



SHIRE OF WILLIAMS AGENDA

ORDINARY COUNCIL MEETING
WEDNESDAY 7 FEBRUARY 2024



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 7 February 2024, in the Shire of Williams Council Chambers, 9 Brooking Street, Williams, commencing at 3.30 pm.

A handwritten signature in blue ink, appearing to read 'Peter Stubbs', is centered on the page.

Peter Stubbs
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

Contents

1.0	Declaration of Opening / Announcement of Visitors	5
2.0	Record of Attendance / Apologies / Leave of Absence	5
3.0	Public Question Time	5
4.0	Petitions / Deputations / Presentations	5
5.0	Declarations of Interest	5
6.0	Confirmation of Minutes of Previous Meetings	6
6.1	Ordinary Council Meeting Held 20 December 2023	6
7.0	Announcements by Presiding Member Without Discussion	6
8.0	Matters Which Require Decisions	7
8.1	Corporate and Community Services	7
8.1.1	Payment Listing	7
8.1.2	Financial Statements	8
8.2	Office of the Chief Executive Officer	9
8.2.1	Proposed Meteorological Mast – Lot 1359 (No 564) - Clayton Road, Williams...	9
8.2.2	Proposed Outbuilding - Lot 11 (No 12513) Pinjarra-Williams Road	17
8.2.3	Executive Manager Corporate Services (Senior Employee)	21
8.2.4	Policy Revision - Policy S.25 Gratuities-Payments to Terminating Employees in Addition to Contract or Award.....	24
8.2.5	Use of Common Seal and Actions Performed Under Delegated Authority	26
8.2.6	Proposed Cats Local Law – Final adoption	27
9.0	Elected Members’ Motions of which Notice has been given	31
10.0	New Business of an Urgent Nature introduced by Decision of Meeting	31
10.1	Elected Members	31
10.2	Officers	31
11.0	Application for Leave of Absence	31
12.0	Closure of Meeting	31

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 Simon Harding
Cr Tracey Price
Cr Bernie Panizza
Cr Christine Cowcher
Cr John Macnamara

Staff

Peter Stubbs - Chief Executive 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

Nil

DECLARATION OF INTEREST	
Name / Position	
Item No. / Subject	
Type of Interest	

6.0 Confirmation of Minutes of Previous Meetings

6.1 Ordinary Council Meeting Held 20 December 2023

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held 20 December 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

File Reference	4.23.15
Statutory Ref.	<i>Local Government (Financial Management) Regulations 1996</i>
Author & Date	Cassie Barker 31 January 2023
Attachments	Payment listing for month ending 31 December 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

Officer's Recommendation
That Municipal Fund EFT, Bpay, Direct Debits and Cheques 105001 – 105004 totalling \$685,835.00 approved by the Chief Executive Officer during the month of December 2023 be endorsed.

SHIRE OF WILLIAMS PAYMENT LISTING FOR THE MONTH ENDING 31 DECEMBER 2023

DATE	NAME	DESCRIPTION	AMOUNT
MUNICIPAL - EFT, BPAY, DIRECT DEBIT & CHEQUES			
01/12/2023	CZM ENTERPRISES PTY LTD	13234 - Replace/Extend Culverts & Headwalls (Chapman, Major & Sattler R	\$87,019.90
04/12/2023	llich, Graham.	Re-imbusement of Overpaid Rent	\$565.23
04/12/2023	LOGIE, BRITT E.	Reimbursement of Expenses Incurred	\$2,222.50
06/12/2023	BUILDING AND ENERGY	BSL collection - November 2023	\$226.60
11/12/2023	DIRECT OFFICE FURNITURE	13553 - Pivot Arms for Tables (Pavilion)	\$387.20
11/12/2023	GROUND UP BUILDING AND CONSTRUCTION	13294 - 50% Deposit - Commence Renovation (Childcare Centre)	\$15,713.00
11/12/2023	WESTRAC	13236 - CAT Vibe Roller	\$197,648.00
11/12/2023	WILD HARVEST CAFE	13517 - Refreshments (CEO Farewell Dinner)	\$1,281.50
11/12/2023	WA SUPER	Superannuation - November 2023	\$37,904.20
13/12/2023	FDC EDUCATORS	FDC Educators PE 10/12/2023	\$29,246.62
14/12/2023	SHIRE OF WILLIAMS	Salaries & Wages PE 13/12/2023	\$79,542.97
15/12/2023	LOWE, WILLIAM J.	Refund Overpayment (Bond)	\$200.00
19/12/2023	BOND ADMINISTRATOR	Bonds - Recreation House & 6 Richardson Street	\$1,520.00
20/12/2023	FDC - EDUCATORS	FDC Educators Week Ending 17/12/2023	\$14,857.06
20/12/2023	AIR & POWER	13435 - Service Compressors (Depot & Refuse Site)	\$944.52
20/12/2023	AMD	2022 RTR Acquittal Audit	\$1,650.00
20/12/2023	AVON WASTE	13357 - Monthly Refuse Charges November 2023	\$11,114.00
20/12/2023	BELVEDERE NURSERY	13552 - Trees & Mulch (Cullen Park)	\$580.00
20/12/2023	BEST OFFICE SYSTEMS	13353 - Monthly Printing/Copying Charges	\$189.71
20/12/2023	BOC Ltd	13299 - November 2023 Container Service Fee	\$42.63
20/12/2023	CITRUS WHEEL MARKETING	13372 - Marradong Trails Marketing (November 2023)	\$420.00
20/12/2023	CONTRACT AQUATIC SERVICES	13399 - Monthly Swimming Pool Management December 2023	\$14,300.00
20/12/2023	CORNER'S AUTOMOTIVE ELECTRICS	13441 - Lights (Trailer)	\$121.00
20/12/2023	CORSIGN WA PTY LTD	13241 - Traffic & Road Signs (Rural Rds)	\$1,518.00
20/12/2023	DUFF ELECTRICAL CONTRACTING	13337, 13345 - Electrical Works (Various)	\$702.90
20/12/2023	FIRST REEF PTY LTD	November IT Management for Marradong Directory	\$196.90
20/12/2023	FUEL DISTRIBUTORS OF WA PTY LTD	13463 - Bulk Fuels	\$15,117.34
20/12/2023	GOODYEAR AUTOCARE NARROGIN	13466 - Tyre Repair (Toyota Hilux)	\$45.00
20/12/2023	GREAT SOUTHERN FUELS	Monthly Fuel Account November 2023	\$75.21
20/12/2023	HARMONY SOFTWARE	Educators' Software Fees, Month of November 2023	\$381.60
20/12/2023	HERSEY'S SAFETY PTY LTD	13443 - Marker Spray (Rural Rds)	\$228.80
20/12/2023	INDUSTRIAL AUTOMATION GROUP	13506 - Standpipe Access Cards	\$1,677.50
20/12/2023	INTERFIRE AGENCIES	13511 - Protective Clothing (Firefighting)	\$4,415.25
20/12/2023	LANDGATE.	Land Valuations - Rating	\$91.60
20/12/2023	LOGIE, BRITT E.	Reimbursement (Anti-slip Tape - Pool)	\$204.96
20/12/2023	M & J DYKE PTY LTD	13462 - Hydraulic Hoses (CAT Grader)	\$992.41
20/12/2023	MAKIT NARROGIN HARDWARE	13551 - Pine Decking (Lions Park)	\$345.60
20/12/2023	MELCHIORRE PLUMBING & GAS	13346, 13347 - Plumbing Works (Various)	\$2,360.95
20/12/2023	MIRACLE RECREATION EQUIPMENT	13502 - Infant Swing Seats (Cullen Park & Pavilion Playgrounds)	\$374.00
20/12/2023	MOORE AUSTRALIA (WA) PTY LTD	13261 - Long Term Financial Planning Support - November 2023	\$4,950.00
20/12/2023	NARROGIN PACKAGING	13512 - Valve Boxes (Pavilion)	\$58.00
20/12/2023	NARROGIN TECHNOLOGY SOLUTIONS	13348 - Docking Station (Office)	\$329.00
20/12/2023	OMNICOM MEDIA GROUP AUST. PTY LTD	13398 - Advertising (Request for Tender)	\$387.75
20/12/2023	SHIRE OF WILLIAMS	2023/24 VROC Contribution	\$5,500.00
20/12/2023	STRETTLE PTY LTD	13387 - Assistance - Development (Cats Local Law)	\$1,650.00
20/12/2023	SWAT WAGIN	13342 - Pest Control (Public & Residential)	\$2,561.90
20/12/2023	TEAM GLOBAL EXPRESS	Freight - Various	\$237.93
20/12/2023	THE BUTCHERS HOOK	Seniors' Lunch - Meats (Various)	\$252.70
20/12/2023	THE GOODS	13509 - Cleaning Products (Various)	\$1,853.49
20/12/2023	THE WILLIAMS COMMUNITY NEWSPAPER.	13351 - Printing Costs	\$32.40
20/12/2023	THE WILLIAMS WOOL SHED.	13513 - Refreshments (Various Meetings)	\$134.31
20/12/2023	TOWN PLANNING INNOVATIONS	13518 - General Planning Advice for November 2023	\$1,278.75
20/12/2023	TRUCK CENTRE (WA) PTY LTD	13444 - Tail Light Cluster (Volvo Prime Mover)	\$789.84
20/12/2023	WA CONTRACT RANGER SERVICES	13300 - Ranger Services - 8/11/2023, 23/11/2023	\$627.00
20/12/2023	WESFARMERS KLEENHEAT GAS PTY LTD	13519 - Yearly Facility Fees In Advance (plus refill)	\$2,040.03
20/12/2023	WILLIAMS COMMUNITY RESOURCE CENTRE	Printing, Stationery, Food Items' Reimbursement for Seniors' Lunch	\$146.05
20/12/2023	WILLIAMS GOLF CLUB.	Rates Reimbursement (22/23 & 23/24)	\$2,654.00
20/12/2023	WILLIAMS NEWSAGENCY	Monthly Account November 2023	\$160.25
20/12/2023	WILLIAMS RURAL SUPPLIES	13437 - Monthly Hardware Account - November 2023	\$3,134.54
21/12/2023	SHIRE OF WILLIAMS	Salaries & Wages PE 27/12/2023	\$50,821.97

