fees accordance with the Shire's Fee and Charges Schedule.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council endorse the Building Report as presented.



Council Resolution

Major/Medlen

That Council endorse the Building Report as presented.

**Carried 8/0
Resolution 114/20**

8.3.2 HEALTH RELATED ISSUES

File Reference	7.40.41
Statutory Reference	Public Health Act 2016
Author & Date	Trevor Brandy 6 November 2019
Attachments	Nil

Comment

Issues attended to during October 2019:

- 1 Food Act Inspection of Quindanning Tavern – in good order at time of inspection
- 2 Quindanning Hall – Public Building Inspection – in reasonable order, the committee has organised a certificate of electrical compliance and plumbing work for the Building and a Certificate of Occupancy number has been issued.
- 3 Water Sampling from Council Reuse Scheme and Aquatic Facility have been submitted for the month of December.
- 4 Food Recall – canned apricots – increased pressure in cans - retail outlets have been notified of correct method of disposal.

Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council note the report on General Health Issues as presented.

Council Resolution

Watt/Price

That Council note the report on General Health Issues as presented.

**Carried 8/0
Resolution 115/20**

Trevor Brandy left the Meeting at 2.06pm.



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 December 2019
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.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 2.2 Maintain accountability, transparency and financial responsibility.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That the Chief Executive Officer's General Report for December 2019 be received by Council.

An item contained in the Chief Executive Officer's General Report included information concerning the absence of Telstra telephone cabling in the Marjidin Way Industrial Estate. There has been a request for the Shire to install this infrastructure in the previously installed pits and conduits. Telstra has supplied a quote to install the cabling just to Lot 403 Marjidin Way at a cost of \$4,500, plus GST.

Cr Watt declared a proximity interest for an item forming part of 8.4.1 Chief Executive Officer's General Report – Phone Connection to Lot 403 Marjidin Way. The nature of his interest relates to being the owner of land that is opposite Lot 403 Marjidin Way.

Cr Watt left the Meeting at 2.22pm.

Council Resolution

Harding/Medlen

That the Shire agrees to pay to install telephone cabling to service Lot 403 Marjidin Way, Williams.
Carried by Absolute Majority 6/1
Resolution 116/20

Cr Watt returned to the Meeting at 2.31pm



Council Resolution

Medlen/Watt

That the Chief Executive Officer’s General Report for December 2019 be received by Council.

**Carried 8/0
Resolution 117/20**

8.4.2 2020 – COUNCIL MEETING DATES

File Reference	4.1.20
Statutory Reference	Section 5.25(g) - <i>Local Government Act 1995</i>
Author and Date	Geoff McKeown 5 December 2019
Attachment	Nil

Background

To provide suggested dates for Council approval for meeting dates in 2020 to enable public advertising as required by the *Local Government Act 1995*.

Comment

Below is a draft schedule of proposed dates for Council Meetings for 2020 which are set for the third Wednesday of each month, with the exception of January where no meeting is held:

- Wednesday – 19 February
- Wednesday – 18 March
- Wednesday - 15 April
- Wednesday - 20 May
- Wednesday – 17 June
- Wednesday - 22 July
- Wednesday - 19 August
- Wednesday - 16 September
- Wednesday – 21 October
- Wednesday – 18 November
- Wednesday - 16 December

Section 5.25(g) of the *Local Government Act 1995* mentions that regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings. The *Local Government (Administration) Regulations 1996* states:

12. Meetings, public notice of (Acts. 5.25(1)(g))

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

Council has previously discussed the possibility of changing the normal meeting procedure to accommodate a Council Forum to discuss matters relating to the operation and affairs of the Shire



outside the formal council meeting framework. Introducing this will allow ordinary meetings of council to focus on the decision-making needs of the local government.

The Department of Local Government, Sport and Cultural Industries ('the Department') has produced operational guidelines for Council Forums. The guidelines indicate that such forums fit into two broad categories, being Concept and Agenda forums.

To describe the difference in these forums, the following explanations have been extracted from the guidelines:

Concept Forums

Concept forums involve elected members and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Such forums often involve projects that are in the early planning stage and are some time away from being presented to council for decision. In discussing such issues, staff are looking for guidance from the elected members as they research the matter and draft the report.

