



# SHIRE OF WILLIAMS AGENDA

ORDINARY COUNCIL MEETING  
WEDNESDAY 18 OCTOBER 2023



## NOTICE OF ORDINARY MEETING OF COUNCIL

Dear Elected Member & Community Members,

You are respectfully advised the next Ordinary Meeting of the Shire of Williams will be held on Wednesday 18 October 2023, in the Shire of Williams Council Chambers, 9 Brooking Street, Williams, commencing at 3.30 pm.

A handwritten signature in black ink, appearing to read 'Geoff McKeown', is positioned above the printed name.

Geoff McKeown  
Chief Executive Officer

### DISCLAIMER

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

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

## SHIRE OF WILLIAMS STRATEGIC COMMUNITY PLAN 2022-2032

### ECONOMIC

**To support industry and business development through the development of sustainable infrastructure and investment opportunities.**

**E1.** Develop infrastructure and investment that is sustainable and an ongoing legacy to the Shire.

**E2.** To have appropriate levels of housing to cater for population retention and growth.

### SOCIAL AND CULTURAL

**To be a safe and welcoming community where everyone is valued and has the opportunity to contribute and belong.**

**SC1.** To provide community infrastructure and facilities that meet the needs of the population.

**SC2.** To support a safe and healthy community with a strong sense of community pride.

**SC3.** To recognise the vibrant history of the Shire and its rich, varied cultural heritage and natural environment is valued, respected, promoted and celebrated.

### LAND USE & ENVIRONMENT

**To have a balanced respect for our natural assets and built environment, retaining our lifestyle values and community split.**

**LUE1.** To enhance, promote, rehabilitate and leverage the natural environment so it continues to be an asset to the community.

**LUE2.** Natural assets and public open spaces are accessible, well utilised and managed.

**LUE3.** To have safe and well maintained transport network that supports local economy.

**LUE4.** Recognising and implementing sustainability measures.

### INNOVATION, LEADERSHIP & GOVERNANCE

**Strong civic leadership representing the whole of the Shire which engages in effective partnerships and reflects the aspirations of an engaged community.**

**ILG1.** The Shire is efficient in its operations, actively listens to the community and anticipates and responds to the community needs.

**ILG2.** The revenue needs of the Shire are managed in an equitable, proactive and sustainable manner.

**ILG3.** Effective collaboration and shared services with other relevant Local, State and Federal Government agencies, industry and community organisations.

**ILG4.** A strategically focused, unified Council functioning effectively ensuring compliance within the regulatory framework

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## AGENDA

### 1.0 Declaration of Opening / Announcement of Visitors

The Presiding Member, President Jarrad Logie, will declare the Meeting open at 3.30pm.

### 2.0 Record of Attendance / Apologies / Leave of Absence

#### **Elected Members**

Cr Jarrad Logie - President  
Cr Natalie Major - Deputy President  
Cr Moya Carne  
Cr Simon Harding  
Cr Bob Baker  
Cr Tracey Price  
Cr Bernie Panizza  
Cr Christine Cowcher  
Cr John Macnamara

#### **Staff**

Geoff McKeown - Chief Executive Officer  
Cassie Barker – Senior Finance Officer  
Manuela Lenehan - Minute Taker

Visitors – Nil  
Apologies - Nil  
Leave of Absence – Nil

### 3.0 Public Question Time

Nil

### 4.0 Petitions / Deputations / Presentations

Nil

**5.0 Declarations of Interest**

<b>DECLARATION OF INTEREST</b>	
Name / Position	Cr Jarrad Logie / President
Item No. / Subject	8.2.2 Proposed Rural Industry – Lot 17 (149) Playle Road, Williams
Type of Interest	Direct Financial, Indirect Financial

<b>DECLARATION OF INTEREST</b>	
Name / Position	Cr Christine Cowcher / Councillor
Item No. / Subject	8.2.2 Proposed Rural Industry – Lot 17 (149) Playle Road, Williams
Type of Interest	Direct Financial

**6.0 Confirmation of Minutes of Previous Meetings**

**6.1 Ordinary Council Meeting Held 20 September 2023**

**Officer’s Recommendation**

That the Minutes of the Ordinary Council Meeting held 20 September 2023, as previously circulated, be confirmed as a true and accurate record.

**7.0 Announcements by Presiding Member Without Discussion**

Nil

**8.0 Matters Which Require Decisions**

**8.1 Corporate and Community Services**

8.1.1 Payment Listing

<b>File Reference</b>	4.23.15
<b>Statutory Ref.</b>	<i>Local Government (Financial Management) Regulations 1996</i>
<b>Author &amp; Date</b>	Cassie Barker 13 October 2023
<b>Attachments</b>	Payment listing for month ending 30 September 2023

**Background**

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's municipal or trust account. In exercising their authority, and in accordance with the Local Government (Financial Management) Regulation, it is a requirement to produce a list of payments made from Councils Municipal Fund and Trust Fund bank accounts to be presented to Council in the following month.

**Statutory Implications**

Regulation 13 of the *Local Government (Financial Management) Regulations 1995* states:

**13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.**

(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.

**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**

As listed in the recommendation below.

**Voting Requirements**

Simple Majority

<b>Officer's Recommendation</b>	That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104988 – 104993 totalling \$409,129.03 approved by the Chief Executive Officer during the month of September 2023 be endorsed.
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## SHIRE OF WILLIAMS PAYMENT LISTING FOR THE MONTH ENDING 30 SEPTEMBER 2023

DATE	NAME	DESCRIPTION	AMOUNT
<b>MUNICIPAL - EFT, BPAY, DIRECT DEBIT &amp; CHEQUES</b>			
01/09/2023	FIRST REEF PTY LTD	Monthly IT Management for Marradong Directory	\$ 196.90
05/09/2023	BUILDING AND ENERGY	BSL collection - August 2023	\$ 1,506.62
06/09/2023	FDC EDUCATORS	FDC Educators PE 03/09/2023	\$ 27,523.44
06/09/2023	HICKS HANDYMAN	13325 - Interior Painting (6 Richardson St)	\$ 6,237.00
07/09/2023	SHIRE OF WILLIAMS	Salaries & Wages PE 06/09/2023	\$ 50,075.82
19/09/2023	AUSTRALIAN TAXATION OFFICE	BAS August 2023	\$ 20,401.00
20/09/2023	FDC EDUCATORS	FDC Educators PE 17/09/2023	\$ 28,534.02
20/09/2023	E & MJ ROSHER PTY LTD (EFT)	13222 - New Kubota Utility Vehicle	\$ 29,000.00
21/09/2023	SHIRE OF WILLIAMS	Salaries & Wages PE 20/09/2023	\$ 56,754.16
26/09/2023	WA SUPER	Superannuation August 2023	\$ 26,138.95
28/09/2023	3EM ENGINEERING CONSULTANTS	13371 - Engineering Design Stage 1 (New House, Growse St)	\$ 2,376.00
28/09/2023	AVON WASTE	13357 - Monthly Refuse Charges August 2023	\$ 11,747.81
28/09/2023	BEST OFFICE SYSTEMS	13353 - Monthly Printing/Copying Charges	\$ 490.20
28/09/2023	BOC Ltd	13299 - August 2023 Container Service Fee	\$ 95.67
28/09/2023	BODDINGTON MEDICAL CENTRE	Pre-employment Medical (H Burt)	\$ 176.00
28/09/2023	CANNON HYGIENE	Sharps Disposal Service 12/9/2023 to 28/3/2024	\$ 78.25
28/09/2023	CITRUS WHEEL MARKETING	13372 - Marradong Trails Marketing - August & September 2023	\$ 840.00
28/09/2023	CORNER'S AUTOMOTIVE ELECTRICS	13407 - Parts (JD Backhoe)	\$ 154.00
28/09/2023	DUFF ELECTRICAL CONTRACTING	13323, 13307 - Electrical Works (Various)	\$ 1,960.62
28/09/2023	EDWARDS ISUZU UTE	13360 - 30,000km Service (Isuzu MU-X)	\$ 441.60
28/09/2023	FARMERS CENTRE (1978) PTY LTD	13406 - Hose & Fittings (Volvo Excavator)	\$ 103.40
28/09/2023	FINISHING WA	13358 - Binding of Minutes (5 Volumes)	\$ 672.10
28/09/2023	GREAT SOUTHERN FUELS	Fuel - Monthly BP Account	\$ 34.01
28/09/2023	GREENWAY TURF SOLUTIONS PTY LTD	13362, 13377, 13137 - Turf Care Products (Various)	\$ 935.00
28/09/2023	H+ H ARCHITECTS	13288 - Architectural Services (New Dwelling - Growse St)	\$ 4,400.00
28/09/2023	HARMONY SOFTWARE	Educators' Software Fees, Month of August 2023	\$ 360.40
28/09/2023	HERSEY'S SAFETY PTY LTD	13412 - Depot Consumables, Safety Items	\$ 850.85
28/09/2023	JP UPHOLSTERY & CANVAS	13301 - Repair Shade Sail (Childcare Centre)	\$ 231.00
28/09/2023	LANDGATE.	Townsite Mapping for 4WDL Housing Project	\$ 147.40
28/09/2023	LGIS	Workers Compensation Cover 2022/23 (Adjustment)	\$ 5,192.21
28/09/2023	MAKIT NARROGIN HARDWARE	13367 - External Door (Pavilion)	\$ 269.00
28/09/2023	McINTOSH & SON	13405, 13414 - Filters & Oil (CASE Loader)	\$ 647.58
28/09/2023	MELCHIORRE PLUMBING & GAS	13330 - Plumbing Works (Pavilion BBQ)	\$ 357.50
28/09/2023	MODERN TEACHING AIDS PTY LTD	13295 - Childcare Equipment (Various)	\$ 308.28
28/09/2023	NARROGIN CARPETS & CURTAINS	13324 - Supply & Install 4 Blinds (6 Richardson St)	\$ 3,247.20
28/09/2023	NARROGIN PUMPS SOLAR AND SPRAYING	13410 - Parts (Kubota Utility Vehicle)	\$ 180.84
28/09/2023	NARROGIN TOYOTA	13137, 13102, 13416, 12757 - Parts, Oil & Filters (Various Small Plant)	\$ 994.83
28/09/2023	STAR TRACK EXPRESS	Freight ex Greenway (Dye Marker Spray)	\$ 83.48
28/09/2023	TEAM GLOBAL EXPRESS	Freight ex McIntosh - Filters & Oil (CASE Loader)	\$ 83.73
28/09/2023	THE WEST AUSTRALIAN	Employment Advertising	\$ 224.00
28/09/2023	THE WILLIAMS COMMUNITY NEWSPAPER.	Photocopy Charges for Shire Notes	\$ 160.80
28/09/2023	THE WILLIAMS WOOL SHED.	13375 - Refreshments (September Council Meeting)	\$ 122.10
28/09/2023	TJ DEPIAZZI & SONS	13361 - Pine Chip Softfall	\$ 3,316.30
28/09/2023	TOTAL IMAGE GROUP	13335 - Staff Uniforms (Various) - 30% Commencement Deposit	\$ 568.20
28/09/2023	TOTAL UNDERCAR	Tyre Repair (Mazda CX-5)	\$ 29.75
28/09/2023	TOWN PLANNING INNOVATIONS	13287 - General Planning Advice for August 2023	\$ 2,351.25
28/09/2023	TRUCK CENTRE (WA) PTY LTD	13408 - Parts & Oil (Various)	\$ 899.31
28/09/2023	TUTT BRYANT HIRE PTY LTD	13214 - MT Roller Hire 31/7/23 to 14/8/23 (Rural Roads)	\$ 1,457.90
28/09/2023	WA CONTRACT RANGER SERVICES	13300 - Ranger Services - 30/8/2023, 11/9/2023	\$ 574.75
28/09/2023	WA LOCAL GOVERNMENT ASSOCIATION	13374 - WALGA Central Country Zone Subscription 2023/24	\$ 1,100.00
28/09/2023	WALLIS COMPUTER SOLUTIONS	13378 - IT Support (Various Annual Licensing)	\$ 31,282.68
28/09/2023	WESTRAC	13150, 13409, 13217 - Service, Parts & Repairs (CAT Grader, CAT Roller)	\$ 8,543.58
28/09/2023	WHEATBELT BUSINESS NETWORK	WBN Annual Membership	\$ 220.00
28/09/2023	WILLIAMS COMMUNITY RESOURCE CENTRE	Library Service at CRC - 1st Quarter 2023/24	\$ 11,072.01
28/09/2023	WILLIAMS HOTEL - STRICKO'S	13235 - Refreshments	\$ 55.99
28/09/2023	WILLIAMS NEWSAGENCY	Monthly Account August 2023	\$ 171.15
28/09/2023	WILLIAMS RURAL SUPPLIES	Monthly Hardware Account - August 2023	\$ 3,935.71
28/09/2023	WOOD, ANDREW.	Reimbursement - Accommodation (LG Conference)	\$ 510.45
06/09/2023	TELSTRA	Monthly Phone Usage to 19/8/2023	\$ 421.01
13/09/2023	TELSTRA	Mobile Phone Services to 1/9/2023	\$ 313.69
20/09/2023	TELSTRA	Works Supervisor Home Phone to 7/9/2023	\$ 56.29
20/09/2023	SYNERGY	Electricity to Swimming Pool 15/8/2023 to 18/9/2023	\$ 517.01



