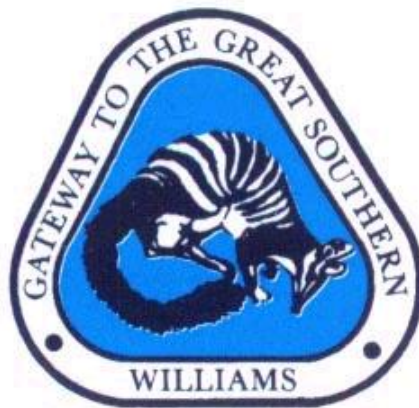


SHIRE OF WILLIAMS

***MINUTES ORDINARY MEETING HELD ON
WEDNESDAY 21ST JUNE 2017***



COUNCIL DIARY

WEDNESDAY 21ST JUNE 2017

10.00am

Budget Meeting

1.00pm

Ordinary Meeting

1.00pm

Visit from CRC Representatives

WEDNESDAY 26TH JULY 2017

1.00pm

Ordinary Meeting



MINUTES – ORDINARY MEETING OF COUNCIL HELD 21ST JUNE 2017

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Separate Documents

1. Minutes – Council; HWEDA, CRG
2. CEO General Report
3. Appendices to CEO, EHO and Manager of Finance’s Reports
4. Payment Listing
5. Monthly Financial Report
6. Municipal Bank Reconciliation
7. Status Report
8. Info Statement



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.



AGENDA

1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President, Cr John Cowcher declared the meeting open at 1.10pm.

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(PREVIOUSLY APPROVED)

Cr John Cowcher President
Cr Greg Cavanagh Deputy President

Cr David Earnshaw
Cr Richard Johnstone
Cr Gilbert Medlen
Cr Natalie Major
Cr Peter Paterson
Cr Moya Carne

Geoff McKeown Chief Executive Officer
Cara Ryan Manager of Finance
Heidi Cowcher Economic Development Officer (2.57pm to 3.24pm)
Tony Kett Works Supervisor (3.46pm to 4.00pm)

Apologies

Cr Jarrad Logie
Gordon Tester Environmental Health Officer/Building Surveyor

Visitors

Sharon Moore
Heather Rose
Simon Maylor



3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

Visit from Williams Community Resource Centre Representatives Sharon Moore, Simon Maylor and Heather Rose at 1pm.

The President welcomed Sharon Moore, Simon Maylor and Heather Rose to the meeting at 1.12pm to make their presentation.

Heather Rose commenced the presentation by mentioning the CRC's Mission Statement and expanding on their role in delivering community services to the residents of Williams.

Simon Maylor spoke about the current financial position of the CRC and its request for the Shire to consider an alternative arrangement to the proposed rent increase in its draft lease. He talked about the implications for the organisation's budget next financial year and outlined options for the CRC to reduce the operating costs on the building.

Sharon, Simon and Heather left the meeting at 1.39pm.

The President adjourned the Ordinary Meeting at 1.42pm to continue with the Special Meeting.

The Ordinary meeting reconvened at 2.51pm.

5.0 DECLARATIONS OF INTEREST

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



6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 ORDINARY COUNCIL MEETING HELD 17TH MAY 2017

Officer's Recommendation

That the Minutes of the Ordinary Meeting held on 17th May 2017, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Cavanagh/Earnshaw

That the Minutes of the Ordinary Meeting held on 17th May 2017, as previously circulated, be confirmed as a true and accurate record.

**Carried 8/0
Resolution 222/17**

6.2 CRG MEETING HELD 6TH JUNE 2017

Officer's Recommendation

That the Minutes of the CRG Meeting held on 6th June 2017, as previously circulated, be received.

Council Resolution

Major/Medlen

That the Minutes of the CRG Meeting held on 6th June 2017, as previously circulated, be received.

**Carried 8/0
Resolution 223/17**

6.3 HWEDA MEETING HELD 13TH JUNE 2017

Officer's Recommendation

That the Minutes of the HWEDA Meeting held on 13th June 2017, as previously circulated, be received.

Council Resolution

Medlen/Major

That the Minutes of the HWEDA Meeting held on 13th June 2017, as previously circulated, be received.

**Carried 8/0
Resolution 224/17**



7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
8.0 REPORTS



8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

The Economic Development Officer, Mrs Heidi Cowcher, attended the meeting at 2.57pm to discuss her report.

8.1.1 4WDL WELL AGED HOUSING PROJECT

File Reference	EDO Files	
Statutory Reference	N/A	
Author & Date	Heidi Cowcher	15 th June 2017

Background

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

Comment

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

Summary of claims processed to date:

Shire	Total Funded	Total claimed to 14.06.17
West Arthur (3 units)	\$717,664 (+ interest) 2 units	\$722,824.36
Williams (2 units)	\$717,664 (+ interest) 2 units	\$716,792.13
Wagin (4 units)	\$1,076,496 (+ interest) 3 units	\$974,730.45
Dumbleyung (3 units)	\$717,664 (+ interest) 2 units	\$722,824.36
Lake Grace (3 units)	\$1,076,496 (+ interest) 3 units	\$613,150.67
Woodanilling (3 units)	\$717,664 (+ interest) 2 units	\$722,824.36
TOTAL (18 units)	\$5,023,648 (14 units)	\$4,473,146.33

Financial Implications

Project Management and Audit expenses attributed to this project are funded from the interest earned on the investment of the funding. The Shire of Williams does not incur any additional expenditure on this project that is not funded from the project interest. All funds have now been drawn down from the WA Treasury Account and this account has been closed, so all funds are now in the Shire accounts.

Project management costs for 2016/17 of \$22,000 have been approved for the Shire of Williams to claim from the project interest component. All audit expenses, bank fees and other related project management expenses are claimed from the interest.

Voting Requirements

Simple Majority



Officer’s Recommendation

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

Council Resolution

Medlen/Cavanagh

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

**Carried 8/0
Resolution 225/17**

8.1.2 GENERAL PROJECTS UPDATE

File Reference	EDO Files	
Statutory Reference	N/A	
Author & Date	Heidi Cowcher	14 th June 2017

Background

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

Comment

HWEDA – Marradong Country Self-Drive Trail

The consultants, Moo Marketing, have been appointed, and have commenced their initial market research. A Working Group has been nominated to support the Consultants with their work, and is made up of Greg Cavanagh (Chair), Heidi Cowcher (EO), Heather Rose (Williams), Monica Treasure (Wandering) and Elizabeth Hoek (Boddington). The project has a 2 year timeframe, and is anticipated for completion in early 2019.

Williams Swimming Pool – Heat Pumps Installation

Funding was secured from DSR’s Community Pool Revitalisation Scheme 2016/17 for the installation of two heat pumps at the Williams Swimming Pool. Acquittal of the funding was completed on the 1st June 2017.

The heat pumps were installed by Contract Aquatic Services in mid-April. The connection of the pumps is currently being undertaken by Country Sparky Services. As the mains power for the swimming pool (and therefore the complex) does not have a mains switch (was not a requirement when the new board was installed in 2001), together with the fact that there is a CT meter (solar power), an application is required to Western Power for disconnection and then reconnection of the power for the connection of the power to the heat pumps to be completed. This has now been received and will cost \$1,001 (excl. GST). Western Power will determine the date that this will be undertaken once payment is received. Country Sparky Services has indicated that the power will be required to be off for at least a full day to complete this work. We will work with them and Western Power to minimise the potential impact on the users of the facility during this outage.



Once the power has been connected, Contract Aquatic Services will need to complete the installation and commissioning of the heat pumps for them to be operational.

Williams Lions Park Redevelopment

Funding submissions have been made to the *Building Better Regions Fund* and *Lotterywest*, with both outcomes still pending. It is not anticipated that the outcome of these will be known before July 2017.

Meetings have been held with Newmont and South32 who have both supported an application being submitted for consideration of funding support for this project. The Business Case needs to be revised, together with respective applications prepared, by the end of June. The outcome of these requests may not be known for a few months.

Should funding be secured for the redevelopment, the next challenge will be the timing of the implementation, as the proposed work on the bridges and road upgrade timeline is unknown due to Main Roads funding uncertainty.

Williams Bowling Club

The Williams Bowling Club has requested assistance with the identification and sourcing of potential funding for new shade structures required at the Club now that the new synthetic playing surface has been installed and completed. The old shade was removed during this work, and new structures are required. The Club has received a quote from Andrew Fisher for \$15,000 (inc. GST) to construct the three shelters. The shelters have been designed based on similar installs at the Kojonup Bowling Club.

