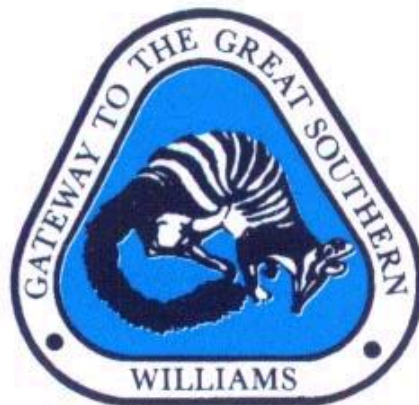


# ***SHIRE OF WILLIAMS***

***MINUTES ORDINARY MEETING HELD ON WEDNESDAY  
20TH DECEMBER 2017***



## **COUNCIL DIARY**

**WEDNESDAY 20<sup>TH</sup> DECEMBER 2017**

12.30pm

Councillor Briefing Session

**WEDNESDAY 20<sup>TH</sup> DECEMBER 2017**

1.00pm

Ordinary Meeting

**FRIDAY 26<sup>TH</sup> JANUARY 2018**

Australia Day Breakfast

**WEDNESDAY 21<sup>ST</sup> FEBRUARY 2018**

1:00pm

Ordinary Meeting



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### Separate Documents

1. Minutes – Council; CRG
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5. Payment Listing
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7. Municipal Bank Reconciliation
8. Status Report
9. 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.





## 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 6.1 ORDINARY COUNCIL MEETING HELD 15<sup>TH</sup> NOVEMBER 2017

#### **Officer's Recommendation**

That the Minutes of the Ordinary Meeting of Council held on 15<sup>th</sup> November 2017, as previously circulated, be confirmed as a true and accurate record.

#### **Council Resolution**

##### ***Baker/Harding***

That the Minutes of the Ordinary Meeting of Council held on 15<sup>th</sup> November 2017, as previously circulated, be confirmed as a true and accurate record.

**Carried 7/0  
Resolution 99/18**

### 6.2 CRG MEETING HELD 27<sup>TH</sup> NOVEMBER 2017

#### **Officer's Recommendation**

That the Minutes of the Community Reference Group Meeting held on 27<sup>th</sup> November 2017, as previously circulated, be received.

#### **Council Resolution**

##### ***Major/Watt***

That the Minutes of the Community Reference Group Meeting held on 27<sup>th</sup> November 2017, as previously circulated, be received.

**Carried 7/0  
Resolution 100/18**

## 7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

## 8.0 REPORTS



## 8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

The Economic Development Officer, Heidi Cowcher, attended the meeting at 1.26pm to discuss her report.

### 8.1.1 4WDL WELL AGED HOUSING PROJECT

<b>File Reference</b>	EDO Files	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Heidi Cowcher	11 <sup>th</sup> December 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 Royalties for Regions funding programs 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 in 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 11.12.17	Final interest distribution
West Arthur (3 units)	\$717,664 (+ interest) 2 units	\$728,472.46	Nil – all claimed
Williams (2 units)	\$717,664 (+ interest) 2 units	\$722,824.36	\$5,648.10
Wagin (4 units)	\$1,076,496 (+ interest) 3 units	\$1,079,566.12	\$13,157.71
Dumbleyung (3 units)	\$717,664 (+ interest) 2 units	\$728,472.46	Nil – all claimed
Lake Grace (3 units)	\$1,076,496 (+ interest) 3 units	\$1,092,723.83	Nil – all claimed
Woodanilling (3 units)	\$717,664 (+ interest) 2 units	\$728,472.46	Nil – all claimed
<b>TOTAL (18 units)</b>	<b>\$5,023,648 (14 units)</b>	<b>\$5,080,531.69</b>	<b>\$18,805.81</b>

The project will be completed by the end of 2017, approximately 6 months ahead of schedule. The Final Report will be prepared early in the new-year. The Shire of Williams will claim the balance of its interest at the end of the month.

#### Strategic Implications

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

- ED 2.1 Plan and develop relevant aged housing suitable to meet needs of growing population.
- ED 2.3 Promote and support the availability of accommodation suitable for young people, families and retirees.



- CL 2.1 Maximise and leverage grant funding opportunities to balance and support Council investment
- CL 3.1 Participate in, and actively collaborate with, the 4WDL Voluntary Regional Organisation of Councils on resource sharing opportunities.
- CL 3.2 Foster, nurture and develop strategic alliances with local governments, major industry and government agencies.

**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 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**

**Major/Watt**

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

**Carried 7/0  
Resolution 101/18**

**8.1.2 GENERAL PROJECTS UPDATE**

<b>File Reference</b>	EDO Files	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Heidi Cowcher	11 <sup>th</sup> December 2017