**SHIRE OF WILLIAMS PAYMENT LISTING FOR THE MONTH ENDING 30 SEPTEMBER 2023**

DATE	NAME	DESCRIPTION	AMOUNT
1-29 Sep 23	DEPARTMENT OF PLANNING & INFRASTRUCTURE	Licensing Payments Forwarded to Department of Transport	\$ 14,449.20
01/09/2023	WESTNET	Monthly CEO Internet Charges, September 2023	\$ 54.99
04/09/2023	CBA	CBA - Merchant Fees August 2023	\$ 372.25
18/09/2023	WA TREASURY CORPORATION	Loan Repayment - #71 Mens Shed	\$ 10,198.07
18/09/2023	ANZ CARDS	Monthly Credit Card Expenses x 2 (See Details Below)	\$ 1,215.17
05/09/2023	SHIRE OF WILLIAMS	Rego - Fire Truck	\$ 190.35
05/09/2023	SHIRE OF WILLIAMS	Rates (Rubbish Charges) for 2023/2024	\$ 21,995.20
05/09/2023	WILLIAMS LICENSED POST OFFICE	Paper, Stationery, Stamps, Postage inc. Library	\$ 92.68
06/09/2023	SYNERGY	Electricity Supply (Various)	\$ 4,891.62
13/09/2023	SYNERGY	Electricity Supply (Various)	\$ 3,409.54
14/09/2023	WILLIAMS LICENSED POST OFFICE	Postage - Rates, August 2023	\$ 529.16
			<b>\$ 409,129.03</b>

18/09/2023 ANZ CARDS Monthly Credit Card Expenses x 2 -1,215.17

**Geoff McKeown - CEO**

PLANT:P088 Rotary Mower 2023 WL10096	Vehicle Registration - Insurance	41.40
PLANT:P088 Rotary Mower 2023 WL10096	Vehicle Registration - Plate Fee, Recording Fee	67.23
	Ventra IP Domain Renewal - 1 Year	19.95
	National Pers. Insolvency Ind. Search - PRODA Access	15.00
	Google - Marradong Trail Promotion	16.80

**Sharon Palumbo - Manager of Children's Services**

PLANT:P084 CX-5 2022 WL036 (FDC)	39.44L ULP	60.92
	Airport Parking 19/7/23	85.65
	Art & Craft Supplies	8.18
	Car Hire 19/7/23	127.87
PLANT:P084 CX-5 2022 WL036 (FDC)	47.96L ULP	84.55
	Storage Tubs	25.45
	Baby Wipes, Bin Bags	24.09
PLANT:P084 CX-5 2022 WL036 (FDC)	40.24L ULP	65.82
PLANT:P084 CX-5 2022 WL036 (FDC)	39.79L ULP	68.55
	Bin Bags, Tidy Bags	27.27
	Flour, Salt	6.60
PLANT:P084 CX-5 2022 WL036 (FDC)	40.45L ULP	70.56
	Accommodation, Northam 17/8/23	190.91
PLANT:P084 CX-5 2022 WL036 (FDC)	Car Wash	14.73
PLANT:P084 CX-5 2022 WL036 (FDC)	36.52L ULP	66.36
	Food Items, Northam 17/8/23	24.78
AUSTRALIAN TAXATION OFFICE	Non-Cap. Acq. - Inc GST	102.50
		<b>1,215.17</b>

8.1.2 Financial Statements

<b>File Reference</b>	4.23.15
<b>Statutory Ref.</b>	<i>Local Government (Financial Management) Regulations 1996</i>
<b>Author &amp; Date</b>	Cassie Barker      13 October 2023
<b>Attachments</b>	Financial Statements ending 30 September 2023

**Background**

In accordance with the *Local Government Act 1995*, a statement of financial activity must be presented at an Ordinary Meeting of Council. This is required to be presented within two months, after the end of the month, to which the statement relates.

The statement of financial activity is to report on the revenue and expenditure as set out in the annual budget for the month, including explanations of any variances. *Regulation 34*, from the *Local Government (Financial Management) Regulations 1996* sets out the detail that is required to be included in the reports.

**Statutory Implications**

Local Government (Financial Management) Regulations 1996 - Regulation 34.

**Comment**

The attached monthly financial statements and supporting information have been compiled to meet compliance with the *Local Government Act 1995* and associated Regulations.

**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**

As disclosed in the financial statements.

**Voting Requirements**

Simple Majority

**Officer's Recommendation**

That the financial statements presented for the period ending 30 September 2023 be received.

# SHIRE OF WILLIAMS



## MONTHLY FINANCIAL REPORT

(Containing the required statement of financial activity and statement of financial position)  
For the period ended 30 September 2023

*LOCAL GOVERNMENT ACT 1995*  
*LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

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**SHIRE OF WILLIAMS**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

	Supplementary Information	Adopted Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b)	Variance* % (c) - (b)/(b)	Var.
<b>OPERATING ACTIVITIES</b>							
<b>Revenue from operating activities</b>							
Rates	10	2,245,399	2,243,398	2,237,847	(5,551)	(0.25%)	▼
Grants, subsidies and contributions	13	469,870	364,323	224,338	(139,985)	(38.42%)	▼
Fees and charges		1,093,829	266,159	292,463	26,304	9.88%	▲
Interest revenue		80,500	20,125	33,225	13,100	65.09%	▲
Other revenue		39,775	8,475	10,801	2,326	27.45%	▲
Profit on asset disposals	6	6,814	0	1,196	1,196	0.00%	
		<b>3,936,187</b>	<b>2,902,480</b>	<b>2,799,870</b>	<b>(102,610)</b>	<b>(3.54%)</b>	
<b>Expenditure from operating activities</b>							
Employee costs		(1,914,703)	(453,476)	(528,641)	(75,165)	(16.58%)	▼
Materials and contracts		(1,387,703)	(447,531)	(329,581)	117,950	26.36%	▲
Utility charges		(251,190)	(51,128)	(29,821)	21,307	41.67%	▲
Depreciation		(1,953,425)	(485,373)	(490,213)	(4,840)	(1.00%)	
Finance costs		(19,189)	(199)	(216)	(17)	(8.54%)	▼
Insurance		(165,012)	(82,506)	(84,817)	(2,311)	(2.80%)	
Other expenditure		(25,100)	(25)	(16,885)	(16,860)	(67440.00%)	▼
Loss on asset disposals	6	(9,782)	0	(1,809)	(1,809)	0.00%	
		<b>(5,726,104)</b>	<b>(1,520,238)</b>	<b>(1,481,983)</b>	<b>38,255</b>	<b>2.52%</b>	
Non-cash amounts excluded from operating activities	Note 2(b)	1,956,393	485,373	490,826	5,453	1.12%	▲
<b>Amount attributable to operating activities</b>		<b>166,476</b>	<b>1,867,615</b>	<b>1,808,713</b>	<b>(58,902)</b>	<b>(3.15%)</b>	
<b>INVESTING ACTIVITIES</b>							
<b>Inflows from investing activities</b>							
Proceeds from capital grants, subsidies and contributions	14	723,437	0	0	0	0.00%	
Proceeds from disposal of assets	6	60,500	0	4,332	4,332	0.00%	
Proceeds from financial assets at amortised cost - self supporting loans		17,693	0	0	0	0.00%	
		<b>801,630</b>	<b>0</b>	<b>4,332</b>	<b>4,332</b>	<b>0.00%</b>	
<b>Outflows from investing activities</b>							
Payments for property, plant and equipment	5	(1,488,500)	(170,000)	(154,837)	15,163	8.92%	▲
Payments for construction of infrastructure	5	(1,391,293)	(3,000)	(2,555)	445	14.83%	▲
		<b>(2,879,793)</b>	<b>(173,000)</b>	<b>(157,392)</b>	<b>15,608</b>	<b>9.02%</b>	
<b>Amount attributable to investing activities</b>		<b>(2,078,163)</b>	<b>(173,000)</b>	<b>(153,060)</b>	<b>19,940</b>	<b>11.53%</b>	
<b>FINANCING ACTIVITIES</b>							
<b>Inflows from financing activities</b>							
Transfer from reserves	4	931,500	0	0	0	0.00%	
		<b>931,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	
<b>Outflows from financing activities</b>							
Repayment of borrowings	11	(75,989)	(9,981)	(9,981)	0	0.00%	
Transfer to reserves	4	(372,500)	0	(17,151)	(17,151)	0.00%	▼
		<b>(448,489)</b>	<b>(9,981)</b>	<b>(27,132)</b>	<b>(17,151)</b>	<b>(171.83%)</b>	
<b>Amount attributable to financing activities</b>		<b>483,011</b>	<b>(9,981)</b>	<b>(27,132)</b>	<b>(17,151)</b>	<b>(171.83%)</b>	
<b>MOVEMENT IN SURPLUS OR DEFICIT</b>							
<b>Surplus or deficit at the start of the financial year</b>		1,428,676	1,428,676	1,198,283	(230,393)	(16.13%)	▼
Amount attributable to operating activities		166,476	1,867,615	1,808,713	(58,902)	(3.15%)	▼
Amount attributable to investing activities		(2,078,163)	(173,000)	(153,060)	19,940	11.53%	▲
Amount attributable to financing activities		483,011	(9,981)	(27,132)	(17,151)	(171.83%)	▼
<b>Surplus or deficit after imposition of general rates</b>		<b>0</b>	<b>3,113,310</b>	<b>2,826,804</b>	<b>(286,506)</b>	<b>(9.20%)</b>	▼