The Club has requested assistance with the preparation of an application to Newmont Boddington Gold in their current round of funding that closes 28th June 2017. An application for a contribution of \$5,000 will be requested. The outcome of this request is likely to be known within 6 weeks of the close of applications.

Financial Implications

Project based, budgeted for as appropriate.

Voting Requirements

Simple Majority

Officer's Recommendation

That the General Projects update be received.

Council Resolution

Earnshaw/Major

That the General Projects update be received.

**Carried 8/0
Resolution 226/17**



8.1.3 INDUSTRIAL SHED DEVELOPMENT – MARJIDIN INDUSTRIAL ESTATE – LOT 440 MARJIDIN WAY

File Reference	EDO Files	
Statutory Reference	N/A	
Author & Date	Heidi Cowcher	14 th June 2017

Background

In 2014, the Shire of Williams constructed the first Industrial unit to be made available for rent in the newly established Marjidin Industrial Estate. The construction of the unit was part funded by funding secured from the Country Local Government Fund 2012/13 and partly from loan funds. The unit was advertised for rent, with the commercial rent independently determined and applied. The unit has been tenanted since it was completed.

Comment

The Shire has received an expression of interest from an existing business based in Williams seeking the Shire’s support in the construction of an industrial unit adjacent to the existing Shire owned unit that would then be made available for lease. Please be advised that the nature of the business shall remain ‘Commercial in Confidence’ at this time, as the proposal is only at the stage of feasibility and concept development. Should Council be supportive of this request, more detailed and rigorous planning would be undertaken, to ensure that all issues are addressed and considered as required.

The development of the industrial estate was identified strongly in the recently completed Strategic Community Plan 2017-2032. The community and Council were supportive of any initiatives that would see the industrial area being further developed. The community and Council were supportive of new and existing business development opportunities that strengthens the Shire’s economic base. An extract from the Shire’s Strategic Community Plan is as follows:

ECONOMIC DEVELOPMENT

Objective

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

Outcome 1

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

ED 1.6 Advocate, promote and encourage industrial development that will offer employment opportunities for our community.

Council also developed and endorsed a ‘Williams Incentives for Investment Policy’ in December 2013, with an extract of the Policy wording as following:

The Shire of Williams’ Incentive for Investment Policy aims to encourage business investment opportunities that will increase economic development which in turn will strengthen the local economy, improve employment and enhance the overall quality of life for all residents of the Shire.



1. *Specific Goals of the Policy:*

- *To encourage the development of suitable business enterprises within the Shire involving the attraction and establishment of new businesses and support for the expansion of existing businesses;*

The Policy will aim to encourage business investment and economic development for the district through assisting:

- *Local business looking to expand into new areas;*

4. *Types of Assistance:*

4.5 Financial Assistance with purchase of land and/or premises construction

Council will also offer (where appropriate):

- *Financial assistance with costs associated to construct industrial/commercial premises (i.e.: self-supporting low interest loans)*

Financial Implications

Indicative cost estimates have been sought on the construction of an industrial unit, on the block currently owned by the Shire, directly behind the existing unit currently leased to PrimeAg. It is important to note that these are estimations only, based on a construction cost provided by a local shed builder, together with estimates based on the costs of construction of the previous unit. More precise costings would be finalised when/if the project goes to tender.

The costs associated with construction of the previous unit were as follows:

Advertising	\$806.13
Construction	\$434,931.33
Site works	\$6,633.51
Headworks	\$1,697.14
Lease	\$3,081.48
Equipment Hire	\$3,413.00
Carpark	\$16,697.50
Fit-out	\$5,053.64
Fencing	\$101.00
Purchase of land	<u>\$52,146.69</u>
TOTAL	\$524,561.42



Estimated construction costs for an additional unit are as follows (ex GST):

Construction	\$358,727
Carpark sealing	\$20,000
Fencing	\$5,000
Headworks	\$5,000
Fit-out	<u>\$5,000</u>
TOTAL	\$393,727

The construction quote sourced includes the fabrication and erection of an 18 x 24m shed including an office at the northern end and a kitchen/ablutions area at the southern end (which will enable connection into the existing leach drain system). The following inclusions have also been provided for:

- 2 electric roller doors
- Covered wash down bay at the rear with a concrete hardstand across the width of the shed – rest of rear area to be course blue metal
- 125mm reinforced painted concrete floor
- LED lighting
- 3 phase power
- Shed roof insulated and includes skylights

The prospective tenant has given an estimate of the rent that they would be able to afford, and this is aligned with the current commercial rent being charged to PrimeAg. It is recognised that if this is to proceed, that independent market analysis of the rent would need to be determined to ensure that the legislative requirements under the *Local Government Act 1995* are met.

There are a number of options that can be considered to fund this construction:

1. Raise a loan for the entire amount

Areas of concern with this option include the negative impact on the Shire's debt ratios; the advice that we have received from Moore Stephens in the Long Term Financial Planning is that increasing the Shire's debt level too significantly would not be in the best interests of Shire; the prospective tenant potentially not being able to afford the rent that will be required to cover the loan repayments (as well as potentially being well above the commercial rent value, therefore making it an unviable prospect).

2. Raise a loan with the loan repayments aligned with current commercial rent and fund the balance from the Building Reserve:

This option would be financially feasible for the prospective tenant and aligns with the potential commercial rent that would be raised. The loan will then be paid for by the prospective tenant and the balance of the funds sourced from the Building Reserve. The Building Reserve currently has



sufficient funds that will support a drawdown of approximately \$165,000 to finance the balance of the cost after the loan had been raised.

A loan of \$235,000 is proposed under this option – with repayments estimated at approximately \$420/week based on an interest rate of 3.5% over a 15 year period (this is the same repayments and loan period that applies to the current existing industrial unit).

3. Raise a loan and fund the balance from Reserves, as well as consider selling housing stock surplus to needs.

Council may wish to consider a proposal the same as Option 2, with a further additional option that would see a review of the Shire's current asset base and consider selling assets that are surplus to needs (e.g.: housing stock) and use these funds to 'top up' the reserves – i.e.: selling an asset to build an asset. Ultimately, the Shire will maintain ownership of the built asset, with rental terms provided to a successful tenant, however as with all projects there is an element of risk and Council needs to determine how comfortable they are with the element of risk.

Voting Requirements

Simple Majority

Officer's Recommendation

For Council consideration.

Council Resolution

Johnston/Paterson

That Council progress the construction of an additional industrial unit at Lot 440 Marjidin Way, Williams by applying for a loan for a portion of the cost with the balance being sourced from the Building Reserve Fund and including these amounts in the draft 2017/18 Budget. Further, Council supports proceeding to offer the property at 11 New Street, Williams for sale by listing it with a local real estate agent, and on receipt of an offer that in the opinion of Council is acceptable, follow the provisions of Section 3.58(3) of the *Local Government Act 1995* to dispose of the property and proceeds to be used to replenish the Building Reserve Fund.

**Carried 8/0
Resolution 227/17**

Heidi Cowcher left the meeting at 3.24pm.

Afternoon Tea

The President adjourned the meeting for afternoon tea at 3.24pm and the meeting resumed at 3.46pm.



8.2 WORKS SUPERVISOR'S REPORT

The Works Supervisor, Mr Tony Kett, attended the meeting at 3.46pm to discuss his report.

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

8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (km)
Dardadine Rd	21.5
English Rd	6.5
Hillman-Dardadine Rd	1.7
Culbin South Rd	2.4
Sattler Rd	5.4
Total Length for the Month	37.5 km

8.2.2 ROAD MAINTENANCE WORKS

- Sealed paths on Quindanning-Darkan Rd and patches on York-Williams Rd.
- Taken pine trees out at the cemetery and a general clean-up.

8.2.3 2016/17 ROAD CONSTRUCTION PROGRAM

Road Construction Program 2016-17								
Road No	Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Start Date	Finish Date	Comments
128	Williams-Darkan Rd	Reseal	20.52	25.52	5 km			Completed.
9	Dardadine Road	Seal	00	2.00	2 km			?
10	Pingelly Road	Seal to 7m	0.05	3.50	3 km			Completed.
1	York-Williams	Reseal	0.0	3.00	3 km			Completed.
7	Clayton Road	Widen Shoulders	0.0	2.00	2 km			Completed.
11	Marradong Road	Clear vegetation, drainage and repair failures	Various slks					Gravel in and mixed. Sealing to be done after winter.
12	Zilko Road	Clear vegetation and gravel sheet	Various slks					Completed.