**Background**

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

**Comment**

Williams Swimming Pool

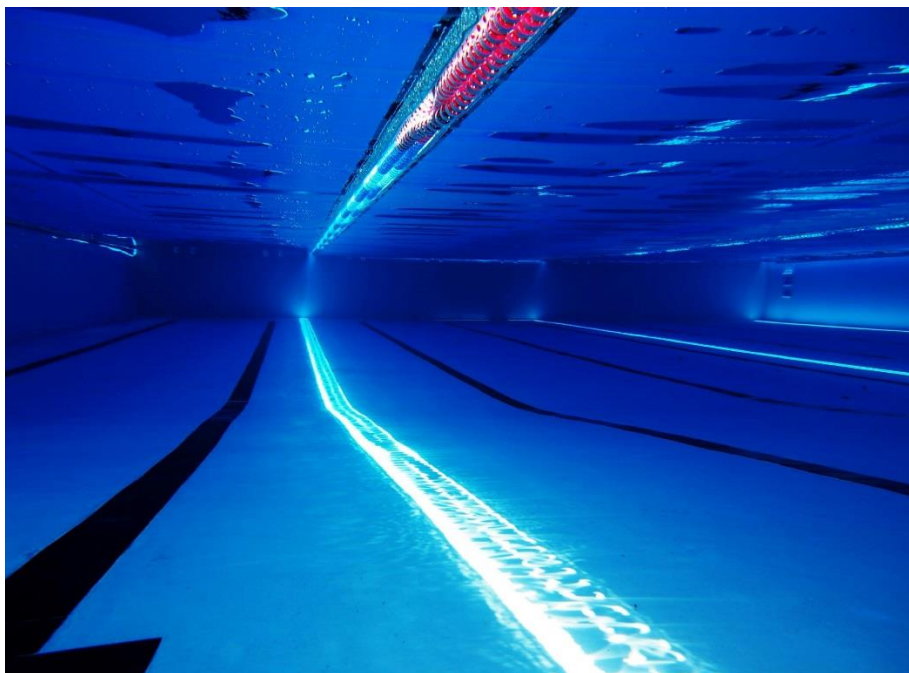
The new heat pumps are now ‘on’ and operational after a few minor setbacks with the installation (to do with the pump and attaining/maintaining correct flow rates needed). The pool is set at 26 degrees. The thermal blankets have also arrived and are installed. They work to retain the water



temperature achieved by the heat pumps operating during the day (thereby utilising the solar power generated during the day). The 'new' lane ropes have also been installed and fit with the thermal blankets so that not all have to be removed when the covers are put on the pool.

The feedback from Matt Fuller is that the blankets are a 'dream' to put on and off (compared to the old blankets).

A decision will need to be made as to whether the Shire will offer for sale the old blankets and if so, what process according to the Act, we can utilise to sell these assets off.



*Photo credit: Matt Fuller – Williams Pool under the thermal blankets*

Early morning swimming has been relatively successful so far this season, with only one morning having 2 swimmers – all the rest have had 5-10 swimmers. Early morning swimming finishes on Friday 15<sup>th</sup> December and will resume on Monday 29<sup>th</sup> January 2018 and will run to the end of February.

Williams Primary School In-term lessons will be held for 2 weeks in February. The school has requested that a 10 day series be held for the lessons, which equates to the pool being open on its scheduled closed day (Wednesday). The school also requires lessons to commence earlier than the 12noon opening time. These two additional opening times are additional charges outside of the contracted price with Contract Aquatics. This has been the case since Contract Aquatic have managed the pool, however the cost has been absorbed by the Shire and not passed onto the School as the facility user. This season we have requested the School to pay for the pool to be open on the two Wednesday's (at a cost of \$275 per day). The Shire has agreed to absorb the early opening hours on the other days (2 hours per day @ \$55 per hour over 8 days). This was in recognition that the Shire has previously paid these amounts. At other Shires where the pools are managed by Contract Aquatic, all costs incurred outside the contracted hours are paid for by the respective schools and not the local government.



### Williams Bowling Club

Williams Bowling Club have been successful in all 3 of the funding applications submitted, with the most recent (and final) announcement the *Stronger Communities Program* funding from Rick Wilson. They have been funded \$4,000 for their shade structures.

*The Williams* paper also contributed to the project, which has meant that the project is fully funded, which is a great outcome for the Club. One shade structure has been completed and they are working on the second structure currently. The third and final structure will be completed soon.



### Solar Power – Williams CRC and Childcare Centre

The Shire has been successful with funding from the *Stronger Communities Program* (Rick Wilson Federal MP funding) Round 3. Total cost for the project is \$17,809 (incl. GST). Funding of \$7,555 was secured. Sunwise will be installing the solar panels early in 2018 at Willi Wag Tails and the Community Resource Centre.

### Williams Town Hall Playground Upgrade

Feedback was collated and provided to Ecoscape at the end of November on the draft plan. They are currently finalising the Final Plan together with preparing an Option for Probable Cost. It is anticipated that this will be completed in early 2018. Funding will then need to be identified and sourced for the future implementation. The parents who initiated the project have offered to assist with identifying and sourcing funding if needed. All involved understand that implementation of this project may not occur for a couple of years, funding dependent.

### Williams Police: Community Crime Prevention Funding

Williams OIC Stephen Stingemore approached the Shire seeking assistance with the preparation of a funding application to the *2017-18 Community Crime Prevention Fund*. Many years ago, the Shire applied for funding from this fund for the installation of lighting around town, which was identified in the Community Safety and Crime Prevention Plan.

Sgt Stingemore is seeking funding totalling \$1,650 to purchase 100 padlocks that he proposes to offer rural property owners for securing access gates on rural properties. He proposes that officers will visit rural properties and provide advice on farm security, and then offer the padlocks. It is his



belief that there has been a spike in rural property theft due to property access gates being unsecured making it easily accessible for thieves to target properties. He says that rural crime will continue to be a priority for Williams Police.