**KEY INFORMATION**

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

\* Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

**SHIRE OF WILLIAMS**  
**STATEMENT OF FINANCIAL POSITION**  
**FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

	Supplementary Information	30 June 2022	30 September 2023
		\$	\$
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	3	3,390,001	4,429,473
Trade and other receivables		139,127	870,836
Other financial assets		22,693	22,693
Inventories	8	21,068	26,882
<b>TOTAL CURRENT ASSETS</b>		<b>3,572,889</b>	<b>5,349,884</b>
<b>NON-CURRENT ASSETS</b>			
Other financial assets		207,701	207,701
Property, plant and equipment		17,295,266	17,341,204
Infrastructure		66,457,278	66,073,574
Investment property		61,117	61,117
<b>TOTAL NON-CURRENT ASSETS</b>		<b>84,021,362</b>	<b>83,683,596</b>
<b>TOTAL ASSETS</b>		<b>87,594,251</b>	<b>89,033,480</b>
<b>CURRENT LIABILITIES</b>			
Trade and other payables	9	291,300	145,341
Other liabilities	12	5,000	282,285
Borrowings	11	75,989	75,989
Employee related provisions	12	354,566	354,566
<b>TOTAL CURRENT LIABILITIES</b>		<b>726,855</b>	<b>858,181</b>
<b>NON-CURRENT LIABILITIES</b>			
Borrowings	11	439,890	429,909
Employee related provisions		14,757	14,757
<b>TOTAL NON-CURRENT LIABILITIES</b>		<b>454,647</b>	<b>444,666</b>
<b>TOTAL LIABILITIES</b>		<b>1,181,502</b>	<b>1,302,847</b>
<b>NET ASSETS</b>		<b>86,412,749</b>	<b>87,730,633</b>
<b>EQUITY</b>			
Retained surplus		23,612,432	24,930,317
Reserve accounts	4	1,719,674	1,719,674
Revaluation surplus		61,080,642	61,080,642
<b>TOTAL EQUITY</b>		<b>86,412,748</b>	<b>87,730,633</b>

This statement is to be read in conjunction with the accompanying notes.

# NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 SEPTEMBER 2023

## 1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES

### BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

#### **Local Government Act 1995 requirements**

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

*Local Government (Financial Management) Regulations 1996*, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

### THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 15 to these financial statements.

#### **Judgements and estimates**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure and investment property
- estimation uncertainties made in relation to lease accounting
- estimated useful life of intangible assets

#### **SIGNIFICANT ACCOUNTING POLICES**

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

#### **PREPARATION TIMING AND REVIEW**

Date prepared: All known transactions up to 12 October 2023

**SHIRE OF WILLIAMS**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION**

(a) Net current assets used in the Statement of Financial Activity	Supplementary Information	Adopted Budget Opening 30 June 2023	Last Year Closing 30 June 2023	Year to Date 30 September 2023
		\$	\$	\$
<b>Current assets</b>				
Cash and cash equivalents	3	1,402,324	3,390,000	4,429,473
Trade and other receivables		139,128	139,127	870,835
Other financial assets		212,700	22,693	22,693
Inventories	8	21,068	21,068	26,882
		<u>1,775,220</u>	<u>3,572,888</u>	<u>5,349,883</u>
<b>Less: current liabilities</b>				
Trade and other payables	9	(291,301)	(291,301)	(145,341)
Other liabilities	12	(5,000)	(5,000)	(282,285)
Borrowings	11		(75,989)	(75,989)
Employee related provisions	12	(354,566)	(354,566)	(354,566)
		<u>(650,867)</u>	<u>(726,856)</u>	<u>(858,181)</u>
<b>Net current assets</b>		<b>1,124,353</b>	<b>2,846,032</b>	<b>4,491,702</b>
<b>Less: Total adjustments to net current assets</b>	Note 2(c)	(1,683,353)	(1,647,749)	(1,664,898)
<b>Closing funding surplus / (deficit)</b>		<b>(559,000)</b>	<b>1,198,283</b>	<b>2,826,804</b>

**(b) Non-cash amounts excluded from operating activities**

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

Non-cash amounts excluded from operating activities	Adopted Budget	YTD Budget (a)	YTD Actual (b)
	\$	\$	\$
<b>Adjustments to operating activities</b>			
Less: Profit on asset disposals	6	(6,814)	0
Add: Loss on asset disposals	6	9,782	0
Add: Depreciation		1,953,425	485,373
<b>Total non-cash amounts excluded from operating activities</b>		<b>1,956,393</b>	<b>485,373</b>

**(c) Current assets and liabilities excluded from budgeted deficiency**

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

Adjustments to net current assets	Adopted Budget Opening 30 June 2023	Last Year Closing 30 June 2023	Year to Date 30 September 2023
	\$	\$	\$
Less: Reserve accounts	4	(1,719,674)	(1,719,674)
Less: Financial assets at amortised cost - self supporting loans	8		(22,693)
- Current financial assets at amortised cost - self supporting loans			(17,693)
Add: Current liabilities not expected to be cleared at the end of the year:			
- Current portion of borrowings	11		75,989
- Current portion of employee benefit provisions held in reserve	4	36,322	36,322
<b>Total adjustments to net current assets</b>	Note 2(a)	<b>(1,683,352)</b>	<b>(1,647,749)</b>

**CURRENT AND NON-CURRENT CLASSIFICATION**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

**SHIRE OF WILLIAMS**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**3 EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.  
The material variance adopted by Council for the 2023-24 year is \$5,000 or 5.00% whichever is the greater.

Description	Var. \$	Var. %	
	\$	%	
<b>Revenue from operating activities</b>			
<b>Rates</b>	(5,551)	(0.25%)	▼
Timing Variance			
<b>Grants, subsidies and contributions</b>	(139,985)	(38.42%)	▼
Timing Variance			
<b>Fees and charges</b>	26,304	9.88%	▲
Timing Variance			
<b>Interest revenue</b>	13,100	65.09%	▲
Timing Variance			
<b>Other revenue</b>	2,326	27.45%	▲
Timing Variance			
<b>Expenditure from operating activities</b>			
<b>Employee costs</b>	(75,165)	(16.58%)	▼
Timing Variance			
<b>Materials and contracts</b>	117,950	26.36%	▲
Timing Variance			
<b>Utility charges</b>	21,307	41.67%	▲
Timing Variance			
<b>Finance costs</b>	(17)	(8.54%)	▼
Timing Variance			
<b>Other expenditure</b>	(16,860)	(67440.00%)	▼
Timing Variance			
<b>Non-cash amounts excluded from operating activities</b>	5,453	1.12%	▲
<b>Outflows from investing activities</b>			
<b>Payments for property, plant and equipment</b>	15,163	8.92%	▲
<b>Payments for construction of infrastructure</b>	445	14.83%	▲
Timing Variance			
<b>Outflows from financing activities</b>			
<b>Transfer to reserves</b>	(17,151)	0.00%	▼
Monthly OCDF Interest			
<b>Surplus or deficit at the start of the financial year</b>	(230,393)	(16.13%)	▼
<b>Surplus or deficit after imposition of general rates</b>	(286,506)	(9.20%)	▼
Due to variances described above			



**8.2 Office of the Chief Executive Officer**

**8.2.1 Proposed Lease – Lot 403 (6) Marjidin Way**

<b>File Reference</b>	13.60.55
<b>Statutory Ref.</b>	Section 3.58 <i>Local Government Act 1995</i>
<b>Author &amp; Date</b>	Geoff McKeown 2 October 2023
<b>Attachments</b>	Nil

**Background**

Construction of a new industrial shed on Lot 403 (6) Marjidin Way was completed in 2018. Initially the shed, and a fenced portion of the lot, were leased to a local mechanic. That lease concluded in August 2021 and the tenant did not exercise a further option. Since that time, floor space in the shed has been leased on a periodic tenancy basis.

**Comment**

Recently the Shire was approached by Innovative Ag Pty Ltd wishing to lease the entire property, including the shed and adjacent hardstand area.

To lease property a local government must adhere to legislation outlined in Section 3.58 *Local Government Act 1995*. An extract of the wording in the 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.

As mentioned in the legislation, a disposal can occur through the process of a public auction or public tender. If Council wishes to negotiate a disposal, other than by these methods, it needs to follow the process outlined in Section 3.58(3), where the details are publicised, and consideration given to public submissions received.

A Certified Practising Valuer provided a market rental valuation for the property in November 2022. It has been used for the purpose of negotiating with the Innovative Ag Pty Ltd. The market rental value has been assessed at \$35,760 per annum, excluding GST.

As it is more than six months since the valuation was obtained, Council will need to determine that it is a true indication of the value at this time, in accordance with section 3.58(4)(c)(ii).

In negotiating the terms of the lease, Innovative Ag Pty Ltd sought a rent waiver for the first two (2) months on the tenancy, which is proposed to commence on 1 November 2023. Detail of this waiver has been included in the public advertising. Council has the power to waive amounts owed to a local government in accordance with section 6.12(1)(b) *Local Government Act 1995*, subject to a resolution by Council carried by an absolute majority.

### **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):

- ED 1.5 Advocate, promote and champion industrial development that will offer employment opportunities for our community
- 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**

Income from monthly rent will be \$2,980, plus GST. A waiver to two (2) months rent has a value of \$5,960.00 plus GST.