MINUTES – ORDINARY MEETING OF COUNCIL HELD 21ST JUNE 2017

2	Darkan-Quindanning	Tree trimming south end	Cross roads to Boundary		15km		Completed.
54	Kennedy Road	Gravel sheet	0.00	2.74	2.74km		Completed.
88	Curteis Road	Clear sections and gravel sheet 1km.			1 km		Trees cleared. Started gravel sheeting.
99	Wilkie Road	Reconstruct culvert floodway					Completed.
5	Fourteen Mile Brook Road	Reconstruct culvert floodway.					Completed.

8.2.4 MECHANICAL REPORT

Plant Description		Driver	Date Purchased	Hours/Km December 2016	Works Completed this month
Mazda CX5 WL 16	Light Vehicles	Cara Ryan	23 Sep 15	48,254 km	
Toyota Prado 16 WL		Geoff McKeown	10 Sep 16	1,800 km	
Holden Rodeo Dual Cab Utility WL 5499		Outside staff	5-Nov-04	241,197 km	
Isuzu D-Max WL 19		Tony Kett	9-Sep 14	75,000 km	
Kia 2 Tonne Truck WL 5414		Jeff Cowan	9-Oct-07	143,300 km	
Holden Colorado Crew Cab Ute WL 742		Andrew Wood	5-Oct 15	204,566 km	
Isuzu 4x2 Single Cab Ute WL 916		Maintenance	25-Nov-2016	42 km	
Holden Rodeo Single Cab Utility WL 826		Outside works crew	20-Nov-06	116,987 km	
Isuzu 4x2 Single Cab Ute WL 915		James Lenehan	25 Nov 2016	154 Km	Serviced
Skid Steer Track Loader 1EVV725		Construction Equipment	Outside works crew	Sep 2015	340 hr
Multipack Multi-Tyre Road Roller WL 49	Outside works crew		21-Oct-04	6,377 hr	
Vibromax Roller WL 126	Outside crew		29-Sep-04	4,203 hr	
Caterpillar 12M Grader WL 61	Richard Hewitt		Dec 2011	4,735 hr	
Caterpillar 12M Grader WL 361	Andrew Wood		15-10-2014	1,875 hr	



721E Case Loader WL 5639		Roger Gillett	May 2012	5,879 hr	Replaced 3 hydraulic hoses. Replaced 3 pins and bushes on front quick hitch. Replaced centre bearing on drive shaft and tail shaft.
Volvo EC210BLC Excavator WL 499		Phil Reed	18-Jul-07	6,811 hr	
John Deere 315SE4 Backhoe WL 745		Trevor Palframan	17-Sep-01	2,697 hr	
Toro Reelmaster SP Mower WL 5502		Works	Aug-09	1,010 hr	
Kubota Generator		Refuse Site		3,477 hr	
Toro Groundmaster 360 WL 917	Parks & Gardens	Jeff Cowan	Nov 2016		
Toro Z400 Kholer Ride on Mower WL 5302		Jeff Cowan	8-Aug-05	594 hr	
Honda TRX Four Wheel M/cycle WL 429		Jeff Cowan	20-Mar-00	1,392 hr	
Toyota DA115 Tip Truck (Water Truck) WL 595		James Lenehan	24-Aug-94	235,800 km	
Isuzu FVZ1400 Tip Truck WL 093			31-Dec-03	293,382 km	
Mercedes Benz Actross Prime Mover WL 91	Trucks & Trailers	Phil Reed	21-Dec-05	308,626 km	
Isuzu Giga CXZ Tip Truck WL 128		Justin Murdock	10-Dec-08	200,853 km	
Isuzu NPR 300 Truck WL 016		D. Munday	21-Jan-13	74,662 km	
SFM Side Tipping Trailer WL 3730		Works	21-Dec-05	140,500 km	
Howard Porter Low Loader WL ITIF 238		Works	31-Aug-07	132,500km	
Howard Porter Pig Trailer WL 3792		Justin Murdock	10-Dec-08	1405,300 km	
Nissan Patrol Fire Ute 1CXV788		BFB Fast attack	23- Feb 2016	167,500 km	

8.2.5 STAFF

- Nil to report

8.2.6 TOWN AND FACILITIES REPORT

- Nil to report

8.2.7 PRIVATE WORKS

- Nil to report



8.2.8 WORKS SUPERVISOR REPORT ACCEPTANCE

Voting Requirements

Simple Majority Required

Officer's Recommendation

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

Council Resolution

Cavanagh/Medlen

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

**Carried 8/0
Resolution 228/17**

Tony Kett left the meeting at 4.00pm.



8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

8.3.1 BUILDING PERMITS

File Reference 13.34.10
Statutory Reference *Building Act 2011, Building Regulations 2012*
Author & Date Gordon Tester 14 June 2017

Comment

Nil Return for the month of June 2017

Voting Requirements

Simple Majority Required

Officer's Recommendation

That Building report as presented above be endorsed by Council.

8.3.2 FOOD PREMISES INSPECTIONS

File Reference 7.40.41
Statutory Reference *Food Act 2008*
Author & Date Gordon Tester 14 June 2017

Comment

Williams Hotel is now registered as a Food Premises under the provisions of the *Food Act 2008*.

Voting Requirements

Simple Majority Required

Officer's Recommendation

That the Food Premises Inspections report be endorsed by Council.

Council Resolution

Major/Earnshaw

That the Food Premises Inspections report be endorsed by Council.

Carried 8/0
Resolution 229/17



8.3.3 DEVELOPMENT APPLICATION, OVERSIZE SHED, LOT 520/13 PIESSE ST, WILLIAMS - MRS CANDACE SCICLUNA

File Reference	10.60.15
Statutory Reference	Town Planning Scheme No 2 / Residential Design Codes
Author & Date	Gordon Tester 31/05/ 2017
Appendix 1	Site Plan & Elevations

Background

This matter is referred to Council for consideration for approval of an outsize outbuilding.

On 27 April 2017 a development application was received from Prices Fabrication and Steel on behalf of the owner (Mrs Candace Scicluna) of Lot 520, 13 Piesse Street Williams to extend the existing steel framed and clad shed.

This lot is 2,414.64 m² in area, an existing residence and steel framed and clad are currently situated on this lot and the land is zoned Residential R12.5.

The applicant has stated that the intended use of the shed is for the storage of household goods.

As the wall height and the aggregate dimensions of the existing steel framed and clad shed exceed the deemed to comply outbuilding dimensions indicated in the Residential Design Codes, the owners of land adjacent to Lot 520, 13 Piesse Street were contacted in writing and invited to make comment on the proposal.

At the expiration of the advertising period no comments were received.

Comment

The Residential Design Codes suggest that an outbuilding or aggregate of outbuildings in this residential zone should not exceed 60m² in floor area, a wall height of 2.4 metres and a ridge height of 4.2 metres.

The proposed steel framed and clad outbuilding will be 88.768m² in total floor area including the addition, have a wall height of 2.965m² and a ridge height of 3.501 metres.

As the lot in question is 2,414.64m² in area and no objections have been received from owners of adjoining properties, it is recommended that the development application to extend the existing steel framed and clad shed be approved.

Financial Implications

Not applicable.

Voting Requirements

Simple Majority



Officer's Recommendation

That Council approve of the concept of creating an oversized outbuilding by adding a 43.491 m² addition to the existing steel framed and clad shed situated at Lot 520, 13 Piesse Street, Williams owned by Mrs Candace Scicluna.

Council Resolution

Cavanagh/Medlen

That Council approve of the concept of creating an oversized outbuilding by adding a 43.491 m² addition to the existing steel framed and clad shed situated at Lot 520, 13 Piesse Street, Williams owned by Mrs Candace Scicluna.

**Carried 8/0
Resolution 230/17**

8.3.4 PROPOSED OUTBUILDING POLICY

File Reference	14.25.22
Statutory Reference	Town Planning Scheme No2, Residential Design Codes
Author & Date	Gordon Tester 7 June 2017
Appendix 2	Proposed Out Building Policy Document

Background

A proposed outbuilding policy is attached for Council's consideration.

Comment

It has been noted by Council staff that the performance based Residential Design Codes, specifically the sections providing guidance on acceptable size dimensions of proposed outbuildings in Residential zoned land, may not be appropriate to be applied on all Residential zoned land in the Shire of Williams.