SHIRE OF WILLIAMS PAYMENT LISTING FOR THE MONTH ENDING 31 DECEMBER 2023

DATE	NAME	DESCRIPTION	AMOUNT
01/12/2023	SYNERGY	Electricity Supply & Consumption (Pool, Bates Rd Communications Tower	\$2,685.37
01/12/2023	WESTERN POWER	13516 - Design Fee For New Growse St Dwelling	\$1,320.00
15/12/2023	TELSTRA	Mobile Phone Services to 1/12/2023	\$313.69
18/12/2023	AUSTRALIAN TAXATION OFFICE	BAS November 2023	\$8,857.00
20/12/2023	TELSTRA	TIMS SMSs, Month to 6/12/2023	\$367.63
04/12/2023	CBA	CBA - Merchant Fees November 2023	\$449.06
4-28 Dec 23	DEPARTMENT OF PLANNING & INFRASTRUCTURE	Licensing Payments Forwarded to Department of Transport	\$23,803.10
18/12/2023	ANZ CARDS	Monthly Credit Card Expenses x 2 (see details below)	\$5,283.30
29/12/2023	WA TREASURY CORPORATION	Loan Repayment - #70 Industrial Land	\$13,701.24
01/12/2023	WATER CORPORATION.	Water Use & Supply - 10 Jamtree Lane & Fire Shed	\$400.58
12/12/2023	WATER CORPORATION.	Water Supply & Usage (Various)	\$11,112.55
13/12/2023	WILLIAMS LICENSED POST OFFICE	Postage & Stationery, November 2023	\$262.15
20/12/2023	WATER CORPORATION.	Water - Standpipes a.o.	\$11,254.76
			\$685,835.00

18/12/2023	ANZ CARDS	Monthly Credit Card Expenses x 2	-5,283.30
------------	-----------	----------------------------------	-----------

Peter Stubbs - CEO

PLANT:P069 Holden Colorado 2019 WL076	Vehicle Plate Swap	31.10
PLANT:P072 Toyota Hilux 4x4 2020 WL19	Vehicle Plate Swap	18.90
PLANT:P090 - Isuzu D-Max 4x4 2023 WL19	Vehicle Registration - Insurance Component	396.23
PLANT:P090 - Isuzu D-Max 4x4 2023 WL19	Vehicle Registration	42.50
	Apple iPhone 15, Glass Screen	1,398.39
	Google - Marradong Trail Promotion	33.60
	20x Lamp Replacements	157.40
MISC:M013Bowling Club	Building Permit - Bowling Club Shelter	171.65

Sharon Palumbo - Manager of Children's Services

	Nappy Rash Cream	31.04
PLANT:P084 CX-5 2022 WL036 (FDC)	41.08L Fuel	70.92
	Suncream	24.00
	Stingose Gel	9.05
	Snake Repellent, Batteries, Garden Items	96.91
	First Aid Training	756.00
PLANT:P084 CX-5 2022 WL036 (FDC)	37.79L Fuel	67.30
PLANT:P084 CX-5 2022 WL036 (FDC)	23.62L Fuel	38.59
PLANT:P084 CX-5 2022 WL036 (FDC)	31.74L Fuel	59.41
PLANT:P084 CX-5 2022 WL036 (FDC)	40.06L Fuel	67.06
	Craft Supplies, Storage	8.64
	Centre Staff Waiver	124.00
	Flights Broome 22/11/23	175.34
	Flights Broome 12/12/23	265.30
	Accommodation - Northam 12/12/23	368.18
	Rolled Oats	6.20
	Baby Wipes, Craft Supplies, Ant-Rid	19.09
	First Aid Supplies Plus Surcharge	23.88
	33.69L Fuel	60.00
	Baby Wipes, Rubbish Bags	11.45
	EpiPen	99.95
	First Aid Supplies	13.59
	Cooking Supplies	6.30
	Band-aids, Air Freshener	20.45
	Cooking Supplies	13.70
	38.48L Fuel	68.18
	Accommodation - Broome 22/11/23	163.09
	Resuscitation Face Shield	3.27
AUSTRALIAN TAXATION OFFICE	Non-Cap. Acq. - Inc GST	362.64
		5,283.30

8.1.2 Financial Statements

File Reference	4.23.15
Statutory Ref.	<i>Local Government (Financial Management) Regulations 1996</i>
Author & Date	Cassie Barker 31 January 2023
Attachments	Financial Statements ending 31 December 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