### **Voting Requirements**

Absolute Majority

**Officer's Recommendation**

That Council:

1. Agrees to lease Lot 403 (6) Marjidin Way, Williams to Innovative Ag Pty Ltd pursuant to section 3.58 *Local Government Act 1995*, under the following terms:
  - (a) the lease period being one (1) year with a one (1) year option, commencing on 1 November 2023.
  - (b) the monthly rental being \$2,980, excluding GST.
  - (c) the monthly rent for November 2023 and December 2023 be waived in accordance with section 6.12(1) *Local Government Act 1995*;
2. Notes that local public notice of the proposed lease and inviting public submissions has occurred in accordance with section 3.58(3)(a) *Local Government Act 1995*;
3. Notes that no adverse submissions were received by the due date; and
4. Authorises the Common Seal to be affixed to the lease document and endorsement by the President and Chief Executive Officer.

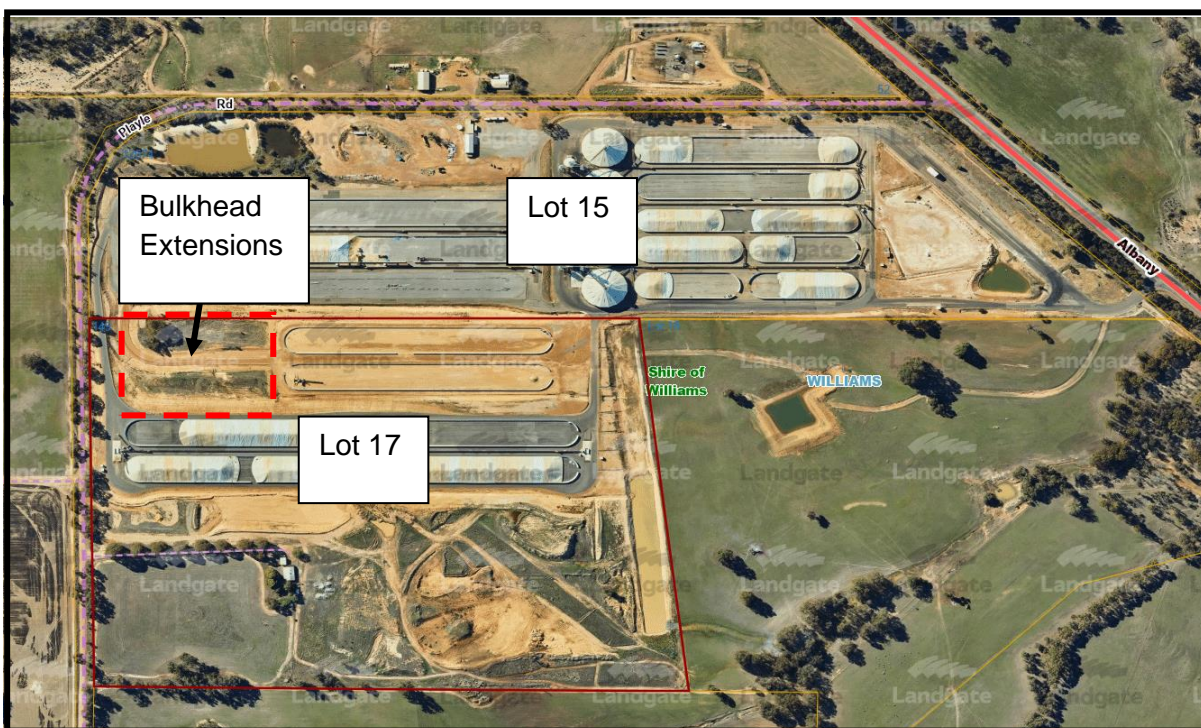
8.2.2 Proposed Rural Industry – Lot 17 (149) Playle Road, Williams

<b>File Reference</b>	10.60.15
<b>Statutory Ref.</b>	Shire of Williams Town Planning Scheme No.2
<b>Author &amp; Date</b>	Liz Bushby, Town Planning Innovations 15 September 2023
<b>Attachments</b>	Nil

**Background**

There is an established Cooperative Bulk Handling Ltd (CBH) ‘Rural Industry’ on Lot 15 (No 12674) Albany Highway and adjacent Lot 17 (No 149) Playle Road in Williams. CBH refers to the lots as the ‘Narrakine Receiving Site’.

The CBH sites are approximately 4.3 kilometres to the north west of Williams townsite, with access from Albany Highway through Lot 15.



Location Plan

On 22 July 2022, the Chief Executive Officer approved a request by CBH for a temporary works exemption for an extension to two open storage bulkheads, associated vehicular access and drainage works. The temporary works exemption was granted under delegated authority and expires on 21 October 2023.

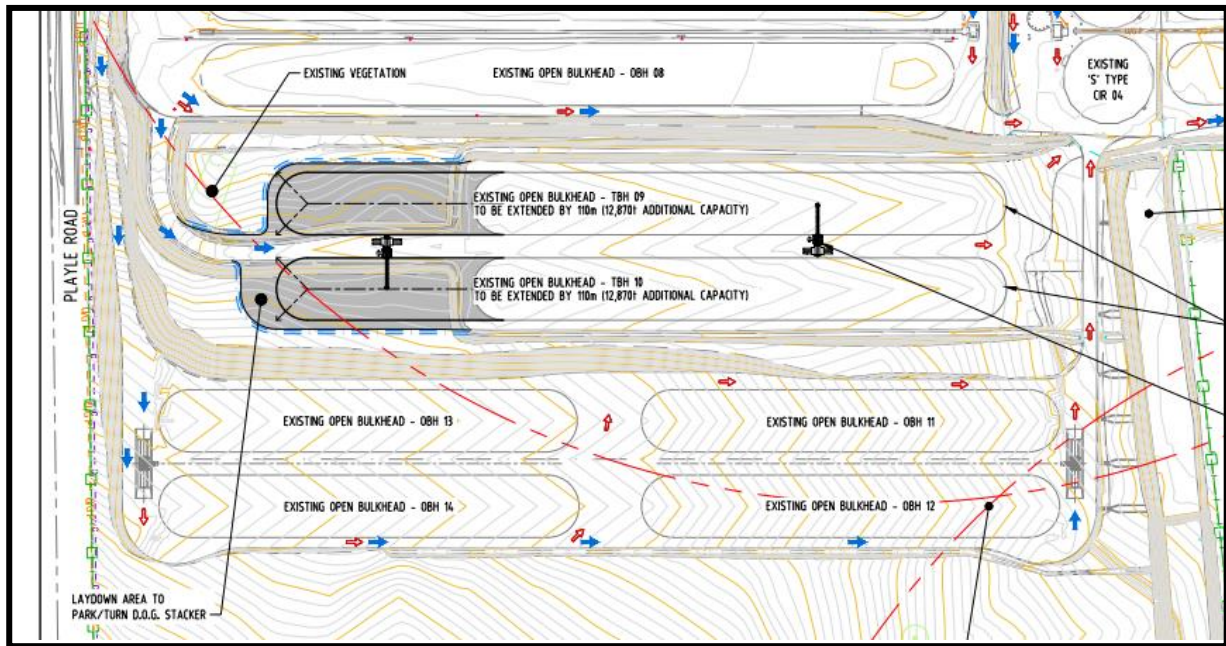
**Comment**

• **Proposed Development**

CBH now seeks a permanent approval for the extensions to the two open bulkheads as they are integral to their operations and long-term strategic plan.

CBH has advised that they have a large amount of carry over grain left across the network which they continue to hold whilst they plan to store this years above forecast harvest.

An extract of the site plan showing the bulkhead extensions is included below for ease of reference.



Site Plan

• **Stormwater Management**

CBH has lodged information on drainage and a drainage plan in support of the application and advised that:

- (a) The proposal will retain the impervious surfaces and associated stormwater runoff created by the construction of the new development.
- (b) In order to manage the post development runoff, open drains have been constructed along the perimeter of the OBH (open bulkhead) expansion to the north and south of each bulkhead.
- (c) Both of these drains discharge to the existing open drain network from a high point at the OBH extension which will then discharge to an existing attenuation basin located at eastern portion of the site.
- (d) This basin has been extended by 180m<sup>3</sup> to cater for the additional surface runoff and is greater than the minimum storage required.
- (e) The spillway and sump arrangement in the basin, which limit outflows to predevelopment flow rates, will require regular dewatering to ensure correct operation.

• **Traffic Management**

CBH has also lodged a Traffic Impact Statement (TIA) prepared by a traffic consultant to support retention of the bulkhead extensions.

A summary of the TIA is as follows:

- (a) CBH are proposing to retain the 25.74kt gravel based (emergency) OBH storage built to retain the site's current nameplate capacity of 560,550t.
- (b) If local production exceeds the capacity of the existing Narrakine receival site, CBH must out-turn grain simultaneously (Harvest Essential Moves) to continue to offer a service to growers, and by doing so, increase the traffic on surrounding roads during the peak harvest period.
- (c) The proposal to retain the bulkhead extensions will enable CBH to reduce the volume of Harvest Essential Moves (HEMs) with the intention of reducing trucks on road during the harvest, and instead holding the grain on site to out-turn over the remaining 9 months of the year when the road network is less busy.
- (d) If the bulkhead extensions are decommissioned, then an additional 10 truck movements per day would be required during the harvest period – refer Table 5 below.

- (e) According to the WAPC *Transport Impact Assessment Guidelines*, an increase below 10 peak hour vehicles is considered to have a low impact and is generally deemed acceptable without requiring detailed capacity analysis.

	Unit of Measurement	Decommission OBH	Retain OBH
Record Site Task <sup>1</sup>	Tonnes	674,274	674,274
Available Site Capacity	Tonnes	534,810	560,550
Harvest Essential Moves (HEMs)	Tonnes	139,464	113,724
HEMs Per Harvest	Trucks	2,324	1,895
HEMs Per Day	Trucks	52	42

Traffic is not considered an impediment to the proposal. The retention of the bulkhead extensions will result in approximately 10 fewer truck movements on the surrounding road network during the harvest period (compared with a situation where the emergency bulkhead is not retained).

• **Noise and Dust**

CBH has advised that they will ensure that noise from the specification and installation of any mechanical equipment as well as traffic and construction noise does not exceed assigned levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.

CBH has advised they frequently undertake noise and dust monitoring across its sites when required.

The Shire has not received any complaints about dust and noise associated with these bulkhead extensions. It is aware of a complaint relating to dust and noise several years ago in relation to CBH's operations at the northern end of its facility. The complaint came from a resident living opposite the CBH amenities buildings and related to dust, noise, and privacy issues.

**Policy Requirements**

Not applicable.