The majority of local authorities in Western Australia with a diverse range of Residential Density Coding have recognised this problem and adopted similar policies to be implemented by Council Staff.

The proposed policy recognises that the size of a proposed outbuilding should take into account the area of the land that the outbuilding is intended to be situated upon.

The Residential Design Codes deemed to comply dimensions for proposed outbuildings, state that all residential coded land should have outbuildings that are no greater than 60m² in area, 2.4metres in wall height and 2.7metres in ridge height.



These dimensions are considered to be very conservative when applied to a proposed outbuilding on R2, R2.5 and R5 coded land that have lots varying in size from 2,000m² to 5,000m².

This policy is designed to promote efficiency and good customer service as it provides a definite answer to land owners in residential zoned areas as to the size of an outbuilding that may be constructed without referral to Council, saving time and money.

In the event that a resident wishes to construct an outbuilding that is larger than what is specified in the policy, then normal Council referral and advertising to neighbours procedures will be implemented.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council advertise the proposed Outbuilding Policy for public comment in the manner prescribed prior to reconsidering the adoption of the proposed Outbuilding Policy.

Council Resolution

Medlen/Johnstone

That Council advertise the proposed Outbuilding Policy for public comment in the manner prescribed prior to reconsidering the adoption of the proposed Outbuilding Policy.

Carried 8/0
Resolution 231/17



8.4 CHIEF EXECUTIVE OFFICER'S REPORT

8.4.1 CHIEF EXECUTIVE OFFICER'S GENERAL REPORT

File Reference	4.1.20	
Statutory Reference	N/A	
Author & Date	Geoff McKeown	15 th June 2017
Attachment	Nil	

Background

The Chief Executive Officer's General Report provides Council with an update on the activities of the CEO and other matters that do not necessarily require a decision of Council.

Comment

The CEO General Report is provided to Council as a separate document.

Financial implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

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

Council Resolution

Major/Medlen

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

Carried 8/0
Resolution 232/17



8.4.2 PROPOSED EMPLOYEE INDUSTRIAL AWARD

File Reference	4.30.40
Statutory Reference	Nil
Author and Date	Geoff McKeown 1 st June 2017
Attachment	Example of Contract of Employment Employee Handbook

Background

At the end of 2009 the Australian Industrial Relations Commission (now Fair Work Commission) reviewed more than 1,500 federal awards and created 122 industry and occupation awards. These awards commenced operation on 1 January 2010. One of these awards was the Local Government Industry Award 2010.

At the time local governments in Western Australia had the option of moving to the federal award or remaining on state awards, primarily the Local Government Officers' (Western Australia) Interim Award 2011 and the Municipal Employees (Western Australia) Interim Award 2011.

A majority of local governments moved to the federal system.

The Shire of Williams employees remained on the state awards, with the exception of the childcare centre employees who were employed on the federal Children's Services Award 2010.

Comment

Consultation has been held recently with employees about moving everyone to the federal award system. The benefit is that there will be one award covering all employees, making it easier to interpret and taking advantage of continual award modification undertaken by the Fair Work Commission.

There is an issue for local government in choosing the appropriate award jurisdiction. In a recent 'infopage' issued by WALGA the following information was provided.

"In May 2016, WALGA wrote to the CEO of all Local Governments advising that WALGA intended to seek legal advice in light of a recent Fair Work Commission (FWC) decision relating to a WA Local Government.

This decision addressed a jurisdictional objection made by a Shire to two general protections claims that were made by employees who are no longer engaged by the Shire. The decision found that the Shire was not a trading or financial corporation and is therefore not a national system employer pursuant to the Fair Work Act 2009 (Cth). This decision was reached despite the Shire having an enterprise agreement negotiated in the Federal industrial relations system and registered with the FWC.



The legal advice that we have received concludes that this decision does not change or affect the law. The decision merely demonstrates a particular example of the application of the law and how the FWC currently interprets the law in this area.

Whether Local Governments in WA are employers covered by the State or Federal industrial relations system has long been an issue. Given the legal advice received by WALGA, this decision should be considered in light of the previous case law which explores whether Local Governments or other incorporated associations are trading or financial corporations that operate in the Federal industrial relations system. For example, other WA Local Governments have previously been found to be trading corporations and the majority of Local Governments in Western Australia currently operate in the Federal industrial relations system. Whether a Local Government is a trading or financial corporation can change from time to time depending on whether there have been changes to a Local Government's income stream.

For a Local Government to decide whether it should operate in the Federal or State industrial relations system, it will need to consider its individual financial and operational circumstances to ascertain whether it is a trading or financial corporation.

WALGA intends to provide future information and advice to Local Governments to support their assessment of the appropriate industrial relations jurisdiction within which to operate.

The Fair Work Commission decision referred to in the WALGA 'infopage' related to a case involving the Shire of Yalgoo. It found that the Shire's trading activities in monetary terms were inconsequential and incidental to the primary activity and function of the Shire and it could not be characterised a "trading corporation" or a "financial corporation".

The Shire of Williams has a greater range of activities that would be considered in terms of a trading corporation, particularly when community housing, childcare, sale of water, etc. are taken into account.

If Council endorses the move to the federal award system it will commence on the 6th July 2017 and apply to the whole of the pay period ending on the 19th July 2017, i.e. second payday ending in the new financial year. Employees will be provided written notification and advice of any change to their employment conditions and will be issued a new contract of employment along with the newly developed Employee Handbook. These documents are attached for Council's information.

There are differences in conditions in the state and federal awards, but employees cannot be worse off due to the change.

Employees at the Childcare Centre, and newly appointed employees, are already on the federal award.



Consultation

The Chief Executive Officer has met with staff to explain the proposed change. Discussion was held regarding the differences in the awards. For the outside staff the federal award has an ‘adverse working conditions allowance’, which differs in value to the ‘industry allowance’ in the state award.

Also the federal award does not have the additional holidays that are in the state award, being those days after New Year’s Day and Easter Monday. Staff will be compensated for this disparity.

Financial Implications

There will be wage adjustments to reflect the new award arrangements which will be captured in the wages allocation for 2017/18.

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council endorses employees of the Shire of Williams being employed under the Local Government Industry Award 2010 in the Federal industrial relations system.

Council Resolution

Major/Cavanagh

That Council endorses employees of the Shire of Williams being employed under the Local Government Industry Award 2010 in the Federal industrial relations system.

**Carried 8/0
Resolution 233/17**



8.4.3 WILLIAMS COMMUNITY RESOURCE CENTRE

File Reference	4.21.05
Statutory Reference	<i>Local Government Act 1995 and Local Government (Functions and General) Regulations 1996</i>
Author & Date	Geoff McKeown 1 st June 2017
Attachments	Draft Lease Agreement Draft Memorandum of Understanding Draft Fee for Service Agreement for the Provision of Library Services

Background

Over the last few months there has been ongoing discussion regarding the future administrative arrangements for the operation of the Williams Community Resource Centre.

Comment

The Williams Community Resource Centre Inc. (WCRC) is an independent not for profit association. At the present time the WCRC is tasked with oversight of the day-to-day operations of the CRC. The Shire of Williams is the employer of the staff. This has been an administrative arrangement between the Shire and the WCRC from the time the CRC commenced and was considered a way that the Shire could assist the organisation. The WCRC is now in a position where it would like to take on employment of the staff.

It has been highlighted that there is some risk with the current model, particularly where the Shire is the employer but does not have direct management of the staff. The Department of Regional Development, which provides funding to CRCs around the State, suggests that the Williams CRC should be totally under the management and control of the Shire or the incorporated body, but not a combination of both.

In order to transition to a new arrangement a number of procedural matters have to be agreed by the parties. This proposal was canvassed with Council at the April and May Ordinary Meetings and the CEO was given the authority to progress the discussion to a point where the following documents and information can be endorsed:

- Lease Agreement
- Memorandum of Understanding
- Fee for Service Agreement for the Provision of Library Services
- Employee Industrial Arrangements

Attached for Council's information are the draft documents mentioned above. With regard to the employee industrial arrangements, advice has been provided by WALGA Employee Relations. The WCRC has also sought its own industrial relations advice.