The outcome of this funding request will not be known for 3-4 months. The Shire has not committed any cash to the project, just in-kind administrative support in the preparation of the funding application, administration of the funding (if successful) and then acquittal at project end. Williams Police will be responsible for the delivery of the project.

#### Williams Lions Park Redevelopment

The Shire received advice from Craig Turley at Newmont Boddington Gold that they have reviewed the Shire's funding submission for the Williams Lions Park that was submitted earlier this year and have agreed to provide funding of \$50,000 to the project.

The success of this project in attracting external funding investment is now at 100% - ie: all funding that was applied for has been successful with the full amount requested with the exception of Worsley Alumina/South 32 who offered \$20,000 when the request was \$50,000.

As this outcome has only been advised now, the budget will be reviewed to determine the allocation of Newmont's funding to a particular component of the project. This is important to ensure that they receive the most appropriate level of recognition commensurate with the level of funding secured for this project.

The Shire's cash or in-kind contribution will not alter.

As per the recommendation of the October Council meeting, the Contract with Phase 3/Emerge was drawn up less the \$50,000 as Council was not keen to provide any additional cash to the project. There is flexibility within the Contract for components to be 'added in' at a later date, either within the contact or after, if additional funds were secured.

Until such time as the Final Design Plan is provided, complete with costings, at this stage of the project delivery, we are not in a position to add any components.

However, the news is exceptionally well received and the delivery of the project will commence on a positive note in the New Year.

#### **Strategic Implications**

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

- ED 1.2            Develop and invest in the redevelopment of the Williams Lions Park.
- ED 1.5            Encourage business and community groups' initiatives to promote the Shire has a place to live, work, play and invest.
- SCD 1.1          Provide, maintain and improve community infrastructure.
- SCD 1.4          Implement strategies that will support increased usage of the Williams Recreation Ground facilities (including swimming pool).
- SCD 1.5          Continue to support and develop tourism opportunities for the Shire.



- SCD 1.6 Investigate the feasibility for the redevelopment of the Town Park, Skatepark and Cullen Park.
- SCD 2.4 Continue to promote community events, initiatives and programs.
- LUE 2.1 Provide quality amenities and accessible public open spaces for the community.
- LUE 2.2 Ensure townsite amenities are maintained and improved where required.
- LUE 3.1 Undertake energy audits and investigate alternatives energy solutions for Shire owned facilities.
- CL 2.1 Maximise and leverage grant funding opportunities to balance and support Council investment.
- CL 2.2 Maintain accountability, transparency and financial responsibility
- CL 3.2 Foster, nurture and develop strategic alliances with local government, major industry and government agencies.

### Financial Implications

Project based, budgeted for as appropriate. Funding identified and secured where appropriate.

### Voting Requirements

Simple Majority

### Officer's Recommendation

That the General Projects update be received.

### Council Resolution

#### *Harding/Carne*

That the General Projects update be received.

**Carried 7/0  
Resolution 102/18**

*Heidi Cowcher left the meeting at 1.53pm.*

*Cr Medlen entered the meeting at 1.54pm*



## 8.2 WORKS SUPERVISOR'S REPORT

The Works Supervisor, Tony Kett, attended the meeting at 1.54pm to discuss his report.

File Reference	12.15.36
Statutory Reference	N/A
Author & Date	Tony Kett 11 <sup>th</sup> December 2017

### 8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (km)
Darkan-Quindanning Rd	14
Coulter Rd	2.3
Sattler South Rd	2.1
Westmere Rd	5.1
Yarrabin Rd	4.5
Munthoola Rd	2.0
Taylor Rd	9.1
English Rd	6.5
Culbin-Boraning Rd	17.7
Zilko Rd	19.3
Waldock Rd	1.8
Norwood Rd	.8
Nash Rd	5.8
Gillett Rd	1.1
Old Soldiers Rd	3.9
Bates Rd	3.5
<b>Total Length for the Month</b>	<b>98.9 km</b>

### 8.2.2 ROAD MAINTENANCE:

- Medlen Rd – Fix road blow out.
- Clayton Rd – Replaced white posts and road signs and repaired various patches.
- York-Williams Rd – Repaired various patches.
- Marradong Rd – Repaired blow out.



### 8.2.3 2017-2018 ROAD CONSTRUCTION PROGRAM

Road Construction Program 2017-2018								
Road No	Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Start Date	Finish Date	Comments
128	Williams-Darkan Rd	Pavement stabilisation	Various SLKS					
10	Pingelly Rd	Seal to 7m	3.50	5.0	1.5 km			
1	York- Williams Rd	Reseal	3.10	6.10	3 km			
7	Clayton Rd	Seal Shoulders	0.0	2.00	2 km			
7	Clayton Rd	Widen Shoulders	2.00	4.00	2km			Completed.
11	Marradong Rd	Seal 600m. Install drainage and repair pavement failures for a further 600m.	Various slks					
12	Zilko Rd	Drainage and Seal 300 Metres over culvert	14.0	14.3	300m			
9	Dardadine Rd	Tree Trimming			4 km			
15	Glenfield Rd	Tree Trimming			4 km			
	2017 Flood Damage	Road and Culvert Repairs	Various Roads in Shire.					Started.