**Legislative Requirements**

*Planning and Development (Local Planning Schemes) Regulations 2015* -

Clause 67 outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

*Shire of Williams Town Planning Scheme No 2* – Lots 15 and 17 are zoned Rural.

A Rural Industry has already been established on Lots 15 and 17. Under 'Table 1: Zoning Table', a Rural Industry is an 'AA' use in the Rural zone.

The 'AA' symbol means that 'Council may, at its discretion, permit the use' in the Rural 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.

**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):

- ED 1.5 Advocate, promote and champion industrial development that will offer employment opportunities for our community
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business

**Financial Implications**

The Shire pays consultancy fees to Liz Bushby of Town Planning Innovations for advice. A Planning Fee is applicable to this application.

**Voting Requirements**

Simple Majority

**Officer's (Consultant Planner) Recommendation**

That Council approve the application for a Rural Industry (two bulkhead extensions) on Lot 17 (149) Playle Road, Williams subject to the following conditions:

1. The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.
2. The 'Narrakine OBH Drainage Design Memo' prepared by BG&E Resources dated the 21 July 2022, together with any requirements and recommendations detailed thereon (inclusive of the 'General Arrangement Plan' (DWG NO 551-ENG-CI-DGA-0002, Rev A), are approved as part of this application and shall form part of the development approval issued. The operator, Cooperative Bulk Handling Ltd, shall implement the approved plans.

8.2.3 Draft Planning Policy No.1 – Wind Farms

<b>File Reference</b>	14.25.26
<b>Statutory Ref.</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>Author &amp; Date</b>	Liz Bushby, Town Planning Innovations (TPI) 10 October 2023
<b>Attachments</b>	Attachment 1 draft Planning Policy No.1 – Wind Farms

**Background**

Shire Administration and TPI have received enquiries about potential future wind farms and an initial meteorological mast/turbine on land in the Rural zone within the Shire of Williams.

At the Ordinary Meeting held on the 16 August 2023, Council initiated Scheme Amendment No 21 to introduce a new land use definition for 'renewable energy facility' and update/replace the existing 'industry' definition.

A Draft Local Planning Policy on wind farms was prepared in August 2023. It was included as an attachment to Item 8.2.2 on Amendment 21 in the August 2023 Agenda and Minutes.

TPI has since revised the Draft Policy to include more references to aerial spraying, to clarify that an aviation assessment may be required, and to reference relevant sections of Guideline D' of the 'National Airports Safeguarding Framework'.

Further, in response to the decision made at the September 2023 Ordinary Council Meeting, an additional clause has been added to recognise the need for a decommissioning plan for removal of all wind turbines, and rehabilitation of the affected land, at the end of the development's life.

A table has also been included at the end of the Draft Policy to keep a statutory record of relevant Council adoption dates and for version control.

Changes to the September 2023 (Version V1.1) of the Draft Policy are highlighted in yellow – refer Attachment 1.

**Comment**

• **Description of Proposed Policy**

The Draft Local Planning Policy outlines the policy purpose, objectives, expectations for community consultation, and matters to be considered such as noise, visual impact, other potential impacts and traffic management.

Some of these issues are already outlined in the Western Australian Planning Commission 'Position Statement: Renewable Energy Facilities – March 2020'.

The Local Planning Policy complements and expands on the guidelines that are already outlined in the WAPC Position Statement.

Key new considerations in the Draft Local Policy include:

- (a) Setting a high expectation that any proponent undertakes pre-lodgement consultation with nearby landowners, key stakeholders and government agencies; and
- (b) Introducing an 800 metre setback between any turbine and a lot boundary (unless otherwise agree to by the affected neighbour).



• **Policy Process**

Council is to consider adopting the Draft Local Planning Policy on Wind Farms for the purpose of conducting public advertising.

Following advertising, a report will be referred to a future Council Meeting to consider submissions, and whether to adopt the Policy with, or without, modifications.

**Policy Requirements**

The Draft Local Planning Policy will set out new guidelines for the assessment of wind farms.

Relevant State planning documents are referenced below.

State Planning Strategy 2050 - The Strategy is a guide from which public and local authorities can express or frame their legislative responsibilities in land-use planning, land development, transport planning and related matters.

It provides a set of State planning principles, strategic goals and objectives.

A key Energy Objective is 'to enable secure, reliable, competitive and clean energy that meets the State's growing demand'.

Relevant to this application, the Strategy highlights parts of the state, including the Shire of Williams, for 'potential wind energy'.

State Planning Policy 2.5 - The Western Australian Planning Commission (WAPC) has developed State Planning Policy 2.5: Rural Planning' however it has no specific section on renewable energy facilities.

Wheatbelt Regional Planning and Infrastructure Framework – recognises that 'the Wheatbelt offers an abundant source of renewable energy. The climatic and geographic conditions of the Wheatbelt are conducive to alternative energy generation such as wind, solar, geothermal and biomass generation. Renewable energy offers the capacity to reduce reliance on centrally distributed energy.'

WAPC Position Statement: Renewable Energy Facilities -

The WAPC has a Position Statement on Renewable Energy Facilities which:

- Outlines key environmental and planning considerations for renewable energy proposals.
- Encourages early consultation with the community and local government.
- Recommends any application address specific matters such as environmental impact, visual impact, noise, aviation safety and construction impact.
- It recommends that any turbine be a minimum of 1.5 kilometres from any dwelling or sensitive land use.
- Includes a definition for 'renewable energy facility'.

The WAPC position statement defines 'renewable energy facility' as 'means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary'.

## **Legislative Requirements**

### Planning and Development (Local Planning Schemes) Regulations 2015 -

The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

Clause 3 and 4 under Part 2, Schedule 2 of the Deemed Provisions contained in the Regulations sets out the power for local governments to make a local planning policy and the procedure for making a local planning policy, including a requirement to advertise a Draft Policy for a period not less than 21 days.

The Deemed Provisions contained in the Regulations also outlines procedures for amending a Local Planning Policy, or revocation of any Local Planning Policy.

The Shire is required to refer the Local Planning policy to the Western Australian Planning Commission where there is a potential inconsistency with State Planning Policy.

### Shire of Williams Town Planning Scheme No 2 –

Under the current Scheme, it is considered that a wind farm would fall under the 'Industry' definition which includes a business that 'generates electricity'. This means Council doesn't have discretion to consider a wind farm as an industry in the Rural zone.

Amendment 21 will provide Council with discretion to consider applications for wind farms.

## **Sustainability Implications**

### **Environment**

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

### **Economic**

Increased flexibility for renewable energy developments may provide broader benefits to owners, developers, and key stakeholders.

### **Social**

There are no known significant social implications associated with this proposal. Notwithstanding the above, wind farms can cause controversy within local communities as they introduce a visual change to the landscape.

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

### **Financial Implications**

The Shire pays consultancy fees to Liz Bushby of Town Planning Innovations for advice.

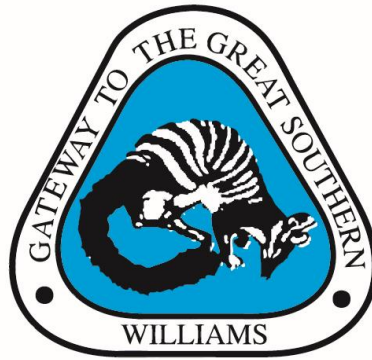
## **Voting Requirements**

Simple Majority

### **Officer's (Consultant Planner) Recommendation**

That Council

1. Resolve to adopt the Draft Local Planning Policy No 1 on Wind Farms (Attachment 1) pursuant to Schedule 2, Part 2, Division 2, Clause 3(1) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of conducting public advertising.
2. Authorise the Chief Executive Officer to advertise the Draft Local Planning Policy No 1 on Wind Farms in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a minimum of 21 days.
3. Note that a second report on the Draft Local Planning Policy No 1, and any submissions received, will be referred to a future Council Meeting for further consideration.



## SHIRE OF WILLIAMS

# LOCAL PLANNING POLICY NO 1 – WIND FARMS

### 1.0 PURPOSE

Under the Shire of Williams Town Planning Scheme No. 2 ('the Scheme'), planning approval is required for any proposed wind farm. The Policy sets out the Council's position on wind farms, and is particularly relevant to the Rural zone.

It should be noted that the Local Planning Policy is a guide for the exercise of discretion. The Shire of Williams Council will have significant due regard to the Policy requirements in the assessment of any new planning application.

### 2.0 OBJECTIVES

- To protect continued traditional agricultural, other food production activities, and tourism uses;
- To reduce the amenity impact of wind farms by ensuring a satisfactory minimum distance from sensitive land uses;
- To decrease the visual impact of wind farms by implementing a minimum distance to neighbouring lot boundaries;
- To minimise or avoid any potential impact on the natural environment, flora and fauna;
- To achieve wind farm layouts which do not compromise the safety of the local community, aviation activities, or continuation of activities occurring on nearby and adjacent land.
- To ensure that the local community is engaged in the early stages of wind farm planning, by the proponent.
- To protect areas of visual significance, and ensure wind turbines are appropriately and sensitively sited.
- To ensure that wind farms are located so as not to have any detrimental impact on Williams Townsite, views from Williams Townsite or any other residential areas.
- To provide a clear position on wind farms for the assessment of development applications.

Under this Local Planning Policy, the following are some of the relevant planning considerations against which a wind farm development application can be assessed.

### **3.0 COMMUNITY CONSULTATION**

The Shire requests that wind farm proponents actively engage in early community consultation, prior to lodgement of any formal application.

Early, meaningful and innovative community consultation, demonstrating an ongoing commitment to providing clear information and ensuring opportunities for genuine input, is important to delivering good planning outcomes.

Pre-lodgement consultation should be aimed at identifying and considering options for eliminating, reducing or otherwise managing impacts, not merely informing communities on the proposed layout.

The Shire's expectation is that proponents will use a range of tools for community engagement. The Shire has a strong view that developers need to invest time and effort into positive community engagement, and to build a relationship with nearby and adjacent owners.

This Policy requires applications for wind farms to address community consultation in a comprehensive way and include:

- (a) Lodgement of a detailed Community Engagement Plan that outlines the outcomes of pre-lodgement community consultation, and a strategy for further consultation for the life of the development.
- (b) Community Engagement Plans should incorporate the fundamental principles, actions and frameworks outlined in the Clean Energy Council 'Community Engagement Guidelines for the Australian Wind Industry'.
- (c) An outline of how landowners issues have been considered prior to lodging any formal development application.
- (c) A written agreement or non-objection by landowners where any turbines are proposed closer than 800 metres to a neighbouring lot boundaries.

Proponents should also liaise with relevant key stakeholders early in the process, including the Shire, Main Roads WA, Western Power, CASA, Air Services Australia, local spraying contractors, nearby unlicensed airstrip owners, and any relevant local community groups.