The staff can move from the Shire of Williams to the WCRC with minimal impact to their employment arrangements and conditions. A summary of the issues that have been considered in the transfer include:



1. The staff will move to the Social, Community, Home Care and Disability Services Industry Award 2010, which is a Federal Award.
2. Entitlements for Annual, Personal and Long Service Leave will be transferred and the liability assumed by the WCRC.
3. New employment contracts will be prepared in advance of the commencement date and staff will formally resign from the Shire.
4. Consultation held with staff to ensure they agree to the move.
5. The WCRC adopting as a policy to use the Local Government (Long Service Leave) Regulations as the basis for long service leave entitlements, due to conditions being more advantageous than under the National Employment Standards.
6. The WCRC becoming a registered employer with WA Super to allow existing staff to remain in the superannuation fund.

As Council has agreed to continue with the transition process the documents and information necessary to ratify the new arrangements are now presented for endorsement. The start date is proposed for the 1st July 2017 with the staff transfer coinciding with the commencement of a pay fortnight just prior to that date.

Statutory Implications

Section 3.58 of the *Local Government Act 1995* outlines the requirement for disposing of property. The term 'dispose' includes selling, leasing, or otherwise disposing of, whether absolutely or not. An exemption exists from having to meet the requirements of this section when the disposal is to a body where the objects of which are cultural and educational. An extract from the *Local Government (Functions and General) Regulations 1996* follows:

30. Dispositions of property excluded from Act s. 3.58

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

Policy Implications

Entering into a fee for service contract for the delivery of library services raises an issue with regard to Council's Purchasing Policy and the tender requirements under the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*. The fee for service contract is for a five year period and the total value of the contract will exceed \$150,000. The regulations provide some flexibility in certain situations as described below.



11. When tenders have to be publicly invited

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*
 - (f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier;*

There is justification not to invite tenders in this situation due to the unique nature of the service: the fact that it is provided in a Shire owned building and the unlikely situation where another provider will operate this service in Williams.

Financial implications

The various components of this proposal have differing financial implications. The movement of the employees to the WCRC will reduce the overall wages budget, but also the income that is recovered. The lease includes an increased rent from the current arrangement. The value of the fee for service contract moves from the current amount paid by the Shire and includes a 3% annual increase.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Support the transition of employees, engaged at the Williams Community Resource Centre, from the Shire of Williams to employment by the Williams Community Resource Centre Inc.;
2. Agree to enter into a lease agreement for the premises located at 5 Brooking Street, Williams with the Williams Community Resource Centre Inc.;
3. Endorse the Memorandum of Understanding pertaining to the use and management of the premises, and provision of library services and community programs; and
4. Accept the fee for service contract with the Williams Community Resource Centre Inc. for the provision of library services, acknowledging that the value of the contract exceeds the tender threshold contained in the *Local Government (Functions and General) Regulations 1996* and recognising that due to the unique nature and location of the service it is unlikely that there is more than one potential supplier.



Council Resolution

Cavanagh/Medlen

That Council:

1. Support the transition of employees, engaged at the Williams Community Resource Centre, from the Shire of Williams to employment by the Williams Community Resource Centre Inc.;
2. Agree to enter into a lease agreement for the premises located at 5 Brooking Street, Williams with the Williams Community Resource Centre Inc., including the rent amount and electricity contribution limit determined at the Council Meeting held on the 17th May 2017 (Resolution 208/17);
3. Endorse the Memorandum of Understanding pertaining to the use and management of the premises, and provision of library services and community programs; and
4. Accept the fee for service contract with the Williams Community Resource Centre Inc. for the provision of library services, acknowledging that the value of the contact exceeds the tender threshold contained in the *Local Government (Functions and General) Regulations 1996* and recognising that due to the unique nature and location of the service it is unlikely that there is more than one potential supplier.

**Carried 5/3
Resolution 234/17**

The resolution differed from the recommendation as Council wished to ensure that the weekly rent is set at \$250 per week and the lease agreement include the \$7,000 electricity contribution limit, as per Council Resolution 208/17 at the May Ordinary Meeting of Council.



8.4.4 CONTRACT SWIMMING POOL MANAGEMENT

File Reference	11.20.20
Statutory Reference	<i>Local Government Act 1995, section 3.57 and Local Government (Functions and general) Regulations 1996, r 11</i>
Author & Date	Geoff McKeown 12 th June 2017
Attachment	Contract Aquatic Services Tender Submission

Background

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

At the April 2017 Ordinary Meeting the Council resolved to invite tenders for a five (5) year period commencing with the 2017-18 pool season.

Comment

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

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

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

A tender specification was prepared and the advertised in The West Australian on the 24th May 2017. Four (4) information packages were issued to individuals/companies that enquired.

At the closing date of the 12th June 2017, only one tender was received from Contract Aquatic Services.

As there were no other tenders received it has not been possible to evaluate the Contract Aquatic Services' tender against an alternative tender.

Contract Aquatic Services has provided swimming pool management services to the Shire of Williams since the 2011 pool season. It has been delivered to a high standard and the current Pool Manager is well liked by the community. Income from pool admissions has increased during this time, as have attendance numbers, as indicated below:



Pool Season	Income	Attendance
2011	\$7,413.27	
2012	\$8,698.43	
2013	\$9,102.31	
2014	\$9,433.34	4,356
2015	\$10,427.66	5,389
2016	\$11,586.72	6,234

Included in the tender package was a Price Schedule. This has been completed by Contract Aquatic Services in its tender submission, **see attached**, and is summarised below.

Line No	Service Description	Tender Unit	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
1	Year 1 - Season 2017/18		60,000	6,000	66,000
2	Year 2 - Season 2018/19		60,000	6,000	66,000
3	Year 3 - Season 2019/20		60,000	6,000	66,000
4	Year 4 – Season 2020/21		60,000	6,000	66,000
5	Year 5 – Season 2021/22		60,000	6,000	66,000
6	Additional hours outside of contract (by agreement)	per hour	50	5	55
7	Off-season turnovers 13 site visits in total (1 per fortnight – Apr 15th to Oct 15th)	per time	300	30	330
8	Season Extension offered at cost	per week	2,200	220	2,420

The current season fee is \$60,000, including GST and off-season turnovers are \$275, including GST, per visit. The proposed fee structure reflects an increase, however it is then a fixed price for the duration of the contract.

Contract Aquatic Services has requested consideration of the off-season turnover fee being included in the contract agreement. At the present time it is paid on the issue of a purchase order. It is reasonable to agree to this subject to evidence being provided of visitations.

Outside this contract, the Shire provides a one bedroom unit for the Pool Manager as accommodation during the pool season. Contract Aquatic Services currently pays \$75 per week while it is occupied. It is willing to pay \$100 per week under the same arrangement on the understanding that the off-season turnover fee becomes part of the contract agreement.

Financial Implications

The provision of contract swimming pool management is an ongoing cost to the Shire and needs to be included in the Budget each year.

Voting Requirements

Simple Majority



Officer's Recommendation

That Council accept the tender submitted by Contract Aquatic Services for provision of Swimming Pool Contract Management to the Shire of Williams for a period of five (5) years commencing in the 2017-18 financial year.

Council Resolution

Major/Johnstone

That Council accept the tender submitted by Contract Aquatic Services for provision of Swimming Pool Contract Management to the Shire of Williams for a period of five (5) years commencing in the 2017-18 financial year.

**Carried 8/0
Resolution 235/17**

8.4.5 PROPOSED AGRICULTURAL KNIFE POINT REPAIR BUSINESS, LOT 441 MARJIDIN WAY, WILLIAMS

File Reference	10.60.15
Statutory Reference	Section 6.12 <i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 9 th June 2017
Attachment	Nil

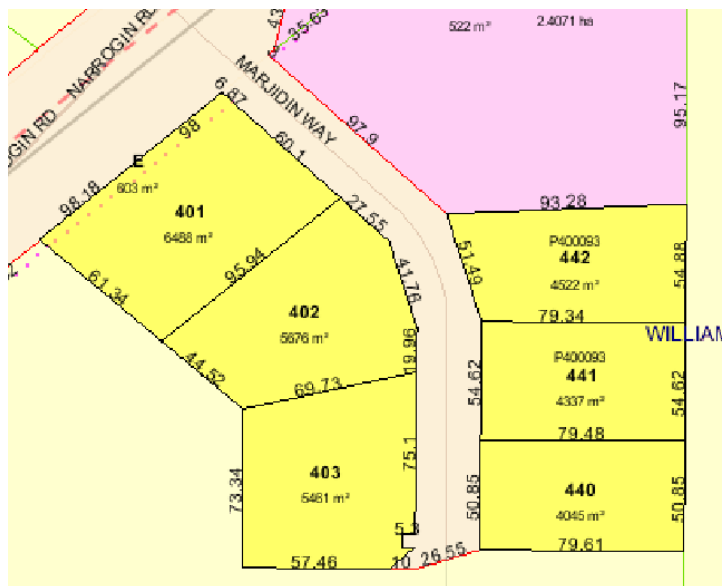
Background

At the May Ordinary Council Meeting there was consideration given to modifying several conditions on the development approval granted for the proposed Agricultural Knife Point Repair Business on Lot 441 Marjidin Way.