<p>Officer's Recommendation</p> <p>That the financial statements presented for the period ending 31 December 2023 be received.</p>



SHIRE OF WILLIAMS

MONTHLY FINANCIAL REPORT

(Containing the required statement of financial activity and statement of financial position)

For the period ended 31 December 2023

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Statements required by regulation

Statement of Financial Activity	2
Statement of Financial Position	3
Note 1 Basis of Preparation	4
Note 2 Statement of Financial Activity Information	5
Note 3 Explanation of Material Variances	6

SHIRE OF WILLIAMS
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 DECEMBER 2023

	Supplementary Information	Adopted Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b)	Variance* % ((c) - (b))/(b)	Var.
OPERATING ACTIVITIES							
Revenue from operating activities							
Rates	10	2,245,399	2,245,269	2,243,190	(2,079)	(0.09%)	
Grants, subsidies and contributions	13	469,870	432,060	326,249	(105,811)	(24.49%)	▼
Fees and charges		1,093,829	642,329	606,192	(36,137)	(5.63%)	▼
Interest revenue		80,500	46,526	75,623	29,097	62.54%	▲
Other revenue		39,775	22,866	47,659	24,793	108.43%	▲
Profit on asset disposals	6	6,814	6,814	13,769	6,955	102.07%	▲
		3,936,187	3,395,864	3,312,682	(83,182)	(2.45%)	
Expenditure from operating activities							
Employee costs		(1,914,703)	(1,084,394)	(1,064,325)	20,069	1.85%	▲
Materials and contracts		(1,387,703)	(830,877)	(543,138)	287,739	34.63%	▲
Utility charges		(251,190)	(131,692)	(78,532)	53,160	40.37%	▲
Depreciation		(1,953,425)	(1,127,497)	(982,294)	145,203	12.88%	▲
Finance costs		(19,189)	(9,595)	(9,889)	(294)	(3.06%)	
Insurance		(165,012)	(165,012)	(168,910)	(3,898)	(2.36%)	
Other expenditure		(25,100)	(4,735)	(22,146)	(17,411)	(367.71%)	▼
Loss on asset disposals	6	(9,782)	0	(1,809)	(1,809)	0.00%	
		(5,726,104)	(3,353,802)	(2,871,043)	482,759	14.39%	
Non-cash amounts excluded from operating activities	Note 2(b)	1,956,393	1,120,683	970,334	(150,349)	(13.42%)	▼
Amount attributable to operating activities		166,476	1,162,745	1,411,973	249,228	21.43%	
INVESTING ACTIVITIES							
Inflows from investing activities							
Proceeds from capital grants, subsidies and contributions	14	723,437	3,300	53,905	50,605	1533.48%	▲
Proceeds from disposal of assets	6	60,500	25,500	46,196	20,696	81.16%	▲
Proceeds from financial assets at amortised cost - self supporting loans		17,693	8,772	8,772	0	0.00%	
		801,630	37,572	108,873	71,301	189.77%	
Outflows from investing activities							
Payments for property, plant and equipment	5	(1,488,500)	(480,000)	(431,943)	48,057	10.01%	▲
Payments for construction of infrastructure	5	(1,391,293)	(58,000)	(492,736)	(434,736)	(749.55%)	▼
		(2,879,793)	(538,000)	(924,680)	(386,680)	(71.87%)	
Amount attributable to investing activities		(2,078,163)	(500,428)	(815,807)	(315,379)	(63.02%)	
FINANCING ACTIVITIES							
Inflows from financing activities							
Transfer from reserves	4	931,500	0	0	0	0.00%	
		931,500	0	0	0	0.00%	
Outflows from financing activities							
Repayment of borrowings	11	(75,989)	(37,699)	(37,699)	0	0.00%	
Transfer to reserves	4	(372,500)	0	(35,384)	(35,384)	0.00%	▼
		(448,489)	(37,699)	(73,083)	(35,384)	(93.86%)	
Amount attributable to financing activities		483,011	(37,699)	(73,083)	(35,384)	(93.86%)	
MOVEMENT IN SURPLUS OR DEFICIT							
Surplus or deficit at the start of the financial year							
Amount attributable to operating activities		1,428,676	1,428,676	1,198,283	(230,393)	(16.13%)	▼
Amount attributable to investing activities		166,476	1,162,745	1,411,973	249,228	21.43%	▲
Amount attributable to financing activities		(2,078,163)	(500,428)	(815,807)	(315,379)	(63.02%)	▼
Amount attributable to financing activities		483,011	(37,699)	(73,083)	(35,384)	(93.86%)	▼
Surplus or deficit after imposition of general rates		0	2,053,294	1,721,366	(331,928)	(16.17%)	▼

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 31 DECEMBER 2023

	30 June 2023	31 December 2023
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	3,390,001	4,024,626
Trade and other receivables	139,127	421,101
Other financial assets	22,693	11,421
Inventories	21,068	13,601
TOTAL CURRENT ASSETS	3,572,889	4,470,749
NON-CURRENT ASSETS		
Other financial assets	207,701	207,701
Property, plant and equipment	17,295,266	17,483,198
Infrastructure	66,457,278	66,177,496
Investment property	61,117	61,117
TOTAL NON-CURRENT ASSETS	84,021,362	83,929,512
TOTAL ASSETS	87,594,251	88,400,261
CURRENT LIABILITIES		
Trade and other payables	291,300	281,555
Other liabilities	5,000	362,909
Borrowings	75,989	48,271
Employee related provisions	354,566	354,566
TOTAL CURRENT LIABILITIES	726,855	1,047,301
NON-CURRENT LIABILITIES		
Borrowings	439,890	429,909
Employee related provisions	14,757	14,757
TOTAL NON-CURRENT LIABILITIES	454,647	444,666
TOTAL LIABILITIES	1,181,502	1,491,967
NET ASSETS	86,412,749	86,908,294
EQUITY		
Retained surplus	23,612,432	24,107,975
Reserve accounts	1,719,674	1,719,674
Revaluation surplus	61,080,642	61,080,642
TOTAL EQUITY	86,412,748	86,908,291

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

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 DECEMBER 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 29 January 2024

SHIRE OF WILLIAMS
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 DECEMBER 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 31 December 2023
		\$	\$	\$
Current assets				
Cash and cash equivalents	3	1,402,324	3,390,000	4,024,626
Trade and other receivables		139,128	139,127	421,100
Other financial assets		212,700	22,693	11,421
Inventories	8	21,068	21,068	13,601
		1,775,220	3,572,888	4,470,748
Less: current liabilities				
Trade and other payables	9	(291,301)	(291,301)	(281,555)
Other liabilities	12	(5,000)	(5,000)	(362,909)
Borrowings	11	(75,989)	(75,989)	(48,271)
Employee related provisions	12	(354,566)	(354,566)	(354,566)
		(726,856)	(726,856)	(1,047,301)
Net current assets		1,048,364	2,846,032	3,423,447
Less: Total adjustments to net current assets	Note 2(c)	(1,683,353)	(1,647,749)	(1,702,079)
Closing funding surplus / (deficit)		(634,989)	1,198,283	1,721,368