### **4.0 ENVIRONMENTAL IMPACT**

Consistent with the WAPC Position Statement on Renewable Energy Facilities, this Policy requires applications to address, avoid and minimise impacts of any wind farm on the natural landscape, and environment (including flora/ fauna).

Applications should be accompanied by an environmental survey of the site by a suitable qualified environmental consultant and address:

- (a) The type, location and significance of flora and fauna;
- (b) Any rare or endangered species;

- (c) Stopover sites, local bird species, roosting or nesting sites;
- (d) Location of bat colonies;
- (e) Areas of high raptor activity;
- (f) The cumulative impact of turbines on migration routes;
- (g) Existing remnant vegetation to be retained or that is proposed to be removed (on a plan);
- (h) Distances to areas of habitat, remnant vegetation and areas of natural environment on a context plan, including conservation areas, reserves or crown land;
- (i) Maximising distances to bird conservation areas, breeding grounds of sensitive species and areas of remnant bushland that is likely bird habitat;
- (j) Methods to avoid bird collision such as increasing the visual impact of rotor blades, flashing lights, and keeping bird migration corridors free;
- (k) Decommissioning of the wind farm at the end of its life.

## 5.0 VISUAL AND LANDSCAPE IMPACT

A Visual and Landscape Impact Assessment is required and shall:

- (a) Describe the appearance of changes in the landscape caused by the proposed wind farm;
- (b) Identify the view of the wind farm from any sensitive premise, views from major roads/tourist routes, heritage places; any tourist facilities and recreational reserves;
- (c) Ensure photos in the report include a view of the existing landscape and a photomontage with the turbines superimposed;
- (d) Include all images in colour with a high quality/ resolution;
- (e) Include a clear plan that shows the location of where each photo was taken, the direction it was taken, and numbering of each photo location;
- (f) Consider the safety of drivers using Highways;
- (g) Be in accordance with the WAPC 'Visual Landscape Planning in Western Australia' manual and the 'Wind Farms and Landscape Values (2005)' produced by the Australian Wind Energy Association and Australian Council of National Trust.

Wind farms are required to be designed, sited and operated to minimise their impacts and shall meet the following requirements:

- (a) A setback of at least 1.5 kilometres between any wind turbine and a sensitive land use, that is not associated with the development;
- (b) A setback of 800m between any wind turbine from a neighbouring lot boundary, unless otherwise agreed to in writing by the affected property owner at the time of lodgement of a formal development application;
- (c) Implementation of irregular spacing of wind turbines in hilly/rugged landscapes where vegetation is varied;
- (d) Regular spacing of wind turbines in open/flat landscapes where vegetation is orderly;
- (e) Blades on wind turbines to rotate in the same direction;
- (f) Ensure that all wind turbines have uniformity in terms of colour, size, and shape; and

- (g) Implementation of landscaping within the development site to mitigate visual impact.

Landscaping outside of the lots being developed for a wind farm is not accepted as being a practical mechanism for visual mitigation as conditions of planning approval cannot require works outside of the development site.

For the purpose of this Policy, the term 'sensitive land use' is as per the definition in the WAPC Position Statement on Renewable Energy Facilities as '*comprise land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and child care centres and generally exclude commercial or industrial premises.*'

The Shire will also take into account the description of types of a 'sensitive land use' as outlined in Clause 2.3 the Environmental Protection Authority 'Guidance for the Assessment of Environmental Factors'.

## **6.0 NOISE IMPACT**

A Noise Impact Assessment shall be lodged with any wind farm proposal to demonstrate that it can meet the standards under the *Environmental Protection (Noise) Regulations 2017*. The South Australian Environmental Protection Authority 'Wind Farms Environmental Noise Guidelines (2009)' should also be referenced.

Any Noise Impact Assessment is to be completed by a suitably qualified acoustic consultant, and should address construction noise, predicted noise levels associated with a fully operational wind farm, and predictions of low frequency noise and infrasound.

Any Noise Impact Assessment will take into account the location of any sensitive land use. Following construction, wind farm proponents take a commercial risk, as there is potential for adjacent landowners to construct new dwellings on their lots.

Any application shall address the following;

- (a) Commitment to providing a Noise Impact Mitigation Plan for post-operational noise monitoring, to demonstrate that any constructed wind farm complies with the *Environmental Protection (Noise) Regulations 2017*, and to manage complaints regarding noise impact during the operational phase of the development.
- (b) Potential methods to address compliance with the *Environmental Protection (Noise) Regulations 2017* in the event that any future sensitive land use, particularly dwellings, are constructed in the locality. Methods may include new noise monitoring, shutting down turbines, replacement of turbines with a quieter model etc

## 7.0 OTHER POTENTIAL IMPACTS

The impact of wind farms on nearby property owners, road users, and the use of adjacent land should be addressed through the detailed design.

Wind farm proposals should not have negatively impact through:

- (a) shadowing, flickering, reflection, or blade glint impacts;
- (b) interference with normal agricultural or farming activities of nearby rural properties, such as aerial spraying. An aviation assessment by a suitable qualified aviation consultant may be required to demonstrate turbines will not impact on aerial spraying activities of surrounding farms or unlicensed airstrips;
- (c) interference with existing lawful continued use of neighbouring land including intensive rural activities, and tourism uses; or
- (d) proximity to established residential areas, whether the land is zoned residential, rural residential or is residential by nature (smaller lots of a typical residential size containing dwellings). The amenity of urban areas and the rural character surrounding urban areas needs to be afforded a high level of protection.

The Shire will also consider any wind farm application in accordance with:

- (a) Clause 5.3.5 (Public Aviation and Safety), 5.3.6 (Heritage) and 5.3.7 (Construction Impact) contained in the Western Australian Planning Commission published a *Position Statement: Renewable Energy Facilities – March 2020*.

Where there is a conflict between this Local Planning Policy and the WAPC Position Statement, this Policy shall prevail.

- (b) Relevant sections of 'Guideline D' of the 'National Airports Safeguarding Framework'. Council will have particular regard to Clause 25 on consultation, Clauses 26-29 on risk assessment, Clauses 33-34 on lighting, Clause 39 on wind monitoring towers, Clause 41-42 on obstacle lighting and Clause 43 on turbulence.

## 8.0 TRAFFIC MANAGEMENT AND THE PROTECTION OF ROADS AND OTHER PUBLIC INFRASTRUCTURE

Local roads are under the care and control of the Shire. There is a considerable amount of public infrastructure within the Shire's local government boundary.

Other roads, such as Highways, fall under the care and control of Main Roads WA.

Any wind farm proponent will be responsible for:

- (a) Preparation of a pre-development 'Road and Shire infrastructure Condition' report that identifies and records the condition of any local roads and Shire infrastructure that will be affected by any route for vehicles needed for the construction phase;



- (b) The costs associated with any damage caused to the roads or Shire infrastructure attributable to the construction phase of the development. Any damage shall be rectified by the operator/proponent to the standard identified in the Pre-Construction Road and Shire Infrastructure Condition Report;
- (c) All costs of any road upgrading required for construction transport routes and / or the development.

The Shire Council may place conditions on any development approval to ensure any costs associated with roads damage, widening or upgrading are met by the developer.

The Shire and / or Main Roads WA may require lodgement of a Traffic Impact Assessment report by a suitably qualified traffic engineer in support of any application.

## 9.0 DECOMMISSIONING PROGRAM

As part of development applications, proponents should recognise the need for a decommissioning plan for removal of all wind turbines and rehabilitation of the affected land at the end of the development's life.

There is an expectation that land in the Rural zone will be returned to 'pre-development' condition once any renewable energy facility reaches the end of its lifecycle.

## 10.0 RECORD OF COUNCIL POLICY APPROVAL AND STATUTORY BASIS

Legislation	Description
Statutory Legislation	This Local Planning Policy has been prepared in accordance with Clause 3(1) Schedule 2, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (initial)	This Local Planning Policy was adopted by Council on the _____ for the purpose of conducting advertising to comply with Clause 4(1) Schedule 2, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (final)	This Local Planning Policy was adopted by Council on the _____ for final approval in accordance with Clause 4(3)(b) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Version Control	Version 1.2 October 2023
Scheduled Internal Review Date	12 months after operation.

8.2.4 Unbudgeted Expenditure – Sewer Pump Station Rebuild

<b>File Reference</b>	11.30.45
<b>Statutory Ref.</b>	Section 6.8, <i>Local Government Act 1995</i>
<b>Author &amp; Date</b>	Geoff McKeown 11 October 2023
<b>Attachments</b>	Nil

**Background**

The Shire maintains a sewer pump station adjacent to the Football Pavilion within the recreation precinct. The sewer pump station connects, via a pipe, to the Water Corporation town sewerage system on the east side of the Albany Highway near the Lions Park. The infrastructure within the recreation precinct is the responsibility of the Shire.

**Comment**

In 2021 the Shire replaced one sewer pump, and several control switches and light bulbs in the control panel. This addressed faults at the time.

In August this year the pumps failed. A full sewer pit re-build and control panel upgrade was recommended by the original supplier of the infrastructure. This included:

- 2 x new pedestals.
- New brackets, guide rails and claws.
- Top brackets lifted to top of pit.
- Guide rails extended to 4.5m and changed to larger size.
- Chains replaced with 8mm stainless steel (5.5m).
- Upgrade control panel to Logikos M7.
- Replace 1 x pump to new Grundfos SEG 40.31 to match 2021 installation.

Due to the urgent nature of the repair and upgrade, the work has been completed.

Following are photos of the completed works:



**Pit re-build with new guide rails**



**Pump installation and new chains**



**New Control Panel**

A local government is not to incur expenditure unless it is included in the Budget. Section 6.8 *Local Government Act 1995* outlines where unbudgeted expenditure can be approved, as below.

**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.

The cost of the upgrade work is \$23,162.20, incl GST. Whilst funds are included in the maintenance budget for the recreation precinct, the nature of this work and the cost of the upgrade warrants its inclusion on the Shire's Asset Register.

**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
- LUE 2.2 Ensure townsite amenities are maintained and improved where required
- 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**

The cost of this upgrade will utilise most of the funds available for materials on contracts for the Football Pavilion in 2023-24.

**Voting Requirements**

Absolute Majority

**Officer's Recommendation**

That Council

1. acknowledges the need to urgently repair and upgrade the sewer pump station adjacent to the Football Pavilion;
2. approves unbudgeted expenditure of \$23.162.20, incl GST, to complete the necessary work; and
3. approves inclusion of the upgraded Sewer Pump Station in the Shire's Asset Register.

8.2.5 Proposed Cats Local Law

<b>File Reference</b>	4.1.50
<b>Statutory Ref.</b>	<i>Local Government Act 1995 and Cat Act 2011</i>
<b>Author &amp; Date</b>	Geoff McKeown 13 October 2023
<b>Attachments</b>	Attachment 2 - Draft Cats Local Law

**Background**

In recent times there have been complaints concerning cats wandering and creating a nuisance.