The proponent had also asked for support from the Shire to fill the block to level, as this was expected to be a significant cost to the development. Council did not support this request, but did confirm that it would not require the entire block be levelled and would support filling only the area required for the buildings, vehicle parking, loading, manoeuvring and vehicle circulation areas.

Comment

At the time the Shire developed the adjacent Lot 440 Marjidin Way, it filled the entire area of the block. This resulted in an elevated boundary between the two blocks. In fact the Shire encroached onto Lot 441 with its fill. The photo below shows the kerb installed on the asphalt that designates the trafficable area of Lot 440. The photo also shows a steel post which is partially obscuring the survey boundary maker.



It appears that the kerb is positioned right on the property boundary and the gravel fill behind the kerb extends onto Lot 441. As Lot 440 is now filled well above the natural ground level it creates a problem for Lot 441. At this stage the owners have investigated initiating their fill at 300mm above natural ground level, as evidenced by the pink tape on the steel post. This will increase to approximately 600mm where the kerb ends. The block is lower the further it goes to the north and east, thus requiring more fill

An option is to consider installation of a retaining wall to separate the varying levels of the two lots. By doing this the owners of Lot 441 can level their block from a starting point of the natural ground level. This will reduce the quantity of fill required and the overall cost.

An estimate has being calculated for the installation of a 700mm high limestone retaining wall running the entire 80m length of the boundary between the lots.

In December 2013, Council endorsed the Williams Incentive for Investment Policy which aims to encourage business investment opportunities that increase economic development, strengthen the local economy, improve employment and enhance the overall quality of life for all residents of the Shire.

An extract of the Policy, where it outlines the range of incentives, states the following:

4.3 Site Works

Depending on the type of facility, Council may be able to provide assistance with earthworks on industrial land. There is also a provision to assist with earthworks for new housing developments.



If Council is agreeable it can offer to supply the fill, and level and compact Lot 441, with the work being completed 'at cost'. To do this would result in a concession on the level of fees and charges adopted by Council and will have to be approved with acknowledgement of Councils obligation under section 6.12 of the *Local Government Act 1995* as highlighted below:

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Policy Implications

The proposal can be considered with reference to the Williams Incentives for Investment Policy.

Financial Implications

The cost of installing the retaining wall is estimated at \$10,500.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council offer the owners of Lot 441 Marjidin Way, Williams the following assistance with the development of their lot:

1. Fund the installation of a retaining wall on the boundary between Lot 440 and Lot 441, subject to their written endorsement.
2. Offer to supply fill, and level and compact Lot 441 'at cost' exercising a concession in accordance with section 6.12 of the *Local Government Act 1995* in relation to adopted fees and charges.



Council Resolution

Johnstone/Earnshaw

That Council offer to support the development of Lot 441 Marjidin Way, Williams with the supply of fill, and level and compact the portion of the lot required for the buildings, vehicle parking, loading, manoeuvring and vehicle circulation areas 'at cost', exercising a concession in accordance with section 6.12 of the *Local Government Act 1995* in relation to adopted fees and charges.

**Carried by Absolute Majority 8/0
Resolution 236/17**

The resolution differed to the recommendation as Council supported the option to fill Lot 441 rather than installing a retaining wall on the boundary between Lot 440 and Lot 441.

8.4.6 MK & AL IREDELL – EXTRACTIVE INDUSTRY ANNUAL RENEWAL, LOT 42 BATES RD

File Reference	10.64.20
Statutory Reference	Shire of Williams Town Planning Scheme No.2
Author & Date	Geoff McKeown 14 th June 2017
Attachment	Nil

Background

In August 2010, Urban and Rural Perspectives (URP), on behalf of landowners Mark and Agnes Iredell of Lot 10126 (now Lot 42) Bates Road, Williams, made an application for retrospective development approval for an Extractive Industry (gravel extraction) activity.

Extractive Industry is an 'AA' use in the Shire of Williams Town Planning Scheme No.2, which is "a use not permitted without the approval of Council".

The land is zoned Rural and the gravel extraction has operated for quite some time.

Council granted the Extractive Industry Licence for 12 months and charged the scheduled fee at the time.

Comment

Mr & Mrs Iredell have written to the Shire seeking a further extension to the Extractive Industry Licence for Lot 42 Bates Road, as they have done since the initial approval was granted.

The Council approval from the August 2010 Meeting is outlined below:



“That Council grants approval for the continued use of part of lot 10126 Bates Rd Williams for the purpose of gravel extraction as per the application submitted by URP subject to:

- *The area to be mined is restricted to the area mentioned in the submission;*
- *Clearing of native vegetation is restricted as per the submission;*
- *Revegetation is to occur as per the submission;*
- *Gravel extraction is to be limited to supply within the Shire of Williams unless a further submission is made;*
- *Approval is for a 12 month period, renewable on the 1st July each year subject to an application being submitted. No fee will be charged for renewal;*
- *The hours of operation be 6:00 am to 8:00 pm Monday to Saturday and other times subject to approval;*
- *Restoration and reinstatement of the excavation site and staging of such works to a maximum work area of 1 ha;*
- *Except where the local government approves otherwise the applicant must drain and keep drained to the local government’s satisfaction any excavation to which the license applies so as to prevent the accumulation of water;*
- *Council will not permit the dumping of any material, such as building material or metal objects, on extractive industry sites or any other sites that is incompatible with the planned future use of the land. Council will only permit the fill of extractive industry sites with clean material that is specified in the approved rehabilitation plan;*
- *Minimum setbacks to roads and other property (30 metres unless otherwise approved);*
- *The amenity of the locality by reason of the emission of dust, noise, vibration, waste production, smoke, odour or otherwise shall not be affected, any complaint will be investigated and this permit may be revoked;*
- *Transportation of material from the site shall not occur during school bus hours or during or after significant rain. The applicant is to ensure that all efforts are made not to adversely affect the roads because of their activities. Should the road be damaged other than fair wear and tear then renewal of the permit may not be granted;*
- *Erection of signs in conjunction with the Shire Works Supervisor clearly indicating the access point to the site;*
- *No Blasting or Crushing to be carried out without prior approval from the Council;*
- *The permit is non-transferable unless written approval is granted by Council;*
- *Council reserves the right to cancel an extractive industry approval at any time without redress where it is of the view that any of the above conditions are not being complied with.”*

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council approve the extension of the Extractive Industry Licence for Lot 42 Bates Road for a further 12 months from the 1st July 2017 under the same conditions as previously approved.



Council Resolution

Earnshaw/Major

That Council approve the extension of the Extractive Industry Licence for Lot 42 Bates Road for a further 12 months from the 1st July 2017 under the same conditions as previously approved.

**Carried 8/0
Resolution 237/17**

8.4.7 FINANCIAL CONTRIBUTION TO THE HOTHAM WILLIAMS ECONOMIC DEVELOPMENT ALLIANCE

File Reference	4.50.25	
Statutory Reference	Nil	
Author & Date	Geoff McKeown	16 th June 2016
Attachment	Nil	

Background

The Hotham Williams Economic Development Alliance Inc. (HWEDA) has written to the three local governments that are members of the group to request a financial contribution to support its ongoing operation.

Comment

In 2016 HWEDA endorsed its Economic Development Implementation Plan (EDIP) and Strategic Plan. The completion of both documents were noted by Council at its March 2016 Ordinary Meeting.

At a recent meeting of the HWEDA Board, the Executive Officer provided a report on the funding required to continue the operation of the organisation and progress its priority projects. An extract from that report follows:

“As the end of the financial year draws to a close, it is timely to review the cashflow of the organisation and how it will fund itself for the next financial year.

The current Executive Officer and related expenditure funds are approximately 50% expended of the budgeted amount (approx. \$11,360 expended to date, of an allocation of \$22,000). The budget allowed for up to 500 hours EO work, and the current is just under 200 for the financial year. There is room for additional hours to be committed to the project, however not necessarily by the incumbent. With this in mind, it may also be timely for the Board to consider the employment of an externally engaged EO to run the organisation, as opposed to utilising the services in-house of one of the resources of the local government’s involved.