### 8.2.4 MECHANICAL REPORT

Plant Description		Driver	Date Purchased	Hours/Km 1 December 2017	Works Completed this month
Mazda CX5 WL 16	Light Vehicles	Cara Ryan	23 Sep 15	81,328 km	
Toyota Prado 16 WL		Geoff McKeown	10 Sep 16	44,000 km	
Holden Rodeo Dual Cab Utility WL 5499		Outside staff	5-Nov-04	253,523 km	
Holden Colorado Dual Cab WL 19		Tony Kett	11-Sep-17	8,883 km	
Kia 2 Tonne Truck WL 954		Jeff Cowan	9-Oct-07	156,265 km	
Isuzu D-Max WL 5802		Andrew Wood	5-Nov-14	105,753 km	
Isuzu 4x2 Single Cab Ute WL 916		Maintenance	25-Nov-2016	13,376 km	
Holden Rodeo Single Cab Utility WL 826		Outside works crew	20-Nov-06	121,918 km	
Isuzu 4x2 Single Cab Ute WL 915		James Lenehan	25 Nov 2016	9,449 Km	





Skid Steer Track Loader 1EVL725	Construction Equipment	Outside works crew	Sep 2015	592 hr	Replaced Hydraulic fittings.
Multipack Multi-Tyre Road Roller WL 49		Outside works crew	21-Oct-04	6,861 hr	
Vibromax Roller WL 126		Outside crew	29-Sep-04	4,448 hr	
Caterpillar 12M Grader WL 61		Richard Hewitt	Dec 2011	5,563 hr	
Caterpillar 12M Grader WL 361		Andrew Wood	15-10-2014	2,676 hr	Serviced.
721E Case Loader WL 5639		Roger Gillett	May 2012	6,527 hr	Serviced. Replaced cracked hydraulic pipe.
Volvo EC210BLC Excavator WL 499		Phil Reed	18-Jul-07	7,321 hr	Serviced.
John Deere 315SE4 Backhoe WL 745		Trevor Palframan	17-Sep-01	2,975 hr	Serviced.
Toro Reelmaster SP Mower WL 5502		Works	Aug-09	1,165hr	
Kubota Generator		Refuse Site		4,163 hr	
Toro Groundmaster 360 WL 917		Parks & Gardens	Jeff Cowan	Nov 2016	148 hr
Toro Z400 Kholer Ride on Mower WL 5302	Jeff Cowan		8-Aug-05	636 hr	
Honda TRX Four Wheel M/cycle WL 429	Jeff Cowan		20-Mar-00	1,456 hr	
Toyota DA115 Tip Truck (Water Truck) WL 595	James Lenehan		24-Aug-94	237,020 km	
Isuzu FVZ1400 Tip Truck WL 093			31-Dec-03	300,919 km	
Mercedes Benz Actross Prime Mover WL 91	Trucks & Trailers	Phil Reed	21-Dec-05	336,474 km	Serviced. Cleaned inter-cooler out.
Isuzu Giga CXZ Tip Truck WL 128		Justin Murdock	10-Dec-08	230,126 km	New brake booster. Cleaned inter-cooler out.
Isuzu NPR 300 Truck WL 016		David Munday	21-Jan-13	91,715 km	
SFM Side Tipping Trailer WL 3730		Works	21-Dec-05	154,500 km	
Howard Porter Low Loader WL ITIF 238		Works	31-Aug-07	146,500km	
Howard Porter Pig Trailer WL 3792		Justin Murdock	10-Dec-08	153,500 km	
Nissan Patrol Fire Ute 1CXV788		BFB Fast attack	2008 Received 23-Feb 2016	167,500 km?	



**8.2.5 STAFF**

- Nil to report

**8.2.6 TOWN AND FACILITIES REPORT**

- Soft fall completed at Willi Wag Tails.
- Prepared two burial sites.
- Mulched display mound opposite post office.

**8.2.7 PRIVATE WORKS**

- Nil to report

**8.2.8 WORKS SUPERVISOR REPORT ACCEPTANCE**

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

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

**Council Resolution**

***Medlen/Cavanagh***

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

**Carried 8/0  
Resolution 103/18**

*Tony Kett left the meeting at 2.13pm.*





### 8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

The Environmental Health and Building Surveyor, Gordon Tester, attended the meeting at 2.14pm to discuss his report.

#### 8.3.1 BUILDING PERMITS

**File Reference** 13.34.10  
**Statutory Reference** Building Act 2011, Building Regulations 2012  
**Author & Date** Gordon Tester 13 December 2012

**Comment**

Nil

Permit Number	Owner	Address	Description
397	Kevin and Beth Fisher	Lot 3,2 Adam Street, Williams	Steel Framed and Steel Roofed Carport
398	Norm and Judi Goodridge	Lot 332, 11 Richardson Street, Williams	Steel Framed and Steel Roofed Carport

**Voting Requirements**

Simple Majority

**Officer's Recommendation**

That Building Report as presented above be endorsed by Council.

**Council Resolution**

*Medlen/Watt*

That Building Report as presented above be endorsed by Council.