While the *Cat Act 2011* and the associated Regulations provide some controls, they are insufficient in the current circumstances.

This agenda item is the commencement of the statutory process for the adoption of a Cats Local Law.

**Comment**

The *Local Government Act 1995* requires the following statements –

- Purpose – to make provisions about cat control, the number of cats that may be kept on premises, the manner of keeping cats and create offences for non-compliance
- Effect – to provide for the control of cats within the district and impose penalties for non-compliance.

There are a number of matters that Council should be aware of –

- (1) the local law applies to the whole of the district
- (2) Terms used –
  - (a) Council, CEO, EHO or other specific position – the function, role or power cannot be removed from that position or role, nor over-ridden. The matter cannot be delegated to the CEO, since it requires a resolution. This is consistent with the Department's interpretation of the term "Council" to mean the elected members in session and is not to be interpreted as being able to be delegated to CEO, nor to mean the organisation.
  - (b) Authorised person – an authorised person's function and actions are defined by the local law and is not to be confused with a delegation. A delegation relates to decision, whereas an authorisation relates to an action. The CEO may delegate power to a senior staff member to make decisions, but this does not include acting as an authorised person to issue infringements (as an example).

Note: under the *Local Government Act 1995*, delegations may only be made by Council to a committee established by Council under the Act, or to the CEO

- (c) local government – depending on the matter being addressed –
  - may mean a decision – in which case, DLGSC considers it should be made by the highest decision-making authority within the organisation which is the Council, unless specified "by resolution" or "Council" the decision may be delegated;
  - may be an administrative matter – an organisational function such as submission of a form, a task to be undertaken, installation of a sign etc.

- (3) Use of policy to specify standards and activities. In accordance with the Local Government Act s.2.7, policies are to be set by Council. Care needs to be exercised since policy should be seen as instructions to employees on what they may approve, or when to act. They should not be seen as a direct control of the public unless the necessary processes are undertaken.
- (4) Penalties – the *Local Government Act 1995* permits a penalty on prosecution/conviction of a maximum \$5,000 and specifies that modified penalties may only be a maximum of 10% of the general penalty within the local law. Penalties are suggested depending on the likely offender (individual or enterprise) and the severity or impact of any non-compliance on the community.

To avoid inconsistency, the proposed local law also repeals one clause of the Shire's Health Local Law which deals with cats.

The statutory process is the same for making, amending or revoking a local law –

- local public notice inviting public comment – minimum of 6 weeks
- during this time, submit to Dept of Local Government.
- at the end of public comment, summary of public comments and any changes recommended by the departments to Council for decision regarding those comments, and consideration of any changes to the draft local law
- final adoption of the amendment local law by Council
- publication in the Government Gazette
- local public notice to be given of the adoption, publication and commencement date of the local law
- submission all necessary documents to Parliamentary Joint Standing Committee on Delegated Legislation for their review.

The JSCDL reviews the local law, its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the draft until after all other processes are completed.

### **Policy Requirements**

Not applicable.

### **Legislative Requirements**

#### Local Government Act 1995

Section 3.12 – Procedure for making local laws including requirement for minimum 6 weeks public comment period

Section 3.13 – Significant changes require recommencement of proposal

Section 3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal

Section 3.15 – local public notice of the final adoption/making of a local law to be given

#### Cat Act 2011

Section 52 – the general powers of an authorised person include –

- (a) set traps for cats in or on any public place or any premises lawfully entered;

Section 79 specifies the matters for which a local law may be made including –

- (b) removing and impounding cats;

- (c) keeping, transferring and disposing of cats kept at cat management facilities;
- (e) cats creating a nuisance;
- (f) specifying places where cats are prohibited absolutely;
- (g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;
- (h) limiting the number of cats that may be kept at premises, or premises of a particular type;
- (i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;
  
- (k) fees and charges payable in respect of any matter under this Act.

### **Sustainability Implications**

- **Environment**

If cats are better controlled by owners, possible improved protection of native fauna.

- **Economic**

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

- **Social**

If cats are better controlled by owners, possible reduced complaints and nuisance caused to community.

### **Strategic Implications**

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2022 to 2032. Specifically, it relates to the following strategy(s):

- LUE 1.3 Monitor the impact of pests and weeds throughout the Shire and adopt appropriate mitigation methods.
- ILG 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans.

### **Financial Implications**

Cost of public notice and compliance assistance estimated at \$3,600.

### **Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That Council

1. In accordance with section 3.12 (2) and (3) of the *Local Government Act 1995*, the *Cat Act 2011* and all other legislation enabling it, give local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make a Cats Local Law-
  - Purpose – to make provisions about cat control, the number of cats that may be kept on premises, the manner of keeping cats and create offences for non-compliance.
  - Effect – to provide for the controls of cats within the district and impose penalties for non-compliance.
2. Provide copies, in accordance with section 3.12 (3) of the *Local Government Act 1995*, to the Minister for Local Government and any other person requesting it, of the proposed Cats Local Law.

LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011

SHIRE OF WILLIAMS

**CATS LOCAL LAW 2024**

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- B. Permit to use premises as a cattery or cat management facility



Schedule 2 – Prescribed offences

Schedule 3 – Cat prohibited areas

DRAFT

LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011

SHIRE OF WILLIAMS

**CATS LOCAL LAW 2024**

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Williams resolved on \_\_\_\_\_ 2024 to make the following local law.

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Williams Cats Local Law 2024*.

**1.2 Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**1.3 Application**

This local law applies throughout the district.

**1.4 Repeal**

This local law repeals the *Shire of Williams Health Local Law 2000* clause 5.2.4;

**1.5 Terms Used**

In this local law unless the context otherwise requires –

**Act** means the *Cat Act 2011*;

**applicant** means the occupier of the premises who makes an application for a permit under this local law;

**application** means an application for a permit;

**authorised person** means a person authorised by the local government, under section 9.10 of the *Local Government Act 1995* to perform the functions conferred on an authorised person under this local law;

**cat** has the meaning given to it in the Act;

**cat management facility** has the meaning given to it in the Act;

**cat prohibited area** means an area as outlined in Schedule 3;

**cattery** means any premises where more than 6 cats are kept, bred, boarded, housed, or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary owner of the cats;

**CEO** means the Chief Executive Officer of the local government;

**district** means the district of the local government;

**effective control** in relation to a cat means any of the following methods–

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape;

**grouped dwelling** as defined by the Scheme

**local government** means the Shire of Williams;

**multiple dwelling** as defined by the Scheme

**nuisance** means –

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her

- ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

**occupier** has the meaning given to it in the *Local Government Act 1995*;

**owner** has the meaning given to it in the Act;

**permit** means a permit issued by the local government under Part 3;

**permit holder** means a person who holds a valid permit under Part 3;

**premises** has the meaning given to it in the Act;

**public place** means any place to which the public has lawful access ;

**RSPCA** means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

**set fee** means fees and charges imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act;

**scheme** means a planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents; and

**townsite** means the following townsites constituted under section 26(2) of the *Land Administration Act 1997* –

- (a) Williams; and
- (b) such portion of Quindanning townsite as is in the district.

## PART 2 - CAT CONTROL

### 2.1 Cats not to be a nuisance

- (1) An owner shall not allow a cat to be or create a nuisance.
- (2) Where in the opinion of an authorised person, a cat is creating a nuisance, the local government may give written notice to the owner of the cat requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government in the notice which shall not exceed 28 days.
- (4) An owner given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- (5) A cat control notice under subclause 2.1(2) shall be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012*.

### 2.2 Cat prohibited areas

- (1) A cat shall not be in places specified in Schedule 3 at any time, whether or not under effective control.
- (2) If a cat is in a cat prohibited area in contravention of subclause (1), then –
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat in accordance with the Act.

### 2.3 Interference with cat traps

Where a trap has been set for cats in or on any public place or premises lawfully entered, a person other than an authorised person or the land owner or occupier shall not –

- (a) interfere with, remove or relocate, or damage the trap; or
- (b) release any cat from the trap.

## PART 3 - PERMITS FOR KEEPING CATS

### 3.1 Interpretation

In this part, *cat* does not include a cat less than 6 months old.

### 3.2 Prescribed premises

For the purposes of the definition of prescribed premises in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except –

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*; or

- (b) a cat management facility operated by the local government; or
- (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*.

### **3.3 Standard number of cats**

For the purposes of the definition of *standard number of cats* in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than –

- (a) two (2) cats may be kept on any premises within a townsite; or
- (b) six (6) cats may be kept on any premises other than in a townsite.

### **3.4 Cats for which a permit is required**

- (1) Subject to subclause (2) a person is required to have a permit to –
  - (a) keep more than two (2) cats on any premises within a townsite;
  - (b) keep more than six (6) cats on any premises within a townsite; or
  - (c) use any premises as a cattery or cat management facility.
- (2) Approval may be given by the local government for up to two (2) additional cats, where the total cats kept on the prescribed premises –
  - (a) within a townsite will not exceed four (4) cats; or
  - (b) other than a townsite will not exceed eight (8) cats.
- (3) A permit is not required under subclause (1) if the premises concerned are –
  - (a) a refuge of the RSPCA or any other body prescribed in regulation 4 of the *Cat Regulations 2012*;
  - (b) a cat management facility which has been approved by the local government; or
  - (c) a veterinary surgery.

### **3.5 Application for permit**

An application for a permit under clause 3.4—

- (a) shall be made in writing by an occupier of the premises in relation to those premises;
- (b) be in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
- (c) shall be accompanied by a brief reason and justification for the request;
- (d) may be required by an authorised person to be accompanied by the plans of the premises to which the application relates.
- (e) accompanied by the consent in writing of the owner of the premises where the occupier is not the owner of the premises to which the application relates; and
- (f) accompanied by the set fee.

### **3.6 Refusal to determine application**

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.5.

### **3.7 Factors relevant to the determination of application**

- (1) In determining an application for a permit, the local government may have regard to –
  - (a) the reasons and justification provided for the request;
  - (b) the physical suitability of the premises for the proposed use;
  - (c) the suitability of the zoning of the premises under any scheme which applies to the premises for the proposed use;
  - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
  - (e) the structural suitability of any enclosure in which any cat is to be kept;
  - (f) the likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
  - (g) the likely effect on the amenity of the surrounding area of the proposed use;
  - (h) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the use;
  - (i) any submissions received under subclause (2) within the time specified in subclause (2); and

- (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to—
  - (a) consult with nearby landowners; or
  - (b) advise nearby landowners that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice, before determining the application for the permit.
- (3) The local government may specify the extent of consultation with nearby residents, as specified in subclause 3.7(2)(a) and may specify which properties should be consulted.