Agenda Forums

For proper decision-making, elected members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the council on which they must vote. It is reasonable for elected members to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following ordinary council meetings. The complexity of many items means that elected members may need to be given information additional to that in a staff report and/or they may need an opportunity to ask questions of relevant staff members.

The Department encourages local governments that want to hold such forums to adopt rules and processes to assist with openness and accountability, minimise public criticism and support a more effective and efficient local government.

Again the guidelines provide the following recommendations:

Procedures Applying to Both Concept and Agenda Forums

The Department recommends that councils adopt a set of procedures for both types of forums which include the following

- *Dates and times for forums should be set well in advance where practical;*
- *The CEO will ensure timely written notice and the agenda for each forum is provided to all members;*
- *Forum papers should be distributed to members at least three days prior to the meeting;*
- *The mayor/president or other designated elected member is to be the presiding member at all forums;*
- *Elected members, employees, consultants and other participants shall disclose their financial and conflicts of interest in matters to be discussed;*
- *Interests are to be disclosed in accordance with the provisions of the Act as they apply to ordinary council meetings. Persons disclosing a financial interest will not participate in that part of a forum relating to their interest and leave the meeting room;*
- *There is to be no opportunity for a person with an interest to request that they continue in the forum; and*
- *A record should be kept of all forums. As no decisions will be made, the record need*



only be a general record of items covered but should record disclosures of interest with appropriate departures/returns.

In addition, specific procedures are recommended for the different types of forums, as below:

Procedures Specific to Concept Forums

The Department recommends that councils adopt specific procedures for concept forums which include the following

- *Concept forums may be open to the public when an issue is being discussed that council believes would benefit from public awareness and debate;*
- *Discussion between members is to be limited to those issues which are in the preliminary development stages. Items already listed on a council meeting agenda are not to be discussed; and*
- *As discussion items are not completely predictable there is to be some flexibility as to disclosures of interest. A person may disclose an interest at the time discussion commences on an issue not specifically included on the agenda.*

Procedures Specific to Agenda Forums

The Department recommends that councils adopt specific procedures for agenda forums which include the following –

- *Agenda forums should be open to the public unless the forum is being briefed on a matter for which a formal council meeting may be closed;*
- *Items to be addressed will be limited to matters listed on the forthcoming agenda or completed and scheduled to be listed within the next two meetings (or period deemed appropriate);*
- *Briefings will only be given by staff or consultants for the purpose of ensuring that elected members and the public are more fully informed; and*
- *All questions and discussions will be directed through the chair. There will be no debate style discussion as this needs to take place in the ordinary meeting of council when the issue is set for decision.*

It is recommended that the format of the Council Meeting, which has applied in the past, be changed 2020 with a Concept Forum commencing at 1.00pm and the Ordinary Meeting commencing at 3.30pm on the same day.

The Concept Forum will include all the Officer Reports where matters are for discussion but no decision of Council is required and will be attended by the relevant Staff member. It is not recommended at an Agenda Forum be held, therefore leaving debate on Agenda Items for the Ordinary Meeting where the public can attend and hear the decision-making process.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):
CL 1.2 Ensure the community remains well informed, well connected and engaged and has the opportunity to actively participate

Financial Implications

Nil

Voting Requirements

Simple Majority



Officer’s Recommendation

That Council:

1. Adopts the meeting schedule for the period January 2020 to December 2020 as listed; and
2. Advertise the meeting dates and commencement times in accordance with Section 5.25 of the *Local Government Act 1995* and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

Council Resolution

Major/Carne

That Council:

1. Adopts the meeting schedule for the period January 2020 to December 2020 as listed; and
2. Advertise the meeting dates and commencement times in accordance with Section 5.25 of the *Local Government Act 1995* and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

**Carried 8/0
Resolution 118/20**

Citizenship Ceremony

The President adjourned the Meeting at 3.01pm for the Citizenship Ceremony to be conducted for Neil Barber. The Citizenship Ceremony was held and concluded at 3.13pm.