Local government traditionally considers its budgets during June and then endorses and finalises the budget in July. Given this timing, it is pertinent then, if HWEDA are supportive of a request of a funding allocation, that a letter be drafted for each local government seeking a cash contribution to the running of HWEDA for 2017/18. The letter could include some of the



significant achievements and in-roads that the organisation has made over the last 2 years and the proposed further development of projects committed to for the next 2 years.

Local governments are in a significantly tight fiscal environment, however, given the significant success that this program has had for the sub-region, and the potential going forward, particularly in regard to the development of the Flagship project 'Marradong Country Self-Drive Trail' that has recently been externally funded, it is felt that this request may be viewed favourably.

The HWEDA Board recommended seeking a contribution of \$10,000 per local government. It asked the three member local governments to consider this request as part of their 2017/18 Budget deliberations.

Since its inception the Shire has funded HWEDA with contributions of \$10,000 in 2014/15 and 2015/16. This financial year a \$5,000 contribution was made to assist with the development of the Marradong Country Self-Drive Trail. No funds were sought for operational expenses.

Policy Requirements

N/A

Strategic Implications

The Shire of Williams is a member of HWEDA. Economic development and tourism development rank highly in the Shire's Strategic Community Plan

Voting Requirements

Simple Majority

Officer's Recommendation

That Council consider, as part of its 2017/18 Budget deliberation, the inclusion of \$10,000 to assist the Hotham Williams Economic Development Alliance Inc. with its ongoing operation.

Council Resolution

Cavanagh/Earnshaw

That Council consider, as part of its 2017/18 Budget deliberation, the inclusion of \$10,000 to assist the Hotham Williams Economic Development Alliance Inc. with its ongoing operation. Further, the allocation of this amount, or a portion thereof, will be subject to matching contributions from the Shires of Boddington and Wandering.

**Carried 8/0
Resolution 238/17**

Council wished to note that should the Shire of Wandering and Shire of Boddington contributions being less than \$10,000, the Shire of Williams will reduce its contribution accordingly.



8.4.8 ACTING CHIEF EXECUTIVE OFFICER

File Reference	4.20.10
Statutory Reference	Section 5.36 <i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 16 th June 2017
Attachment	Nil

Background

The Chief Executive Officer requests annual leave for the period from close of business Friday, 23rd June 2017 returning on Friday, 21st July 2017.

Comment

In confirming the request for annual leave, Council is also asked to appoint an Acting Chief Executive Officer for the period of leave.

Statutory Environment

Section 5.36 of the *Local Government Act 1995* provides that:

5.36. Local government employees

- (1) *A local government is to employ —*
- (a) *a person to be the CEO of the local government; and*
 - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

Financial implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. approve the annual leave of the Chief Executive Officer for the period commencing from close of business Friday, 23rd June 2017 and returning on Friday, 21st July 2017.
2. appoint the Cara Ryan, Manager of Finance, as the Acting Chief Executive Officer during this period.



Council Resolution

Major/Paterson

That Council:

1. approve the annual leave of the Chief Executive Officer for the period commencing from close of business Friday, 23rd June 2017 and returning on Friday, 21st July 2017.
2. appoint the Cara Ryan, Manager of Finance, as the Acting Chief Executive Officer during this period.

**Carried 8/0
Resolution 239/17**

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

File Reference	4.50.60
Statutory Reference	Sections 5.42 and 9.49A <i>Local Government 1995</i>
Author & Date	Geoff McKeown 16 th June 2017
Attachment	Nil

Background

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

Council approved the updated Delegations Register at the February 2017 Ordinary Council Meeting. The procedure associated with the register is to report to Council the activities or actions that have been performed under the delegated authority. A report will be completed for Council at each meeting that identifies: (1) use of the Common Seal, and (2) actions performed under the delegated authority requiring referral to Council as per the Shire of Williams Delegations Register.

Comment

Actions performed under delegation during the preceding month are provided below:

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

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

Action - The Chief Executive Officer approved a transfer of:

1. \$200,000 from the Municipal Fund Investment Account to the Municipal Fund to meet scheduled payments.



- **Payment of Creditors – Delegation FMR1**

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

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

Financial Implications

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

Voting Requirements

Simple Majority

Officer's Recommendation

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

Council Resolution

Johnstone/Major

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

**Carried 8/0
Resolution 240/17**



8.5 MANAGER OF FINANCE'S REPORT

8.5.1 ACCOUNTS FOR PAYMENT

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	15 th June 2017

Background

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

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

Statutory Implications

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 – REG 13

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

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

Comment

The list of accounts for payment is a separate attachment to this agenda.

Financial Implications

As listed in the recommendation below.

Voting Requirements

Simple Majority

Officer's Recommendation

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104626 - 104632 totalling \$231,091.46 and SII Funding EFT payments totalling \$304,769.72 approved by the Chief Executive Office be endorsed.



Council Resolution

Johnstone/Earnshaw

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104626 - 104632 totalling \$231,091.46 and SII Funding EFT payments totalling \$304,769.72 approved by the Chief Executive Office be endorsed.

**Carried 8/0
Resolution 241/17**

8.5.2 FINANCIAL STATEMENTS

File Reference	4.23.15
Statutory Reference	<i>Local Government (Financial Management) Regulations 1996</i>
Author & Date	Cara Ryan 15 th June 2017

Background

A statement of financial activity must be produced monthly and presented to Council. In accordance with the Local Government Act 1995, a statement of financial activity must be presented to each Council meeting, including a comparison to the budget and variance from it. It must also include explanations of any variances.

Statutory Implications

Local Government (Financial Management) Regulations 1996, reg 34.

Comment

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

Financial Implications

As disclosed in the financial statements.

Voting Requirements

Simple Majority

Officer’s Recommendation

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

Council Resolution

Paterson/Earnshaw

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

**Carried 8/0
Resolution 242/17**



8.5.3 TRANSFER OF FUNDS TO RESERVE ACCOUNTS

File Reference	4.21.20
Statutory Reference	<i>Local Government Act 1995</i> Section 6.12(1)
Author & Date	Cara Ryan 14 th June 2017
Attachments	Nil

Background

This report is presented to Council to ask approval for the transfer of funds from the Municipal Fund Account to nominated Reserve Fund Accounts.

Sale of 14 Adam Street, Williams

At the December 2016 Ordinary Meeting of Council, Council resolved to dispose of 14 Adam Street by listing the property for sale. The property was sold for \$175,000 and settlement was effected Tuesday, 9th May 2017. The 2016/2017 Budget does not include the sale of this property and the disposal, after fees, has contributed to a year end surplus by \$167,000.

It would normally be recommended that funds raised from the sale of property be transferred to the Building Reserve to help fund future renewal, construction or acquisition of buildings. The Building Reserve is currently sitting with a healthy balance of \$429,107, which would easily cover any emergency building works that may be required in the future.

During the review of the 10 Year Long-term Financial Plan it was revealed that there is a substantial lag in replacement of plant, resulting in many of the identified critical plant needing replacement at around the same time. The Shire currently only has the ability to replace one item of this plant per year and it only holds \$5,714 in the Plant Replacement Reserve.

The current balance of the Recreation Facilities Reserve is \$20,458, which would not currently cover any emergency repair works that may arise. There are a couple of recreation areas that have been planned for upgrade or renewal in the Forward Capital Works Plan, such as the Cemetery, Lions Park, Recreation Carpark and Town Hall Park.

It is proposed that \$100,000 is transferred to the Plant Reserve and \$67,000 to the Recreation Reserve.

Long Service Leave Reserve

Additional, to the sale of 14 Adam Street, there is a further surplus forecasted for the financial year end 30th June 2017. The savings are predominately attributed to the reduction in employee expenses for the year. The current balance of the Long Service Leave Reserve is only \$170. During the compilation of the reviewed 10 Year Long-Term Financial Plan a provision of \$5,000 of Municipal Funds has been allocated to the Long Service Leave Reserve to provide for any future annual leave or long service leave requirements.

The saving of employment expenses to date is \$23,632 and it is proposed that \$5,000 is transferred to the Long Service Leave Reserve.



Statutory Implications

LOCAL GOVERNMENT ACT 1995 - SECT 6.8 (1)

(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

Transferring funds to the reserve fund allows Council to quarantine funds for future expenditure.