### **3.8 Decision on application**

- (1) The local government may –
  - (a) approve an application for a permit as it was submitted, in which case it shall approve it subject to the conditions in clause 3.9 and may approve it subject to any other conditions it sees fit;
  - (b) approve an application but specify an alternative number of cats permitted to be housed at the address; or
  - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue a permit to the applicant in the form determined by the local government.
- (3) If the local government refuses to approve an application under subclause (1) then it shall advise the applicant accordingly in writing.
- (4) A permit may only be issued by the local government for a maximum of 6 cats on any premises other than a cattery or cat management facility or a premises specified in clause 3.4(2).

### **3.9 Conditions of permit**

- (1) Every permit is issued subject to the following conditions—
  - (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
  - (b) each cat shall be contained on the premises unless under the effective control of a person;
  - (c) the permit holder will provide adequate space for the exercise of the cats;
  - (d) the premises shall be maintained in good order and in a clean and sanitary condition;
  - (e) those conditions contained in Schedule 1.
- (2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

### **3.10 Compliance with conditions of permit**

Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions, as amended.

### **3.11 Duration of a permit**

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires –

- (a) if it is revoked; or
- (b) the permit holder ceases to reside at the premises to which the permit relates.

### **3.12 Renewal of permit**

- (1) A permit holder may apply to the local government for the renewal of a permit for an application under clause 3.4(1)(c).
- (2) An application for renewal shall –
  - (a) be in the form determined by the local government;
  - (b) be signed by the permit holder;
  - (c) provide the information required by the local government;
  - (d) be forwarded to the local government no later than 28 days before the expiry of the permit, or within a shorter period that the local government in a particular case permits; and
  - (e) be accompanied by any set fee.

- (3) The provisions of this Part that apply to an application for a permit also apply to an application for the renewal of a permit as though it were an application for a permit.

### **3.13 Revocation**

The local government may revoke a permit if –

- (a) the permit was obtained improperly;
- (b) the permit holder has persistently or frequently contravened a term or condition of the permit, or a provision of this local law; or
- (c) the permit holder fails to observe any provision of this local law or a condition of a permit.

### **3.14 Permit not transferable**

A permit issued under clause 3.8 (1) (a) is not transferable either in relation to the permit holder or the premises.

### **3.15 Permit to be kept at premises and available for view**

- (1) A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.
- (2) In the case of a registered cattery or cat management facility, the permit shall be displayed in a prominent place within the premises.

### **3.16 False or misleading statement**

A person shall not make a false or misleading statement in connection with an application in respect of a permit under this local law.

## **PART 4 - MISCELLANEOUS**

### **4.1 Giving of a notice**

A notice given under this local law may be given to a person –

- (a) personally;
- (b) by postal mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

## **PART 5 - OBJECTIONS AND APPEALS**

### **5.1 Objections and appeal rights**

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

## **PART 6 - ENFORCEMENT**

### **6.1 Offences**

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

### **6.2 General penalty**

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of the day during which the offence has continued.

### **6.3 Prescribed offences**

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of a modified penalty for a prescribed offence is the number specified adjacent to the clause in Schedule 2.

#### **6.4 Form of infringement notices**

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
- (2) An infringement notice in respect of an offence against this local law may be given under section 62 of the Act and is to be in the form of Schedule 1, Form 6 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Schedule 1, Form 7 of the *Cat Regulations 2012*.

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### **Schedule 1 – Additional Conditions Applicable to Particular Permits**

[Clause 3.9(1) (e)]

#### **A. Permit to keep 2 or more cats in a townsite.**

##### *Additional conditions*

- (1) In the case of a grouped dwelling where there is no suitable dividing fence or multiple dwellings on the same level, the written consent to the application for a permit of the occupier of the adjoining dwellings has been obtained.
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat –
  - (a) dies; or
  - (b) is permanently removed from the premises.

#### **B. Permit to use premises as a cattery or cat management facility**

##### *Additional conditions*

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the local government.
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices, and other defects.
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Washing basins with a minimum of running cold water are to be available to the satisfaction of the local government.
- (7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
- (8) A register is to be kept recording in respect of each cat the –
  - (a) date of admission;
  - (b) date of departure;
  - (c) breed, age, colour, and sex; and
  - (d) name and residential address of the owner.
- (9) The register is to be made available for inspection on the request of an authorised person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats kept on the premises.
- (12) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

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### **Schedule 2 – Prescribed offences**

## Check clause references once text settled

Item	Clause	Nature of offence	Modified penalty \$
1	2.1(1)	Cat causing a nuisance	250
2	2.1(2)	Failure to abate a nuisance	250
3	2.2(2)(a)	Cat in prohibited area	500
4	2.3(a)	Unauthorised interference with a trap	250
5	2.3(b)	Unauthorised release of a cat from a trap	250
6	3.4(1)(a)	Failure of a person to hold a permit when keeping more than 2 cats within a townsite	250
7	3.4(1)(c)	Failure of a person to hold a permit for a cattery or cat management facility	250
8	3.10	Failure to comply with conditions of a permit	250
9	3.16	Making a false or misleading statement in an application	500
10	6.1(2)	Other offences not specified	250

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**Schedule 3 – Cat prohibited areas**

[clause 2.2]

Term used –

**bushland** means uncultivated land that is covered with trees, shrubs, or other natural vegetation whether native or not;

Reserve name	Reserve number	Physical lot boundaries	Description of prohibition
Williams Waste Site	R 43389	Lot 40 on Plan 218536, Narrogin Road, Williams	Whole of Reserve
Williams Waste Water Treatment Plant	R 50700	Lot 501 on DP 422656, Cemetery Road, Williams	Whole of Reserve
Water Supply	R 17309	Lot 550 on DP 422656, Cemetery Road, Williams	Whole of Reserve
Parklands	R 28716	Lots 319, 361, 321, 322, 323, 324, 325, 326, 502 & 503 Narrogin and Glenfield Roads, Williams	Whole of Reserve
Water Supply Pumping Station	R 10194	Lot 222 on Plan 223210	Whole of Reserve
Williams Cemetery	R 13147	Lots 505 and 505 on DP 66270, Cemetery Road, Williams	Whole of Reserve
Public Recreation	R 46719	Lots 15999 and 16000 on Plan 23391, Pinjarra Williams Road, Williams	All bushland within reserve
Old Williams Cemetery	R 13434	Lot 701 on DP 84541, Albany Highway, Williams	Whole of Reserve



<b>Reserve name</b>	<b>Reserve number</b>	<b>Physical lot boundaries</b>	<b>Description of prohibition</b>
Government Requirements	R 4303	Lots 506 and 507 on DP 416522, Albany Highway, Williams	Whole of Reserve
Williams Primary School	R 4307	Lot 9 on Plan 223209, Rosselloty Street, Williams	Whole of Reserve
Recreation and Parkland	R 31310	Lot 509 on DP 416523, Albany Highway and Williams Street, Williams	Whole of Reserve

Dated \_\_\_\_\_ 2024

The Common Seal of the Shire of Williams was affixed by authority of a resolution of Council in the presence of –

Jarrad LOGIE, President

\_\_\_\_\_, Chief Executive Officer

DRAFT

8.2.6 Appointment of Bush Fire Control Officer

<b>File Reference</b>	4.50.60
<b>Statutory Ref.</b>	<i>Local Government Act 1995 and Bush Fires Act 1954</i>
<b>Author &amp; Date</b>	Geoff McKeown 13 October 2023
<b>Attachments</b>	Nil

**Background**

At the September 2023 Ordinary Council Meeting, Council appointed Bush Fire Control Officers and Dual Bush Fire Control Officers in advance of the fire season. These appointments remain in force until varied by Council.

**Comment**

With the current CEO no longer holding a position as a Bush Fire Control Officer (BFCO), it is important that another person in the Shire's Administration be appointed. There are administrative tasks that support the Shire's emergency services responsibilities, for example, issuing burning permits in the townsite, authorising new volunteer registrations, seeking approval for contractors in fire emergencies, liaising with DFES, etc.

It is recommended that Britt Logie, Community Development Officer, be appointed as a Bush Fire Control Officer. Britt recently completed the BFCO training and has the necessary knowledge and experience to undertake this role.

**Strategic Implications**

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2022 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 appoints Britt Logie as a Bush Fire Control Officer in accordance with the *Bush Fires Act 1954*, effective immediately.

8.2.7 Use of Common Seal and Actions Performed Under Delegated Authority

<b>File Reference</b>	4.50.60
<b>Statutory Ref.</b>	Sections 5.42 and 9.49A <i>Local Government Act 1995</i>
<b>Author &amp; Date</b>	Geoff McKeown 13 October 2023
<b>Attachments</b>	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 meetings 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 is provided below:

- **Granting of Building Permits – Delegation 2.1.1**

**Delegation** - Powers to grant or refuse to grant a building permit under the *Building Act 2011*. The Council may delegate its powers or duties as a permit authority under provisions of this Act.

**Action** – There was one Building Permit issued for the Month of September 2023:

Permit Number	Owner	Address	Description
508	Andrew Nairn (Builder)	185 Narrogin Road	Shed

- **Payment from the Municipal or Trust Funds – Delegation 1.1.19**

**Delegation** - Authority to make payments from the municipal or trust funds with the authority limited to making payments subject to annual budget limitations.

**Action** - Payments from the Municipal Fund and Trust Fund are as per the payments listing attached to this Agenda.

- **Defer, Grant Discounts, Waive or Write Off Debts – Delegation 1.1.20**

**Delegation** - A dept may be written off where costs associated with continuing action to recover the debt will outweigh the net value of the debt.

**Action** – The Chief Executive Officer waived the hire fee for use of 20 chairs for the Narrakine Bush Fire Brigade annual meeting on 13 September 2023, with a hire value of \$2.50 per chair per day.

**Action** – The Chief Executive Officer waived the hire fee for use of 40 chairs for the Nuffield Scholarship Tour's visit to Williams on 15 September 2023, with a hire value of \$2.50 per chair per day.

**Action** – The Chief Executive Officer waived the hire fee for use of the RSL Hall and Kitchen for a 'Live Local Love Local' catering event for the Australasian Order of Old Bastards on Monday, 26 September 2023. The hire fee would have been \$267.00, incl GST.

### **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**

Nil

### **Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That Council accept the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of September 2023.

## **9.0 Elected Members' Motions of which Notice has been given**

Nil

## **10.0 New Business of an Urgent Nature introduced by Decision of Meeting**

### **10.1 Elected Members**

Nil

### **10.2 Officers**

Nil

## **11.0 Application for Leave of Absence**

Nil

## **12.0 Closure of Meeting**