(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)
	\$	\$	\$
Adjustments to operating activities			
Less: Profit on asset disposals	6	(6,814)	(6,814)
Add: Loss on asset disposals	6	9,782	0
Add: Depreciation		1,953,425	1,127,497
Total non-cash amounts excluded from operating activities		1,956,393	1,120,683

(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 31 December 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
Total adjustments to net current assets	Note 2(a)	(1,683,352)	(1,647,749)

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 31 DECEMBER 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. %	
	\$	%	
Revenue from operating activities			
Grants, subsidies and contributions	(105,811)	(24.49%)	▼
Timing Variance			
Fees and charges	(36,137)	(5.63%)	▼
Timing Variance			
Interest revenue	29,097	62.54%	▲
Timing Variance			
Other revenue	24,793	108.43%	▲
Timing Variance			
Profit on asset disposals	6,955	102.07%	▲
Timing Variance			
Expenditure from operating activities			
Employee costs	20,069	1.85%	▲
Timing Variance			
Materials and contracts	287,739	34.63%	▲
Timing Variance			
Utility charges	53,160	40.37%	▲
Timing Variance			
Depreciation	145,203	12.88%	▲
Not material			
Other expenditure	(17,411)	(367.71%)	▼
Timing Variance			
Non-cash amounts excluded from operating activities	(150,349)	(13.42%)	▼
Timing Variance			
Inflows from investing activities			
Proceeds from capital grants, subsidies and contributions	50,605	1533.48%	▲
Timing Variance			
Proceeds from disposal of assets	20,696	81.16%	▲
Timing Variance			
Outflows from investing activities			
Payments for property, plant and equipment	48,057	10.01%	▲
Timing Variance			
Payments for construction of infrastructure	(434,736)	(749.55%)	▼
Timing Variance			
Outflows from financing activities			
Transfer to reserves	(35,384)	0.00%	▼
Monthly OCDF Interest			
Surplus or deficit at the start of the financial year	(230,393)	(16.13%)	▼
Surplus or deficit after imposition of general rates	(331,928)	(16.17%)	▼
Due to variances described above			

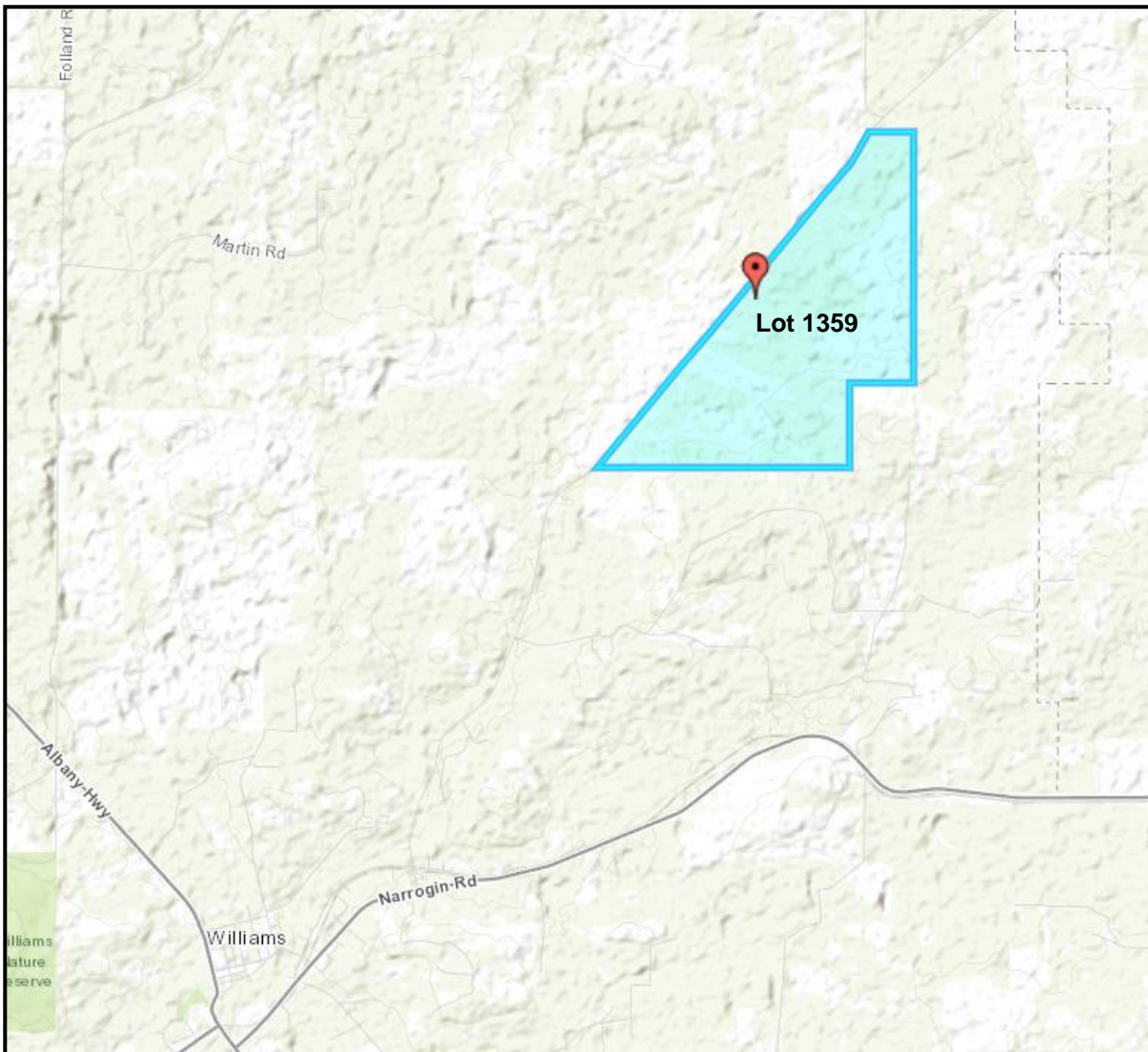
8.2 Office of the Chief Executive Officer

8.2.1 Proposed Meteorological Mast – Lot 1359 (No 564) - Clayton Road, Williams

File Reference	
Statutory Reference	Shire of Williams Town Planning Scheme No 2
Author & Date	Liz Bushby, Town Planning Innovations, 1 February 2024
Attachments	Nil

Background

Lot 1359 is used for agricultural purposes and has an approximate area of 627 hectares.



Above: Location Plan

Lot 1359 is approximately 6.3 kilometers to the north east of Williams townsite.