The table below outlines the proposed reserve funds transfer.

Details	Transfer from Municipal to :	
	Reserve Account	Amt
The sale of 14 Adam Street, after fees, resulted in a \$167,000 profit, as the Building Reserve has a healthy balance it is proposed that \$100,000 is transferred to the Plant Reserve and \$67,000 to the Recreation Reserve.	A01111 – Plant Reserve	\$100,000
	A01113 – Recreation Facilities Reserve	\$67,000
The Long Service Leave Reserve currently has a minimal balance of \$167 and as there are surplus funds available, it is proposed that \$5,000 is transferred to this Reserve.	A01117 – Long Service Leave Reserve	\$5,000
	TOTAL	\$172,000

Financial Implications

Should Council decide to transfer a total of \$172,000 to reserves, it will not negatively impact the closing position for the financial year ending 30th June 2017, as currently there is a forecasted surplus of \$222,041 due to the unbudgeted sale of 14 Adam Street and savings on expenses budgeted in 2016/2017.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council authorise the transfer of \$172,000 from the Municipal Fund to the following Reserve Accounts:

- A01111 – Plant Reserve	\$100,000
- A01113 – Recreation Facilities Reserve	\$67,000
- A01117 – Long Service Leave Reserve	<u>\$5,000</u>
	\$172,000



Council Resolution

Cavanagh/Paterson

That Council authorise the transfer of \$172,000 from the Municipal Fund to the following Reserve Accounts:

- A01111 – Plant Reserve	\$100,000
- A01113 – Recreation Facilities Reserve	\$67,000
- A01117 – Long Service Leave Reserve	<u>\$5,000</u>
	\$172,000

**Carried by Absolute Majority 8/0
Resolution 243/17**

8.5.4 WRITE-OFF OUTSTANDING DEBTS

File Reference	4.12.25
Statutory Reference	Local Government Act 1995 Section 6.12(1)
Author & Date	Cara Ryan 14 th June 2017
Attachments	Nil

Background

This report is presented to advise Council of non-collectable debts and seeks Council approval to write-off debts that have been outstanding for an excessive period of time and are considered unrecoverable.

The total outstanding monies owed to Council of \$2,624.95, are as detailed on the following schedule.

Date	Invoice Number	Details	Amt
30/06/2015	2035	6 kilolitres of standpipe water – customer is now deceased.	\$18.00
15/12/2015	2342	Water Delivery – unable to locate customer, has left the district.	\$187.50
03/02/2016	2294		\$187.50
16/06/2016	2559	Dog Pound Fees – Have been unable to track down the owner, believed to have left town.	\$161.00
23/04/2015	1920	Rent, Repairs, Cleaning – vacating tenant of 23 Fry Street is refusing to pay the debt. The bond of \$800 has already been used to offset the whole debt.	\$1,944.98
30/08/2015	Childcare	Childcare Fees – The child’s place was suspended from day-care on the 27 th February 2015 due to non-payment of account. Several attempts have been made to recover the debt without any success.	\$125.97



Statutory Implications

Local Government Act 1995 Section 6.12

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Comment

All outstanding debtors are reviewed on a monthly basis and whilst the Council has a good track record of managing and recovering debts there will always be some debts that become uncollectable. Due to the excessive age of the debts presented and the significant costs that would be associated with debt collection it would be uneconomical to pursue the debt with legal action.

Financial Implications

Should Council decide to write off \$2,624.95 as a bad debt, there will be a nil effect to the year-end closing funds as there is a provision on the balance sheet of \$13,527.50 for doubtful debts.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council agrees to write off the following bad debts totalling \$2,624.95:

<u>Date</u>	<u>Invoice</u>	
30/06/2015	2035	\$18.00
15/12/2015	2342	\$187.50
03/02/2016	2294	\$187.50
16/06/2016	2559	\$161.00
23/04/2015	1920	\$1,944.95
30/08/2015	Childcare	\$125.97



Council Resolution

Johnstone/Major

That Council agrees to write off the following bad debts totalling \$2,624.95:

<u>Date</u>	<u>Invoice</u>	
30/06/2015	2035	\$18.00
15/12/2015	2342	\$187.50
03/02/2016	2294	\$187.50
16/06/2016	2559	\$161.00
23/04/2015	1920	\$1,944.95
30/08/2015	Childcare	\$125.97

**Carried by Absolute Majority 8/0
Resolution 244/17**

8.5.5 RELATED PARTY DISCLOSURE - POLICY

File Reference	4.1.10
Statutory Reference	<i>Local Government (Financial Management) Regulations 1996</i> AASB124 – Related Party Disclosures
Author & Date	Cara Ryan 14 th June 2017
Attachments	Related Party Disclosure Policy Related Party Disclosures - Declaration

Background

A change to the Australian Accounting Standards issued in March 2015 extended the scope of *AASB124 Related Party Disclosures* to include the application to “not-for-profit” entities. Previously this standard was only applicable to “for-profit” entities.

As this is an Australian Accounting Standard requirement it is different to Disclosure of Interest and Gift and Travel Disclosure requirements that are imposed under the *Local Government Act 1995* and associated Regulations. It is also important to note that this standard has not been implemented to detect or report, fraud or misconduct. It is simply to enhance transparency and accountability of local government transactions.

From 1 July 2016 the Shire is required to identify all transactions that are undertaken with related parties, with the requirement to disclose the nature of related party relationships when preparing the Annual Financial Report for **30th June 2017**.

A Related Party is a person or entity that is related to the local government that is preparing its financial statements, and is likely to include the following:



- Entities related to Council (i.e. an entity set up, controlled, or is significantly influenced by Council such as a regional council and regional subsidiaries);
- Key Management Personnel (KMP) of Council (i.e. Councillors, CEOs and Senior Staff);
- Close family members of Key Management Personnel (KMP); and
- Entities that are controlled or jointly controlled by KMP or their close family members (i.e. joint ventures, companies, sporting clubs).

Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

If there have been related party transactions during the periods covered by the financial statements, the local government must disclose the nature of the related party relationship as well as information about those transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements. At a minimum, disclosures shall include:

- a) The amount of the transactions;
- b) The amount of outstanding balances, including commitments, and
 - i. their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and
 - ii. details of any guarantees given or received;
- c) Provisions for doubtful debts related to the amount of outstanding balances; and
- d) The expense recognised during the period in respect of bad or doubtful debts due from related parties.

Statutory Implications

Local Government (Financial Management) Regulations 1996 – Regulation 5A

5A. Local governments to comply with AAS

Subject to regulation 4, the annual budget, annual financial report and other financial reports of a local government must comply with the AAS.

AASB124 requires disclosure of related party transactions from 1 July 2016.

Comment

There are many complexities involving local government with regard to *Related Party Disclosures*, including activities such as using Council facilities and paying Rates, which are related party transactions. However, the nature of some of these transactions could be those that an ordinary citizen would undertake with the local government and be recognised as “Ordinary Citizen Transactions”. These transactions are considered to be undertaken at arm’s length and in the ordinary course of carrying out a local government’s functions and activities.



To help identify “Ordinary Citizen Transactions” and implement a standard approach at capturing and reporting related party transactions the attached Policy has been developed for Council’s consideration. This policy is not required by the *Local Government Act 1995*, but will assist in mitigating the risk of non- compliance.

Financial Implications

There are no financial implications as this is purely a reporting requirement.

Voting Requirement

Simple Majority

Officer’s Recommendation

That Council adopt the attached Related Party Disclosure Policy.

Council Resolution

Major/Carne

That Council adopt the attached Related Party Disclosure Policy.

**Carried 8/0
Resolution 245/17**



8.6 COUNCILLORS' REPORTS

Cr Cavanagh attended and discussed the Hotham Williams Economic Development Alliance (HWEDA) meeting hosted by the Shire of Williams on the 13th June 2017.

9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

10.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

10.1 ELECTED MEMBERS

10.2 OFFICERS

11.0 APPLICATION FOR LEAVE OF ABSENCE

Cr Carne requested leave of absence for the Ordinary Meeting of Council scheduled for the 26th July 2017.

Council Resolution

Earnshaw/Cavanagh

That Cr Carne is granted leave of absence for the Ordinary Meeting of Council scheduled for the 26th July 2017.

Carried 8/0
Resolution 246/17

12.0 INFORMATION SESSION

13.0 CLOSURE OF MEETING

There being no further business for discussion the President declared the meeting closed at 6.24pm.