Afternoon Tea

Following the Citizenship Ceremony, afternoon tea commenced at 3.13pm and the Meeting resumed at 3.36pm.

8.4.3 DELEGATIONS REGISTER REVIEW

File Reference	4.50.60
Statutory Reference	Section 5.42 <i>Local Government Act 1995</i>
Author and Date	Geoff McKeown 6 December 2017
Attachment	Appendix 1 – Delegations Register

Background

Pursuant to Section 5.42 *Local Government Act 1995* (“the Act”), the Council has the power to delegate authority to the Chief Executive Officer.

Council can delegate to the Chief Executive Officer, by an absolute majority resolution, the exercise of any of its powers or the discharge of any of its duties from time-to-time and in such manner as the Council determines, excepting certain limitations as outlined below. The Chief Executive Officer has the power to on-delegate to other staff members in accordance with s5.44 *Local Government Act 1995*.

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

There are limitations to delegating under s5.43 of the Act as outlined below:

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



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

Council can also delegate to a committee, comprising of elected members only, any of the Council's powers or duties under the Act, or to a committee comprising of elected members and employees any duties that can be delegated to the Chief Executive Officer. Limitations of delegation of powers and duties to committees are prescribed under s5.17 LGA.

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

The opportunity is also taken to review all other delegations to staff provided under alternative legislation. Various other acts such as the *Bush Fires Act 1954* and the *Building Act 2011* allow for delegations to local government officers by Council.

The Shire of Williams delegations were last reviewed and adopted by Council on the 19 December 2018 (Council decision number 108/19).

Comment

A review of the delegations by Council has been undertaken by the Chief Executive Officer and the updated Delegation Register is attached as **Appendix 1**.

Two amendments have been made from the previous version, being:

1. The inclusion of the Family Day Care Coordinator as a person authorised to make purchases. This reflects the fact that the Coordinator is issued a credit card; and
2. Removal of the delegation giving the Chief Executive Officer delegated authority to approve requests for donation of monies up to the value of \$200.00.

Currently there are no Council committees with delegated authority under the Act.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans
- CL 2.2 Maintain accountability, transparency and financial responsibility
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business



Financial Implications

Nil

Voting Requirements

Absolute Majority

Officer’s Recommendation

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

1. Delegates to the Chief Executive Officer under s5.42 *Local Government Act 1995*, the exercise of the powers and the discharge of any of its duties under the Act, effective immediately, as listed in the Delegations Register 2019; and
2. Revokes any previous delegations.

Council Resolution

Watt/Major

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

1. Delegates to the Chief Executive Officer under s5.42 *Local Government Act 1995*, the exercise of the powers and the discharge of any of its duties under the Act, effective immediately, as listed in the Delegations Register 2019; and
2. Revokes any previous delegations.

**Carried by Absolute Majority 8/0
Resolution 119/20**

8.4.4 THIRD PARTY APPEAL RIGHTS FOR PLANNING DECISIONS

File Reference	10.60.10
Statutory Reference	<i>Planning and Development Act 2005</i>
Author and Date	Geoff McKeown 6 December 2019
Attachment	

Background

In 2017 the Western Australian Local Government Association (WALGA) engaged with local governments on the subject of Third Party Appeal Rights in planning.

Third Party Appeal Rights do not exist under current State legislation, being the *Planning and Development Act 2005*. Therefore, only parties with a direct interest in the development application can appeal a planning decision. They are the applicant/property owner and the responsible planning authority.

Comment

The Shire of Williams responded to WALGA that it did not support Third Party Appeal Rights in planning or a change to current legislation and passed the following motion:

**Council Resolution****Cavanagh/Medlen**

That Council advise WALGA that it does not support the introduction of Third Party Appeal Rights for planning decisions and there be no change to current legislation in regard to this matter.

**Carried 8/0
Resolution 112/18**

The WALGA State Council ultimately resolved to amend its policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs). This new policy position was provided to the State Government and also submitted during the consultation on the Independent Review of the Planning System in July 2018.

The State Government did not support WALGA's proposal indicating that it would add unnecessary complexity and red tape to the planning framework.