Comment

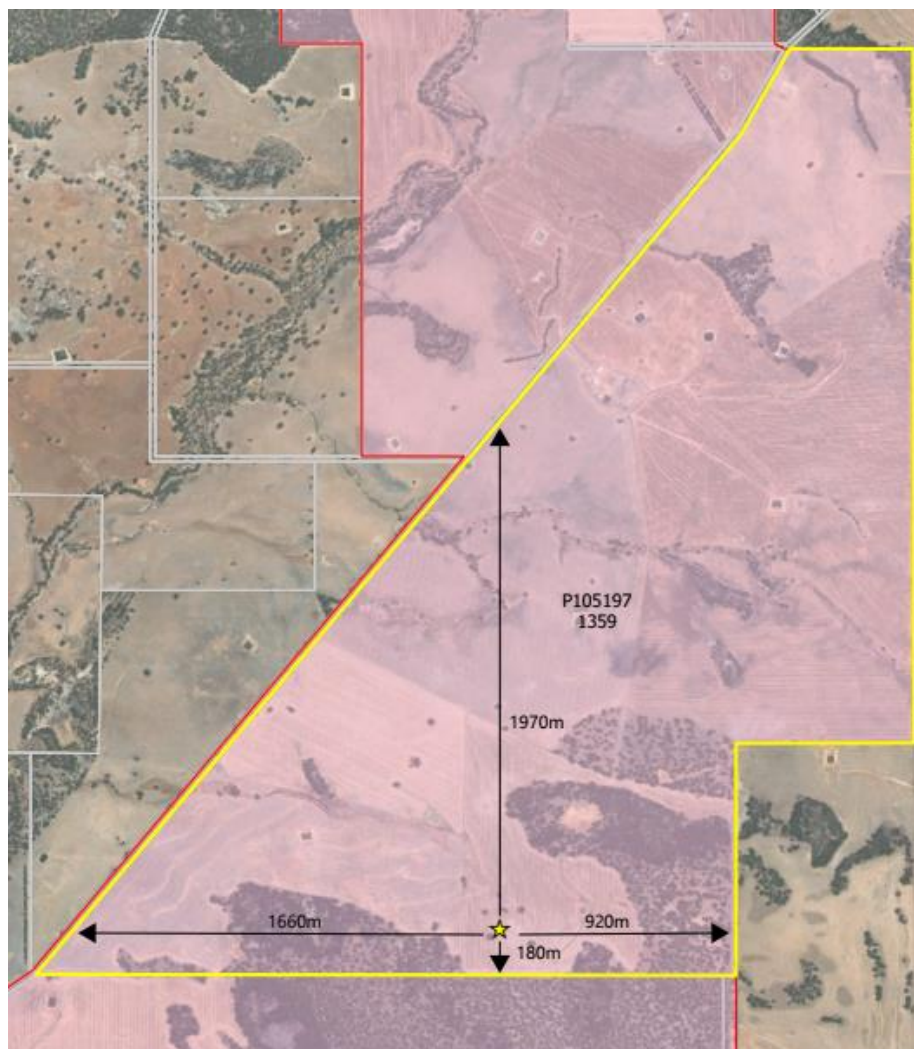
- **Proposed Development**

Neoen seeks approval to construct and operate a Meteorological Mast (Met Mast) within Lot 1359.

The purpose of the Met Mast is to conduct climatic monitoring to determine the suitability of the location for siting of a future wind farm. Any potential future development of a wind farm is dependent on the outcomes of pre-feasibility studies and approvals that are separate to this Development Application.

The proposed Met Mast will be of triangular steel lattice construction. It will be approximately 150 metres in height and will be guyed in three directions. The mast will be equipped with wind and weather sensors at various heights, allowing for the measurement of wind speed, wind direction, wind shear, wind turbulence and air density.

The mast is intended to be temporary for period of 5 -10 years.



Site Plan

The applicant has provided a photograph of a typical met mast, which is located in the Shire of Narrogin:



- **Landuse Permissibility**

Lot 1359 is zoned 'Rural 'under the Shire of Williams Town Planning Scheme No 2 ('the Scheme').

The proposal is considered to be a 'Use Not Listed' as a Met Mast is not defined in the Scheme, nor listed in 'Table 1-Zoning Table'.

In accordance with Clause 4.3.2 of the Scheme, as the use of the land for a Met Mast is not specifically referenced in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the other existing landuse categories the Council may:

Option 1: Determine that the Met Mast use is not consistent with the objectives and purposes of the Rural zone and is therefore not permitted; or

Option 2: Determine by Absolute Majority that the proposed Met Mast may be consistent with the objectives and purpose of the Rural zone and thereafter follow the advertising procedures of Clause 2.6 in considering an application for planning consent.

There are no specific objectives listed in the Scheme for the Rural zone. The proposed development will allow for continued agricultural use of the land.

TPI recommends pursuing Option 2 which requires the proposal to be advertised for public comment.

- **Advertising**

It is compulsory to advertise the application for 28 days if Council pursues Option 2 as outlined in the 'legislative requirements' section of this report.

Advertising of the proposal by writing to adjacent landowners and publishing a notice on the Shire website has occurred to expedite processing of the application, should Council pursue Option 2. Public advertising closes on 13 February 2024.

The application has also been referred to the Civil Aviation Safety Authority (CASA), Air Services Australia, the Royal Flying Doctor and the Shire of Narrogin for comment. Advertising to agencies is for 42 days and closes on 27 February 2024.

- **Aviation Assessment**

Lot 1359 is approximately 2 kilometres to the west of the boundary between Williams Shire and Narrogin Shire, and the Met Mast is proposed within 6 kilometres of the Narrogin aerodrome.

The applicant has lodged an Aviation Impact Assessment (Attachment 1) advising that the mast will not have any impact on the aerodrome, however comments from relevant aviation stakeholders is considered essential to properly assess aviation safety.

TPI liaised with the applicant to ascertain if they had lodged the Aviation Assessment to CASA and Air Services Australia, as Air Services Australia requires at least 6 weeks to undertake an assessment.

After receiving advice from TPI, the applicant lodged the Aviation Assessment to CASA and Air Services Australia on 16 January 2024. This means a response from Air Services Australia may be received near the end of February 2024.

Whilst CASA can usually provide initial comment, they can also respond more comprehensively once Air Services Australia advice is received. For example, TPI obtained CASA advice on a wind farm application in the Shire of Yilgarn. When Air Services Australia commented on the Yilgarn proposal, raising concerns over aviation matters, then CASA lodged a second submission objecting to the proposal.

- **Submissions**

The applicant has obtained initial advice from CASA as summarised in the table below.

CASA Advice	TPI Comment
As indicated in the Aviation Impact Assessment (AIA), CASA is not aware of any civil certified aerodrome in the vicinity of the proposed meteorological mast for which there would be an Obstacle Limitation Surface (OLS) that would require protection; therefore it is outside CASA's formal regulatory framework for aerodromes. In addition, CASA is also unaware of any unregulated aerodrome such as an 'Aeroplane Landing	Noted. CASA is restricted due to a lack of regulation and can only provide advice when it comes to tall structures that are outside of or encroach into the obstacle limitation surfaces of an airport.

<p>Area' (ALA) which is not published in the <i>Aeronautical Information Publications (AIP)</i> being within 2.5km of the proposed meteorological mast site. Should there be an unregulated aerodrome within 2.5km of the proposed meteorological mast site, the <i>CASA Advisory Circular 91-02 Guidelines for aeroplanes with MTOW not exceeding 5 700 kg - suitable places to take off and land</i> enclosed, makes recommendations with regard to enabling the safe take-off and landing of aircraft. Enquiries regarding whether there are any ALA's in closer proximity to the proposed meteorological mast site than Narrogin Aerodrome, should be directed to the local council.</p> <p>The proposed meteorological mast is a guyed mast structure that will be obstacle/hazard lit 24 hrs/day, with alternating marking (ideally red and white finishing with red at the top) for the top third of the mast, and as recommended in the AIA - have marker balls or high visibility flags being placed on the upper third of the outside guy wires to assist with its visibility to aircraft. Obstacle marking and lighting information can be found in chapter 8, section 8.110 and chapter 9, division 4 of <i>Part 139 (Aerodromes) - Manual of Standards</i>. A copy of these <i>Manual of Standards</i> is available from the following link: Part 139 (Aerodromes) Manual of Standards 2019 (legislation.gov.au).</p> <p>Given the meteorological mast will be approximately 150m Above Ground Level (AGL), CASA would recommend the installation of at least a low intensity obstacle/hazard light due to the potential for low level aerial agricultural flying or other flying in the area. Consideration will need to be given to potential community impacts from the mast lighting.</p> <p>CASA will require a reassessment, should Airservices identify any impacts such as to airspace procedures, air traffic control or communications/navigation/surveillance (CNS) facilities.</p>	<p>Noted. The Shire can impose conditions requiring the mast to be lit.</p> <p>Noted. The Shire can impose conditions requiring the mast to be lit.</p> <p>Noted. CASA may provide additional comments once advice is obtained from Air Services Australia.</p>
---	---

Policy Requirements

There is no local planning policy applicable to the development.