**Carried 8/0  
Resolution 104/18**



### **8.3.2 DEVELOPMENT APPLICATION – STONE RETAINER WALL, 16 GROWSE STREET, SHANE MEDLEN**

<b>File Reference</b>	10.60.15
<b>Statutory Reference</b>	Town Planning Scheme No 2, Residential Design Codes
<b>Author &amp; Date</b>	Gordon Tester                      13 December 2017

#### **Summary**

Council is requested to consider a development application from Shane Medlen to extend an existing stone retainer wall fitted with a Colorbond metal boundary fence at the rear of his property at 16 Growse Street in order to facilitate a future extension to the existing residence.

This matter is referred to Council as the proposed retainer wall is greater than 500mm in height above natural ground and is to be placed on the boundary to retain approximately a 1000mm excavation below natural ground level.

#### **Background**

Council received an application for development from Mr Shane Medlen on 13 December 2017 to extend an existing retainer wall at the rear of his property at Lot 450, 16 Growse Street in the Williams Town site.

The lot is zoned Residential R20 and is 1,518m<sup>2</sup> in area and currently features an established residence and shed and the lot is fully serviced.

The purpose of the retainer wall is to allow the rear of the lot adjacent the existing house to be excavated to the same level as the rear of the residence prior to constructing an addition to the residence in this area.

#### **Consultation**

The adjoining neighbours at 14 Growse Street have been consulted and have indicated in writing that they have no objection to this proposal

#### **Statutory Environment**

The Residential Design Codes states the following:

##### ***Design principles***

*Development demonstrates compliance with the following design principles (P)*

##### **5.3.8 Retaining walls**

*P8        Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.*

This retainer wall will be used for the benefits of the residents and will not detrimentally affect adjoining properties. The natural stone effect of the proposed wall will form part of the landscaping of the rear yard.

Generally a retainer wall of the length of the existing wall plus the new section would require being setback one metre from the boundary. This is not a reasonable thing to require in this situation as the existing wall is already on the boundary and is acceptable to both neighbours.

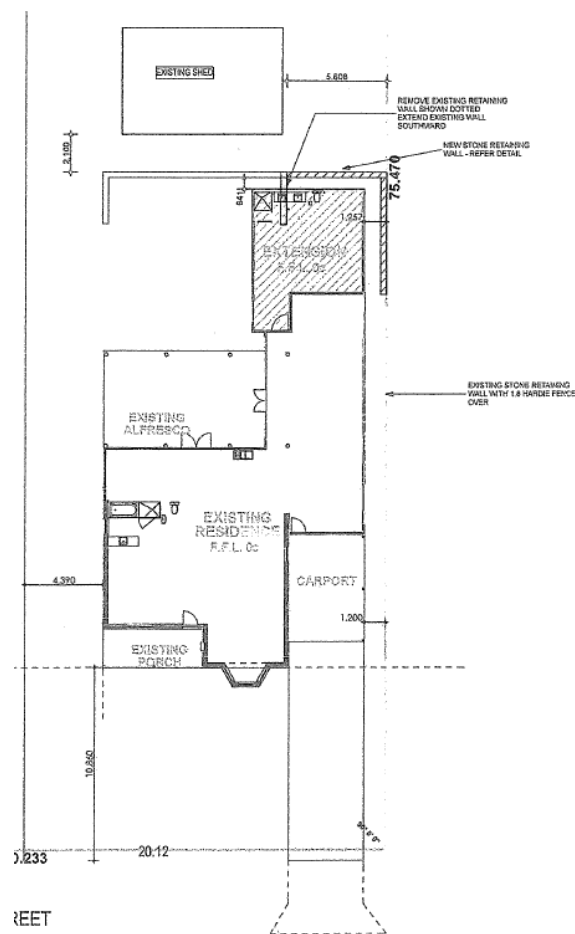
**Comment**

The proposed retainer wall will form an extension of the existing retainer wall on the side boundary between 14 and 16 Growse Street and at the front of the existing shed on 16 Growse Street, and in the case of side boundary wall will also support a Colorbond boundary fence.

As the owners of the neighbouring property are in agreeance with this proposal and the excavation at the rear of 16 Growse Street will be essential to construct an addition at the same floor level as the existing house on 16 Growse Street, it is recommended that Council approve of the concept of retaining an approximate 1,000mm excavation on the boundary of 14 and 16 Growse Street and partially within 16 Growse Street.

The following photos show the existing retaining wall in-situ and the design drawing highlights the location of the proposed new retaining wall.





**Voting Requirements**  
Simple Majority

**Officer’s Recommendation**  
That Council approve of the concept of an excavation and retainer wall within the rear yard of 16 Growse Street being installed in accordance with approved plans submitted by Shane Medlen that extends the existing retaining wall and fence on the boundary of 14 and 16 Growse Street and partially within the rear yard of 16 Growse Street.

**Council Resolution**  
*Major/Cavanagh*  
That Council approve of the concept of an excavation and retainer wall within the rear yard of 16 Growse Street being installed in accordance with approved plans submitted by Shane Medlen that extends the existing retaining wall and fence on the boundary of 14 and 16 Growse Street and partially within the rear yard of 16 Growse Street.