A review of this WALGA State Council position occurred in May 2019 where in addition to local governments being able to appeal a DAP decision there was support for a future consideration of broadening appeal rights to other parties.

This played out at the WALGA Annual General Meeting where the following resolution was passed:

1. ***That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.***
2. ***That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.***

The issue still does not have State Government support, but this decision is to formulate WALGA's position. The resolution passed at the WALGA AGM significantly expands options for appeal rights.

Prior to WALGA's State Council considering this AGM motion at its meeting in March 2020, local governments are being asked to indicate if it supports or does not support this motion to amend the Preferred Model.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans
- CL 2.2 Maintain accountability, transparency and financial responsibility
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business

Financial Implications

Nil

Voting Requirements

Simple Majority



Officer's Recommendation

That Council advise WALGA that it reaffirms its previous position and does not support the introduction of Third Party Appeal Rights for planning decisions and there be no change to current legislation in regard to this matter.

Council Resolution

Harding/Medlen

That Council advise WALGA that it reaffirms its previous position and does not support the introduction of Third Party Appeal Rights for planning decisions and there be no change to current legislation in regard to this matter.

**Carried 7/1
Resolution 120/20**

Citizenship Ceremony

The President adjourned the Meeting at 3.49pm for the Citizenship Ceremony to be conducted for Harriet Watkins and Jason Gray. The Citizenship Ceremony was held and concluded at 3.58pm.

Following the Citizenship Ceremony, the Meeting resumed at 3.58pm.

Cr Baker declared an Impartiality Interest for the following Item 8.4.5 Cost of Electricity – Williams Arts & Crafts Facility, and remained in the Meeting. The nature of his interest relates being a member of the Williams Arts & Craft group.

8.4.5 COST OF ELECTRICITY – WILLIAMS ARTS & CRAFTS FACILITY

File Reference	11.60.20	
Statutory Reference	Nil	
Author and Date	Geoff McKeown	9 December 2019
Attachment	Nil	

Background

Correspondence has been received from the Williams Arts & Crafts Group asking if Council will agree to taking on payment of the electricity for the facility. The facilities on located at 48 Albany Highway, Williams and include the agricultural hall, arts & crafts centre and a number of associated sheds. The agricultural hall is used by the Bush Bros Op Shop and the remaining buildings are shared by the Williams Arts & Crafts Group, Williams Playgroup and Williams Toy Library.

Comment

A Memorandum of Understanding (MOU) was in place until recently between the Shire and the Williams Arts & Crafts Group, Williams Playgroup and Williams Toy Library. The MOU indicated that the Williams Arts & Crafts Group is responsible for the payment of electricity accounts and will invoice the other groups based on their identified usage.

It is estimated that the annual cost for electricity is between \$1,200 and \$1,500. Recently application was made to change the Synergy supply charge tariff from Business Plan (L1) to



Community Service (C1) to achieve some savings. Also the resurgence of interest in pottery is likely to be adding to the overall electricity consumption.

The following annual fees are paid to the Shire for access to these facilities:

1. Bush Bros Op Shop	\$488.00
2. Williams Arts & Crafts	\$227.50
3. Williams Playgroup	<u>\$227.50</u>
Total	\$943.00

The Shire incurs a cost in maintaining the buildings and surrounds. The following table shows the costs incurred for recent financial years and the budgeted expenditure.

Year	Expenditure Budget	Expenditure Actual
2017/2018	8,702	9,881.39
2018/2019	10,344	10,887.73
2019/2020 (actual to date)	10,959	3,974.81

Given the current expenditure by the Shire and the small income it receives from fees, it is recommended that the request not be supported. Further, the Williams Arts & Crafts could be encouraged to look for opportunities to raise additional funds from current users of the facilities.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- SCD 1.1 Provide, maintain and improve community infrastructure
 CL 2.2 Maintain accountability, transparency and financial responsibility

Financial Implications

The Shire incurs a cost to maintain the buildings, gardens and other infrastructure on 48 Albany Highway, Williams.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council decline the request by the Williams Arts & Crafts Group to pay for the electricity for 48 Albany Highway, Williams. Further, the Williams Arts & Crafts Group be informed of the current cost incurred by the Shire in maintaining these facilities and be encouraged to recover more from the current users.