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.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Williams Town Planning Scheme No 2.

- *Advertising*

As the application is being processed as a 'Use Not Listed' , it is classified as a 'complex application' under the revised Regulations. Public advertising must be for a minimum of 28 days.

The compulsory advertising requirements for a 'complex application' are more onerous under the current Regulations and include:

- (a) Publication of a Notice with copies of the proposed plans on the Shire website; and
- (b) Making a copy of the plans available to the public for viewing at the Shire office; and
- (c) Writing to the owners and occupiers of lots within 200 metres of the proposed development; and
- (d) Erecting a sign in a conspicuous place on Lot 4708 to advertise the proposal.

The Western Australian Planning Commission has permanently exempted the Shire from having to meet some of the abovementioned advertising requirements if it is not practical to achieve (such as erecting a sign on site).

Relevant authorities such as CASA and Air Services Australia have to be provided with 42 days to comment.

- *Matters to be considered by Council*

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.

- *Delegated Authority*

Clause 82(1) and 82(2) provides Council with the ability to grant delegated authority to the Chief Executive Officer to determine the application. This will expedite determination of the application (after advertising). Any delegation must be made by an Absolute Majority of Council.

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

Strategic Implications

There are no known strategic implications associated with this application.

Sustainability Implications

Environment

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

Economic

There are no quantified economic implications associated with this report.

Social

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

Financial Implications

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

Council fees for development applications will apply to the applicant.

Voting Requirements

Absolute Majority

Staff (Consultant Planner) Recommendation

That Council:

1. In accordance with Clause 4.3.2 of the Scheme, determine by Absolute Majority that the proposed 'meteorological mast' use may be consistent with the objectives and purpose of the Rural zone and thereafter follow the advertising procedures of Clause 2.6 of the Scheme, and Clause 64 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in considering an application for planning consent.
2. Note that:
 - (a) the application is being publicly advertised until 13 February 2024 as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - (b) the application has been referred to the Civil Aviation Safety Authority, Air Services Australia, the Royal Flying Doctor and the Shire of Narrogin for 42 days.
 - (c) Air Services Australia take approximately 6 weeks to consider aviation assessments, however their advice is considered crucial to considering aviation safety.
3. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the development application for a 'meteorological mast' on Lot 1359 (No 564) Clayton Road, Williams.
4. Note that the Western Australian Planning Commission has granted an ongoing exemption to the Shire which provides the Shire with flexibility over the methods of advertising for any complex application.

5. Note that any future wind farm proposal on Lot 1359 would be subject to a separate application, and authorise the Chief Executive Officer to advise the applicant:
- a) Of this Council decision and the outcome of this meeting;
 - b) That the Met Mast will be considered on merit, however should not be construed as support for any future wind farm proposal;
 - c) Comprehensive pre-consultation needs to be undertaken for any future wind farm proposal including lodgement of any Aviation Assessment to Air Services Australia and CASA.
 - d) The Shire has adopted a Local Planning Policy on Wind Farms which will be used for assessment of any separate future application.

8.2.2 Proposed Outbuilding - Lot 11 (No 12513) Pinjarra-Williams Road

File Reference	10.60.15
Statutory Reference	Shire of Williams Town Planning Scheme No 2
Author & Date	Liz Bushby, Town Planning Innovations, 1 February 2024
Attachments	Nil

Background

Lot 11 is zoned 'Rural Residential' under the Shire of Williams Town Planning Scheme No 2 ('the Scheme').

The lot has an approximate area of 3.4 hectares and contains an existing house and rainwater tanks.



Location Plan

Comment

- Proposed Development

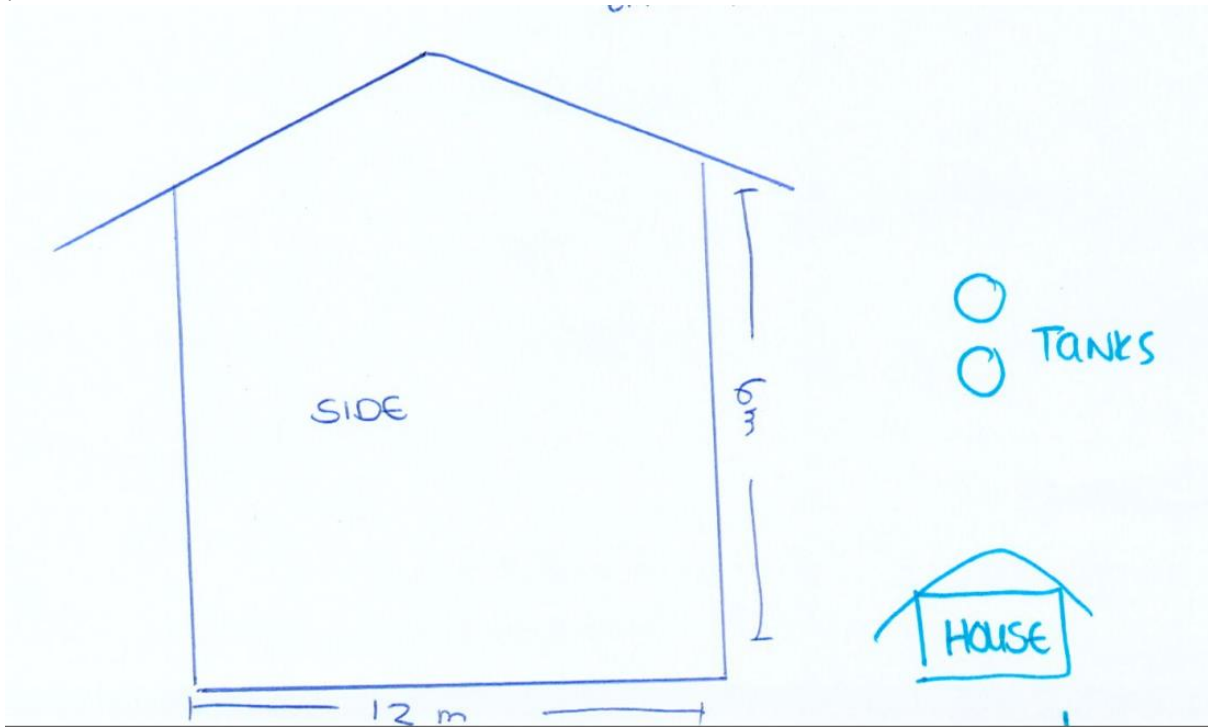
The owner has applied for an outbuilding with a 24 metre by 12 metre floor area (288m²), and 6 metre wall height. The structure is proposed to the rear of the lot and is proposed to be setback 6 metres from the nearest northeast side boundary.