**Carried 8/0**  
**Resolution 105/18**

*Gordon Tester left the meeting at 2.31pm.*



## 8.4 CHIEF EXECUTIVE OFFICER'S REPORT

### 8.4.1 CHIEF EXECUTIVE OFFICER'S GENERAL REPORT

<b>File Reference</b>	4.1.20
<b>Statutory Reference</b>	N/A
<b>Author &amp; Date</b>	Geoff McKeown 14 <sup>th</sup> December 2017
<b>Attachment</b>	Nil

#### Background

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

#### Comment

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

#### Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):  
CL 2.2 Maintain accountability, transparency and financial responsibility.

#### Financial implications

Nil

#### Voting Requirements

Simple Majority

#### Officer's Recommendation

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

#### Council Resolution

##### *Cavanagh/Watt*

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

**Carried 8/0**  
**Resolution 106/18**



#### 8.4.2 CORPORATE CREDIT CARD POLICY

<b>File Reference</b>	4.1.10
<b>Statutory Reference</b>	Section 6.10 <i>Local Government Act 1995</i> and regulation 5 <i>Local Government (Financial Management) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown      22 <sup>nd</sup> November 2017
<b>Attachments</b>	Nil

#### Background

Following completion of the audit of the Financial Report for the previous financial year, the Shire's Auditor recommended that a Credit Card Policy be adopted by Council.

#### Comment

Contained in the Auditor's Management Letter are the following comments in relation to Shire Credit Cards:

##### *Findings:*

We note the Shire has implemented control procedures to ensure credit card transactions are reviewed and approved prior to payment. However, from a review of credit card transactions, it appears these control procedures have not been consistently carried out throughout the year. While we do not note or suspect any instances of fraud in relation to credit cards, a lack of review or approval prior to payment increases the risk of non-business expenditure occurring.

##### *Recommendation:*

We recommend Council implements a Credit Card policy to outline the specific review and approval process in relation to credit card transactions.

##### *Management Comment:*

The Shire agrees with the recommendation that a Credit Card policy needs to be implemented. The Manager of Finance and the Chief Executive Officer are required to complete a declaration, which is then entered and checked by the Accounts Payable Officer. These declarations and the Credit Card statement are then presented to Council.

A draft Policy has been prepared. Council is asked to review the wording of the draft Policy below and approve it for inclusion in the Shire's Policy Manual.



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**Corporate Credit Card Policy**

Policy: **Aim:**

The aim of the Shire of Williams' Corporate Credit Card Policy is to establish rules for their use and the responsibilities of cardholders using the Shire's corporate credit cards. The policy ensures that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

Objectives: **Purpose:**

Authority for Use of Corporate Credit Cards

Shire of Williams Corporate Credit Cards may be issued to the Chief Executive Officer and Manager of Finance where it is inappropriate or inconvenient to use the Shire's normal payment systems.

Authority for Approval of Corporate Credit Cards

The Council must approve the issue of a credit card to the Chief Executive Officer and Manager of Finance. The following limits to apply –

\$5,000 Chief Executive Officer

\$5,000 Manager of Finance

The *Local Government Act 1995* does not allow for the issue of Credit Cards to elected members of Local Governments. Councillors are entitled to allowances or the reimbursement of expenses incurred on Council business.

Legislation

The *Local Government Act 1995* does not specifically mention the use of Corporate Credit Cards by officers in a Local Government. However, Section 6.5(a) of the Act requires the CEO to ensure that proper accounts and records of the transactions and affairs of the Local Government are kept in accordance with regulations. In addition, the Local Government (Financial Management) Regulation 11(1)(a) requires Local Government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

Purchases and Use of Corporate Credit Cards

The Shire's Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Tax Invoices are required to support all purchases. If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required, (i.e. Date, Company, Address, ABN, amount, any GST included).





Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of Williams employees in that number. This is required to ensure the Shire pays the correct amount of Fringe Benefits Tax.

#### Accounts and Settlement

The provider of the credit card will supply the Shire with a statement on each card each month. This statement will be forwarded to each cardholder for certification and the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained. The Chief Executive Officer will approve the expenses by signing the statement and in the case of the Chief Executive Officer, the statement must be signed by the Shire President.

The credit shall be linked to Council's Municipal bank account and a recoup of expenditure be made, on a monthly basis, via funds transferred from the Shire of Williams Municipal Account.

#### Card Lost or Stolen

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing Bank by telephone. At the earliest opportunity, written notification must also be given to the Manager Finance Services so that the cancellation of the card may be confirmed and a reconciliation of the card account from the date the card was lost or stolen may be performed.

#### Misuse of Corporate Credit Cards

Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder.

#### Recovery of Unauthorised Expenditure

Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary.

#### Internal Audit of the Corporate Credit Card System

The Chief Executive Officer will monitor the use of all credit cards and the adherence to the policy and procedures.

#### Reward/Bonus Points

Where the Corporate Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points will be accumulated in the name of the Shire of Williams. The Chief Executive Officer will decide how these points are to be utilised and may include a charitable, social or sporting distribution. Under no circumstances are rewards or bonus points to be redeemed for an officer's private benefit.

#### Return of Cards

When the Chief Executive Officer or other officer cease to occupy a position that is authorised to be issued with a corporate credit card they must return the card to the Manager of Finance at least one week prior to vacating the position so that the card may be cancelled and the account settled.