Council Resolution

Carne/Watt

That Council decline the request by the Williams Arts & Crafts Group to pay for the electricity for 48 Albany Highway, Williams. Further, the Williams Arts & Crafts Group be informed of the current cost incurred by the Shire in maintaining these facilities and be encouraged to recover more from the current users.

Carried 7/1
Resolution 121/20



8.4.6 REQUEST FOR QUOTE – TRI AXLE WATER TANKER TRAILER

File Reference	12.37.00
Statutory Reference	Nil
Author and Date	Geoff McKeown 10 December 2019
Attachment	Nil

Background

Included in the plant replacement programme this financial year is the purchase of a second hand bulk water cart. The Shire currently hires a water cart for road construction works. Water is a critical component of road construction and access to it is challenging. A bulk water cart offers efficiencies in the roadworks area and will allow the Shire to access non-potable options. In addition, it is very beneficial in serious fire situations.

Comment

The amount of \$60,000 was included in the Annual Budget for a second hand unit. Availability of second hand water carts is limited and indicative pricing is around the \$80k. Estimates for new water carts are in the \$90k to \$115 range, excluding GST.

There have been some savings with other plant and vehicle purchases this year and consideration is given to buying new rather than second hand whilst remaining within the overall changeover budget.

In previous years the Shire has hired a water cart with that cost averaging \$3,100. More important is the future cost of accessing water from a fixed standpipe. New Water Corporation requirements have resulted in one 'Commercial' standpipe being available, but the cost of water has increased substantially. For comparison, the cost of water on the Pingelly Road construction in 2018/19 was approximately \$2,898 and under the new charging arrangements in 2019/20 was \$9,177. The scope of work was very similar. It is important that an alternative non-scheme water source be established from where bulk water can be carted.

The request for quote was forwarded to five (5) companies. The following specifications were included:

- 30,000ltr capacity
- Mild steel, 5mm thick with 4.5mm ends and 4mm baffles
- Surfaces primed and painted with two pack enamel
- King Pin – 90mm bolted into oscillating skid plate, two positions
- Wedge in front of hitch pin for ballrace
- Towing channel to rear with 50mm ring feeder
- Landing legs – heavy duty two speed
- Tyres 13 x 11R22.5"
- Rims 13 x 10 stud
- LED Lights and ADR compliant with rear amber beacon
- Pump – operates off truck hydraulics
- Spray Heads – 3 x fitted 80mm air activated. Air lines to front of tank for cab control.
- Dribble Bar – two section fan spray for single or dual air operated
- Inspected, registered and available for collection

At the close of the quotation process the following responses were received:



1.	Freightmore Transport SA	\$87,703.00
2.	Haulmore Trailer Sales	\$106,226.00
3.	Howard Porter (stainless steel option)	\$115,180.00
4.	Shermac	\$140,950.00

Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):
 LUE 4.1 Strive for high-quality, well-constructed and maintained local road network
 CL 2.2 Maintain accountability, transparency and financial responsibility

Financial Implications

A budget allocation of \$60,000 is included in the 2019/20 Annual Budget for the purchase of a second hand trailer.

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council proceed to purchase a new Tri Axle Water Tanker Trailer following assessment of the most advantageous quote.

Council Resolution

Medlen/Baker

That Council proceed to purchase a Tri Axle Water Tanker Trailer following assessment of the most advantageous quote.

**Carried 8/0
Resolution 122/20**

The resolution differed from the recommendation as Council wished to include the option of purchasing a second-hand trailer.

8.4.7 BUSHFIRE RISK MITIGATION FUND GRANT

File Reference	5.10.6
Statutory Reference	Nil
Author and Date	Geoff McKeown 12 December 2019
Attachment	Nil

Background

The Shire of Williams has been approved for a grant from the Mitigation Activity Fund - Royalties for Region (MAF RfR) 2019-20 Round 1 to undertake three (3) mitigation activities.