The plans lodged are not to scale, so the outbuilding size/location is not accurate, however is shown on an aerial view below for reference.



Aerial View

The proposed elevation is included below – not accurate or to scale



Ordinarily TPI would request better quality scaled plans, however there was insufficient time prior to the February 2024 agenda deadline and the applicant advised that the shed supplier will not provide detailed plans until a deposit is paid for the proposed shed.

- Consultation

There are no specific setback or site requirements applicable to the Rural Residential zone under the Shire's Scheme.

The application is being advertised for public comment until 16 February 2024.

Policy Requirements

Not applicable.

Legislative Requirements

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

Clause 82(1) and 82(2) provides Council with the ability to grant delegated authority to the Chief Executive Officer to determine the application. This will expedite determination of the application (after advertising). Any delegation must be made by an Absolute Majority of Council.

Shire of Williams Town Planning Scheme No 2 (the Scheme) – Under Clause 4.6(2)(a) planning approval is required for all development in a Rural Residential zone.

Under Clause 4.6.2(f) Council shall have regard for the following:

- (i) the colour and texture of external building materials;
- (ii) building size, height, bulk, roof pitch;
- (iii) setback and location of the building on its lot;
- (iv) architectural style and design details of the building;
- (v) relationship to surrounding development; and
- (vi) other characteristics considered by the Shire to be relevant.

Strategic Implications

There are known strategic implications associated with this report.

Sustainability Implications

- Environment

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

- Economic

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

- Social

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

Financial Implications

The Shire pays consultancy fees to Liz Bushby of Town Planning Innovations for advice. Council adopted fee for Development Applications will apply with an estimated fee being \$288.00.

Voting Requirements

Absolute Majority

Staff (Consultant Planner) Recommendation

That Council:

1. Note that the application for an outbuilding on Lot 11 (No 12513) Pinjarra Williams Road, Williams is being advertised for public comment.
2. Pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the development application for an outbuilding on Lot 11 (No 12513) Pinjarra Williams Road, Williams.

8.2.3 Executive Manager Corporate Services (Senior Employee)

File Reference	4.20.15
Statutory Ref.	Local Government Act 1995
Author & Date	Peter Stubbs, 1 February 2024
Attachments	Nil

Background

This item seeks Council consent to

- Advertise, recruit, and appoint an Executive Manager of Corporate Services.
- To designate that position as Senior Employee within the meaning of that in the Local Government Act 1995.

The Local Government S5.37. Senior Employee provisions are:

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO’s recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for it doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

[Section 5.37 amended: No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]

Local Government, Financial Management General Financial Provisions S 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.*

Comment

The Shire of Williams has had a relatively stable, experienced, and loyal workforce for several years. Like many workplaces in Australia, it has a workforce demographic with employees approaching retirement in the next few years, and/or staff departing for other reasons. 30% of the Shire workforce is aged 60 years or above. There is a need to plan and act to ensure continuity of services and business functions.

The Shire advertised for a Manager of Corporate Services in November 2022, following the resignation of the previous Manager of Corporate Services. A decision was made to not fill the position at that time because a suitable applicant was not identified.

The workload and responsibilities of the Manager of Corporate Services has been spread across the remaining staff since that time.

In the short term that is manageable but continued reliance on that approach will see increasing risk to performance, as the Shire loses more existing staff through retirement (Senior Manager Finance Building Administration Officer) and resignation that will occur.

The Senior Manager Finance Building Administration Officer also has considerable leave entitlements owing, some of which will be taken between now and retirement in approximately 16 months' time.

The Manager of Corporate Services role is a key part of the Shire's Workforce Plan (2023-2027). The role was listed in the employee costing budget papers for 2023-24 but no budget allocation was assigned to it, because it was intended to continue to spread that function and workload across other staff for the current financial year.

Should Council adopt the recommendations in this report, then a likely timeframe and process for the employee to commence would be:

February	Advertising
March	Short listing, interviewing, referee checks, and contract offer and negotiation.
April	Appointment and notice period for employee
May	Commencement (mid to late May)

Strategic Implications

The appointment of an Executive Manager of Corporate Services is succession planning for the known intended departure of existing key staff. It will take time for a new employee to settle in and reach optimal performance. It is prudent to achieve that before the current Senior Manager Finance Building Administration Officer is away on extended leave and retires.

This appointment links to Council's Strategic and Community plan and is important to the following goals in that Plan:

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.

Financial Implications

There is no budget allocation for this position in the 2023-24 budget, although the position is listed in budget papers.

Industry guidelines indicate that to be competitive in the market a salary package of around \$156,000 is required, and provision for that would need to be made in the 2024-25 and future budgets.

Given that it is unlikely a person would commence in this role until mid to late May 2024, the financial cost in the 2023-24 year is estimated to be:

\$8,500	advertising and recruitment and appointment costs
\$18,000	salary package costs

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. approve an advertising, recruitment, and appointment process for an Executive Manager of Corporate Services.
2. designate that position as Senior Employee within the meaning of that in the Local Government Act 1997.
3. approve amendment to the 2023-24 municipal fund to support the recommendation

8.2.4 Policy Revision - Policy S.25 Gratuities-Payments to Terminating Employees in Addition to Contract or Award

File Reference	4.1.10
Statutory Ref.	Local Government Act 1995
Author & Date	Peter Stubbs
Attachments	Nil

Background

Council Policy S.25 Gratuities-Payments to Terminating Employees in Addition to Contract or Award is provided below:

OBJECTIVE

To recognise long and loyal service by employees to the Shire of Williams.

STATEMENT

The exercise of this policy is at the sole discretion of Council.

- *The Shire of Williams may pay a gratuity to those employees whose employment with the Shire is finishing.*
- *The gratuity does not exceed \$1,000 in total.*
- *The gratuity may be in cash or as a gift.*
- *In special circumstances, Council may consider it appropriate to make a payment greater than that specified by this policy; in which case local public notice is required to be given in relation to the proposed gratuity in accordance with the Local Government Act 1995 s5.50 (2).*

Comment

This Item recommends a revision to Policy S.2.5 with proposed wording as follows to provide greater clarity, consistency, and transparency, for gratuities or payments to terminating employees in addition to contract or award:

OBJECTIVE

To recognise loyal service by employees to the Shire of Williams.

STATEMENT

The Shire of Williams may pay a gratuity to those employees whose employment with the Shire is finishing. Gratuity payments shall be in accordance with the table below:

Years of Service	Gratuity
Between 0 and 5 years	Morning or Afternoon Tea for work team/s
Between 5 and 10 years	\$250 plus Morning or Afternoon Tea for work team/s
Between 10 and 15 years	\$500 plus Light Luncheon or BBQ function
Between 15 and 20 years	\$750 plus Light Luncheon or BBQ function
Greater than 20 years	\$1,000 plus Light Luncheon or BBQ function

- The gratuity may be in cash or as a gift.
- In special circumstances, Council may consider it appropriate to make a payment greater than that specified by this policy; in which case local public notice is required to be given in relation to the proposed gratuity in accordance with the *Local Government Act 1995 s5.50 (2)*.