#### Manager of Finance Responsibilities

The Manager of Finance is responsible for arranging the issue of the Corporate Credit Card, following approval by Council, on advice from the CEO.

The Finance and Corporate services section responsibilities in relation to the Shire's Corporate Credit Cards include:-

1. Maintain a Card Register of all cardholders.
2. Arrange the issue/cancellation of the Corporate Cards.
3. Arrange for all cardholders to sign the Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed with the Card Register.
4. Verify payment of card expenditure on receipt of the card statement from the Bank after certification from the cardholder. Ensure that all receipts and tax invoices are in place prior to authorisation for payment.
5. To keep cardholders informed of any changes to policy and procedures on the use of the Corporate Cards.

#### Cardholders Responsibilities

Officers who are issued with Corporate Cards must -

- (i) Ensure the care and safe keeping of the card.
- (ii) Adhere to the policy and procedures in relation to use of the card and its financial limits.
- (iii) Ensure receipts and tax invoices are received when the card is used and to produce them as evidence for settlement with the Bank.
- (iv) Ensure the monthly card statement is certified correct and approved for payment when received from the Finance and Corporate Services section and return to the Finance and Corporate Services section together with the receipts and tax invoices.
- (v) To provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.

History: Adopted 20<sup>th</sup> December 2017

Review: CEO



**Appendix A**

To: \_\_\_\_\_

Title: \_\_\_\_\_

From: Manager of Finance

Date: \_\_\_\_\_

**CORPORATE CARD USER INSTRUCTIONS**

You have been provided with a Shire of Williams sponsored Corporate Card in line with your official duties. The limit of this card is \$\_\_\_\_\_.

The following guidelines are provided for your information.

1. The card is issued in your name. It is a corporate card and all transactions made with it are the responsibility of the Shire of Williams.
2. The card is to be used for official expenditure in the performance of official duties for which there is Budget provision. Under no circumstances is it to be used for personal or private purposes.
3. Being in your name, you are responsible for the care and safe keeping of the card and therefore held accountable to the Shire for its proper use.
4. The card is not to be used to withdraw cash even for official functions.
5. Any unauthorised, excessive or unreasonable use of the card will result in an enquiry and appropriate disciplinary action.
6. When using the card, the holder is required to obtain Tax Invoices to support all purchases. A credit card statement or credit card transaction slip is not acceptable as support for purchases. (Only a Tax Invoice allows the Shire to reclaim the GST component of purchases from the Australian Taxation Office). A Tax Invoice should provide a description of the goods or services supplied, the suppliers Australian Business Number, and identifies any GST component of the amount paid.
7. When a Statement of Account is provided, you are required to certify the correctness of the expenditure and return the Statement to the Finance and Corporate Services section together with all supporting Tax Invoices.
8. If the card is lost or stolen, you must immediately notify the ANZ by phone on 1800 033 844. The Manager of Finance should be notified on the next working day.
9. The card must be returned to the Shire via the Manager of Finance if you vacate the position. This must be done one week prior to your last working day so the card can be cancelled and accounts settled.
10. Please acknowledge the above by signing and returning the duplicate copy of this statement to the Manager of Finance.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title



**Strategic Implications**

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

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

**Financial Implications**

Adoption of the policy will ensure that operational and administrative costs, and the risks associated with credit card use, are minimised.

**Voting Requirements**

Simple Majority

**Officer’s Recommendation**

That Council adopt the draft Corporate Credit Card Policy and include it in the Shire of Williams Policy Manual. Further, and in accordance with the adopted Policy, approval is granted to the Chief Executive Officer and Manager of Finance to be issued with a Shire Credit Card, each having a \$5,000 limit.

**Council Resolution**

***Carne/Cavanagh***

That Council adopt the draft Corporate Credit Card Policy and include it in the Shire of Williams Policy Manual. Further, and in accordance with the adopted Policy, approval is granted to the Chief Executive Officer and Manager of Finance to be issued with a Shire Credit Card, each having a \$5,000 limit.

**Carried 8/0  
Resolution 107/18**



### 8.4.3 2017 – COUNCIL MEETING DATES

<b>File Reference</b>	4.1.20
<b>Statutory Reference</b>	Section 5.25(g) - <i>Local Government Act 1995</i>
<b>Author and Date</b>	Geoff McKeown      30 <sup>th</sup> November 2017
<b>Attachment</b>	Nil

#### Background

To provide suggested dates for Council approval for meeting dates in 2018 to enable public advertising as required by the *Local Government Act 1995*.