Comment

The proposed activities are as follows:

- Bridge 3042 on York Williams Road - Mechanical works (mulching, slashing etc.) around the timber bridge to reduce fuel load. Estimated cost \$10,000.
- Williams Refuse Site Reserve on Narrogin Road - Vertically clear vegetation along both sides of Fire Access and Fire Breaks within the Reserve. Improved mapping will be



- provided during works. Estimated cost \$30,000.
- Tarwonga Hall on Albany Hwy - Widen entrance road into Tarwonga Hall. Works to include reinforcing waterway cross over. Estimated cost \$10,000.

The 2019/19 Annual Budget does not include revenue or expenditure for these projects as it was not known at the time of adopting the budget that the projects would be funded.

It is a requirement of the *Local Government Act 1995* that any expenditure incurred from the Municipal Fund, that is not included in the Annual Budget, is authorised by Council by absolute majority. Section 6.8 states:

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

- (1a) In subsection (1) —
 - additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.
- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- LUE 1.5 Continue to ensure appropriate compliance in fire safety mitigation measures within the townsite and work with relevant agencies to address issues on public land
- LUE 4.1 Strive for high-quality, well-constructed and maintained local road network

Financial Implications

The grant funding for this project is estimated at \$50,000. No revenue or expenditure has been included in the 2019/20 Annual Budget.

Voting Requirements

Absolute Majority

Officer’s Recommendation

That Council agrees to accept grant funding from the Mitigation Activity Fund - Royalties for Region (MAF RfR) 2019-20 Round 1 to undertake three (3) mitigation activities. Further, it approves the incurring of expenditure to undertake the mitigation activities.



Council Resolution

Medlen/Watt

That Council agrees to accept grant funding from the Mitigation Activity Fund - Royalties for Region (MAF RfR) 2019-20 Round 1 to undertake three (3) mitigation activities. Further, it approves the incurring of expenditure to undertake the mitigation activities.

**Carried by Absolute Majority 8/0
Resolution 123/20**

8.4.8 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 12 December 2019
Attachment	Nil

Background

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

There is a requirement under the *Local Government Act 1995* that the Delegations Register is reviewed annually by Council. A procedure included in the Delegations Register is to report to Council the activities or actions that have been performed under 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 Delegations Register.

Comment

Actions performed under delegation during the preceding month 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. \$200,000.00 from the Municipal Fund Cash Management Account to Municipal Account for payment of creditor accounts.

- **Debt, Write-Off, Waiver or Concession – Delegation LGA9**

Delegation - The Chief Executive Officer has delegated authority to write-off debts and grant concessions in relation to any amount of money, up to an amount of \$50.00.

Action - The Chief Executive Officer waived the amount of \$50.00 from the Pavilion hire fee for the Williams Primary School Graduating Year 6 Student's end-of-year function.

Action - The Chief Executive Officer waived amounts of \$20.00 each for the purchase of water standpipe swipe cards for Geoff Pearson and Rob D'Arcy for privately held bulk water firefighting appliances.



- **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.

Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 2.2 Maintain accountability, transparency and financial responsibility.

CL 4.4 Monitor and ensure compliance with regulatory framework for local government business.

Financial Implications

Payments from the Municipal Fund and Trust Fund have been approved in the 2019/20 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 November 2019.

Council Resolution

Major/Watt

That Council accepts the report “Use of Common Seal and Actions Performed under Delegated Authority” for the month of November 2019.

**Carried 8/0
Resolution 124/20**

The Manager of Finance, Cara Ryan, attended the Meeting at 4.39pm to discuss her report.



8.5 MANAGER OF FINANCE’S REPORT

8.5.1 ACCOUNTS FOR PAYMENT

File Reference	4.23.15
Statutory Reference	<i>Local Government (Financial Management) Regulations 1996</i>
Author & Date	Cara Ryan 12 December 2019

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 104784 – 104789 totalling \$542,567.96, and Trust Fund EFT totalling \$320.00, approved by the Chief Executive Officer during the month of November 2019 be endorsed.

Council Resolution

Baker/Medlen

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104784 – 104789 totalling \$542,567.96, and Trust Fund EFT totalling \$320.00, approved by the Chief Executive Officer during the month of November 2019 be endorsed.