Strategic Implications

Nil

Financial Implications

As per proposed policy

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council amend Policy S.25 - Gratuities-Payments to Terminating Employees in Addition to Contract or Award and replace the current Policy with the following:

OBJECTIVE

To recognise loyal service by employees to the Shire of Williams.

STATEMENT

The Shire of Williams may pay a gratuity to those employees whose employment with the Shire is finishing. Gratuity payments shall be in accordance with the table below:

Years of Service	Gratuity
Between 0 and 5 years	Morning or Afternoon Tea for work team/s
Between 5 and 10 years	\$250 plus Morning or Afternoon Tea for work team/s
Between 10 and 15 years	\$500 plus Light Luncheon or BBQ function
Between 15 and 20 years	\$750 plus Light Luncheon or BBQ function
Greater than 20 years	\$1,000 plus Light Luncheon or BBQ function

- The gratuity may be in cash or as a gift.
- In special circumstances, Council may consider it appropriate to make a payment greater than that specified by this policy; in which case local public notice is required to be given in relation to the proposed gratuity in accordance with the Local Government Act 1995 s5.50 (2).

8.2.5 Use of Common Seal and Actions Performed Under Delegated Authority

File Reference	4.50.60
Statutory Ref.	Sections 5.42 and 9.49A <i>Local Government Act 1995</i>
Author & Date	Peter Stubbs 1 February 2024
Attachments	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

There was no use of the common seal, or decision under delegated authority in the period 20 December 2023 to 1 February 2024.

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 note the advice that there was no use of the common seal, or decisions made under delegated authority for the period 20 December 2023 to 1 February 2024.
---------------------------------	--

8.2.6 Proposed Cats Local Law – Final adoption

File Reference	4.1.50
Statutory Ref.	Local Government Act 1995 & Cat Act 2011
Author & Date	Peter Stubbs
Attachments	Appendix 1 - Draft Cats Local Law

Background

To consider the final adoption of a Cats Local Law in accordance with the Local Government Act 1995 s.3.12.

Comment

The Local Government Act requires the following statements with respect to making Cat Local Laws –

- 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.

The local law will apply to the whole of the district.

Public notice was given as required by the Local Government Administration Regulations r.3A, for public comment on the proposed local law.

At the close of the submission period, comment had been received from the Department of Local Government, Sport and Cultural Industries In relation to clause 3.9, the Department comment was:

The Delegated Legislation Committee has formed the view that while the Cat Act permits local laws that prohibit cats absolutely from specified areas, it does not contemplate local laws that:

- *ban cats from all public areas;*
- *place conditions on when a cat may be permitted in a public area; or*
- *attempts to restrict all cats in the district to their owner's premises*

The Department notes that Clause 3.9(1)(b) refers to each cat being “contained on the premises unless under the effective control of a person”. This is likely to be interpreted by the Committee as a cat confinement clause.

It is therefore suggested that Clause 3.9(1)(b) be deleted. If this clause isn't removed, it is likely the Committee will request an undertaking to delete it.

The Committee has previously requested the deletion of similar clauses from the Shire of Augusta Cat Local Law 2023, and the Shire of Kalamunda Keeping and Control of Cats Local Law 2023

Accordingly, previous cl.3.9(b) is deleted.

No other submissions were received.

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

Should significant amendments be required, the statutory public comment period must be recommenced.

Once formally adopted by Council,

- the local law is to be published in the Government Gazette,
- local public notice is to be given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to the Minister, and
- copies to be sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note –

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- if a provision is not considered to be critical, the Joint Standing Committee on Delegated Legislation (JSCDL) may require an undertaking from Council to make an amendment,
- the local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

The Cat Act 2011 (the Act) requires the identification, registration and sterilisation of domestic cats, and gives local governments the power to administer and enforce the legislation. The legislation enables better management of the unwanted impacts of cats on the community and the environment, as well as encouraging responsible cat ownership.

The Act promotes responsible pet ownership and aims to reduce the number of unwanted cats in the community, and the number of cats that are euthanised each year. Microchipping and registration required under the Cat Act assists in the return of cats to owners.

As per the provisions in the Cat Act 2011, Council maintains a Cat Register. The Register currently has 11 cats (11 owners who have registered their cats). A Registration Fee applies of \$100.00 for a Lifetime registration, or \$50.00 for pensioners to have a Lifetime registration for a cat. One year and three registration options are also available.

Council has several cat traps, some "loaned" to it from the Peel Harvey Catchment Council, and these are available to loan to members of the community.

Council Delegations also enable staff to take action to manage cats in accordance with the Cat Act 2011.

Strategic Implications

Adoption of Cat Local Law aligns with 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.

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**

Better management of cats improves protection of native fauna.

- **Economic**

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

- **Social**

Better management of cats reduces 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

At Council's October 2023 meeting the cost forecast associated with the creation of a Cat Local Law was estimated at \$3,600 for public notice and compliance assistance related to creation of the Local Law.

The cost of any increased operational effort associated with more intense cat management under either the Cat Act 2011 or the proposed Local Law has not been estimated.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council –

1. resolves to adopt the Cats Local Law as per the attached draft;
2. authorise the President and CEO to sign and affix the Common Seal to the local law;
3. authorise the CEO to –
 - publish the local law in the Government Gazette and provide copies to the Minister for Local Government; and
 - forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

SHIRE OF WILLIAMS

CATS LOCAL LAW 2024

CONTENTS

PART 1 - PRELIMINARY

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Terms Used

PART 2 - CAT CONTROL

- 2.1 Cats not to be a nuisance
- 2.2 Cat prohibited areas
- 2.3 Interference with cat traps

PART 3 - PERMITS FOR KEEPING CATS

- 3.1 Interpretation
- 3.2 Prescribed premises
- 3.3 Standard number of cats
- 3.4 Cats for which a permit is required
- 3.5 Application for permit
- 3.6 Refusal to determine application
- 3.7 Factors relevant to the determination of application
- 3.8 Decision on application
- 3.9 Conditions of permit
- 3.10 Compliance with conditions of permit
- 3.11 Duration of a permit
- 3.12 Renewal of permit
- 3.13 Revocation
- 3.14 Permit not transferable
- 3.15 Permit to be kept at premises and available for view
- 3.16 False or misleading statement

PART 4 - MISCELLANEOUS

- 4.1 Giving of a notice

PART 5 - OBJECTIONS AND APPEALS

- 5.1 Objections and appeal rights

PART 6 - ENFORCEMENT

- 6.1 Offences
- 6.2 General penalty
- 6.3 Prescribed offences
- 6.4 Form of infringement notices

Schedule 1 – Additional Conditions Applicable to Particular Permits

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

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 _____ 2023 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;

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

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 *Local Government Act 1995*; 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*;

- (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 outside 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 outside 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) outside 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) shall 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) shall be 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) shall be 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) the permit holder will provide adequate space for the exercise of the cats;
 - (c) the premises shall be maintained in good order and in a clean and sanitary condition; and
 - (d) 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) or (b) 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*.

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).

Schedule 2 – Prescribed offences

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	Other offences not specified	250

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

Reserve name	Reserve number	Physical lot boundaries	Description of prohibition
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

Peter STUBBS, Chief Executive Officer

DRAFT

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