Carried 8/0
Resolution 125/20



8.5.2 FINANCIAL STATEMENTS

File Reference	4.23.15
Statutory Reference	<i>Local Government (Financial Management) Regulations 1996</i>
Author & Date	Cara Ryan 12 December 2019

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 30 November 2019 be received.

Council Resolution

Watt/Major

That the financial statements presented for the period ending 30 November 2019 be received.

Carried 8/0
Resolution 126/20

Cara Ryan left the Meeting at 4.56pm.



8.6 FAMILY DAY CARE OFFICER’S REPORT

8.3.1 EDUCATORS

File Reference	80.50.40
Statutory Reference	<i>Education and Care Services National Law (WA) Act 2012</i>
Author & Date	Sharon Palumbo 11 December 2019
Attachments	Nil

Comment

Family Day Care (FDC) now has 14 Educators registered and operating. The 15th Educator is due to commence operating on January 20, 2020. This educator is based in Northam and has a teaching background.

The breakdown of educators are as follows:

11 Dec 2019	Narrogin	2	Residence
	Northam	4	Residence
	Toodyay	3	Residence
	Kukerin	1	Residence
	Kellerberrin	1	In-Venue
	Broome	3	Residence

Comparison of utilisation from previous months.

SEPTEMBER	EFT	OCTOBER	EFT	NOVEMBER	EFT
02/09/19 – 8/09/19	42	30/09/19 – 6/10/19	26	28/10/19 – 3/11/19	45
09/09/19 – 15/09/19	49	7/10/19 – 13/10/19	36	4/11/19 – 10/11/19	51
16/09/19 – 29/09/19	49	14/10/19 – 20/10/19	49	11/11/19 – 17/11/19	57
23/09/19 – 29/09/19	49	21/10/19 – 27/10/19	49	18/11/19 – 24/11/19	51

As we approach the Christmas and January holiday period FDC will experience a significant drop in child utilisation as majority of educators will be taking some time off. The bulk of educators will be taking 2 weeks leave over Christmas and the New Year. Some educators will return working with reduced child numbers due to families also taking leave and reduced operational days to accommodate this. By February we will be operating at full capacity.

Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- SCD 2.5 Investigate opportunities to engage with youth, through improved access to services, facilities and programs
- CL 2.3 Monitor revenue streams and implement opportunities where appropriate. Consistently review rate income.

Financial Implications

The 2019/20 Annual Budget includes funds for the provision of Family Dare Care Services.

Voting Requirements

Simple Majority



Officer's Recommendation

That Council endorse the Family Day Care Coordinator's Educators Report as presented.

Council Resolution

Harding/Major

That Council endorse the Family Day Care Coordinator's Educators Report as presented.

**Carried 8/0
Resolution 127/20**

8.7 COUNCILLORS' REPORTS

Cr Carne reported on her attendance at the WALGA Central Country Zone Meeting held at Popanyinning on the 29 November 2019.

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

The Chief Executive Officer advised that he had been contacted by a resident about the possibility of naming the bridge over the Williams River now that the reconstruction is complete. The matter was discussed at the recent Bridge to Bridge Community Reference Group Meeting, where Main Roads indicated that it would check the protocol for naming bridges.

There was general discussion about the Williams market events being held at the Lions Park and at the Arts & Crafts facility with stallholders being divided between the two venues. There was support for the event to be held at one venue and the Shire initiating discussion with local stallholders to achieve this outcome.

Cr Baker questioned the role of WALGA in delivering training courses to elected members. He expressed concern about the content and cost, and whether WALGA is fully supporting its local government members in this regard.



The Chief Executive Officer provided an update on the Extraordinary Election being held to fill the remaining vacancy on Council. Election Day is Friday, 17 January 2020 and early voting opened on the 18 December 2019.

Cr Logie advised that a new Officer in Charge has been appointed to the Williams Police Station. He is Andrew Brown and he will commence in the role in January 2020.

13.0 CLOSURE OF MEETING

There being no further business for discussion the President declared the Meeting closed at 5.28pm.

DRAFT