#### Comment

Below is a draft schedule of proposed dates for Council Meetings for 2018 which are set for the third Wednesday of each month, except January:

- Wednesday – 21<sup>st</sup> February
- Wednesday – 21<sup>st</sup> March
- Wednesday - 18<sup>th</sup> April
- Wednesday - 16<sup>th</sup> May
- Wednesday – 20<sup>th</sup> June
- Wednesday - 18<sup>th</sup> July
- Wednesday - 15<sup>th</sup> August
- Wednesday - 19<sup>th</sup> September
- Wednesday – 17<sup>th</sup> October
- Wednesday – 21<sup>st</sup> November
- Wednesday - 19<sup>th</sup> December

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

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

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

#### Strategic Implications

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



CL 1.2 Ensure the community remains well informed, well connected and engaged and has the opportunity to actively participate

**Financial Implications**

Nil

**Voting Requirements**

Simple Majority

**Officer's Recommendation**

That Council:

1. Adopts the meeting schedule for the period January 2018 to December 2018 as listed; and
2. Advertise the meeting dates in accordance with Section 5.25 of the *Local Government Act 1995* and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

**Council Resolution**

**Harding/Major**

That Council:

1. Adopts the meeting schedule for the period January 2018 to December 2018 as listed; and
2. Advertise the meeting dates in accordance with Section 5.25 of the *Local Government Act 1995* and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

**Carried 8/0  
Resolution 108/18**

**8.4.4 DELEGATIONS REGISTER REVIEW**

<b>File Reference</b>	4.50.60
<b>Statutory Reference</b>	Section 5.42 <i>Local Government Act 1995</i>
<b>Author and Date</b>	Geoff McKeown 29 <sup>th</sup> November 2017
<b>Attachment</b>	Appendix 1 – Delegations Register

**Background**

Pursuant to section 5.42 *Local Government Act 1995*, the Council has the power to delegate authority to the Chief Executive Officer.

Council can delegate to the CEO, by an absolute majority resolution, the exercise of any of its powers or the discharge of any of its duties from time-to-time and in such manner as the Council determines, excepting certain limitations as outlined below. The CEO has the power to on-delegate to other staff members in accordance with section 5.44 *Local Government Act 1995*.

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

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



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

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

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

There is a requirement under the LGA that all delegations made must be reviewed annually. The opportunity is also taken to review all other delegations to staff provided under alternative legislation. Various other acts such as the *Bush Fires Act 1954* and the *Building Act 2011* allow for delegations to local government officers by Council.

The Shire of Williams delegations were last reviewed and adopted by Council on the 15<sup>th</sup> March 2017 (Council decision number 172/17).

### **Comment**

A review of the delegations by Council has been undertaken by the CEO.

The attached Delegations Register consists of delegations from Council to the CEO under the Act, and delegations from Council to the CEO and other staff under other acts. Each delegation provides information on the respective head of power in the Delegation Register (**Appendix 1**).

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

### **Strategic Implications**

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

CL 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans

CL 2.2 Maintain accountability, transparency and financial responsibility

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



### Financial Implications

Nil

### Voting Requirements

Absolute Majority

#### Officer's Recommendation

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

1. Delegates to the CEO under s5.42 *Local Government Act 1995*, the exercise of the powers and the discharge of any of its duties under the Act, effective immediately, as listed in the Delegations Register (Appendix 1)
2. Revokes any previous delegations.

#### Council Resolution

##### **Medlen/Major**

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

1. Delegates to the CEO under s5.42 *Local Government Act 1995*, the exercise of the powers and the discharge of any of its duties under the Act, effective immediately, as listed in the Delegations Register (Appendix 1)
2. Revokes any previous delegations.

**Carried 8/0  
Resolution 109/18**

### 8.4.5 IPAD/TABLET POLICY

<b>File Reference</b>	4.1.10
<b>Statutory Reference</b>	Sections 3.58, 5.50 and 5.100A <i>Local Government Act 1995</i> and regulation 30 <i>Local Government (Financial Management) Regulations 1996</i> and regulations 19A and 34AC <i>Local Government (Administration) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown 30 <sup>th</sup> November 2017
<b>Attachment</b>	Appendix 2 - draft iPad/Tablet Policy

#### Background

The Budget for this financial year included the purchase of new iPad/Tablets. The recent purchase of these items coincided with the appointment of newly elected Councillors. It is timely that Council adopt a policy that details their use and ultimate disposal.

#### Comment

A draft Policy has been prepared and is attached for consideration (Appendix 2). Council is asked to review the wording of the draft Policy and approve it for inclusion in the Shire's Policy Manual.



The Shire's initial purchase of iPad/Tablets was in August 2012, when Council decided to go 'paperless' for distribution of agendas, minutes and other documents for Council meetings. Some of these iPads/Tablets have been experiencing problems, particularly battery life, hence the need to replace them.

The draft Policy outlines a number of key points, including:

- The iPad/Tablets are the property of the Shire;
- Direction are given on their usage;
- Councillors and employees can contribute to model options in excess of the standard model supplied; and
- How they can be disposed of at the cessation of a Councillor's term, or termination of employment by an employee.

With regard to the last point above, the *Local Government Act 1995* and regulations outline the manner in which property can be disposed of.

If Council wishes to gift an iPad/Tablet to a departing Councillor a number provisions of legislation apply. Regulation 30 of the *Local Government (Functions and General) Regulations 1996* includes that a disposition of property, other than land, is exempt from the need to follow to the disposal of property provisions of the *Local Government Act 1995*, if its market value is less than \$20,000.

Individually the value of these items, at the time of purchase, is less than \$1,000 and after several years of use a depreciated value in the hundreds, if that. It follows that the value of the iPad/Tablet to be gifted will be determined on its depreciated value.

In addition to prescribing the value of a gift, the *Local Government Act 1995* also includes direction to Council on the prescribed circumstances in which a gift may be given. Section 5.100A of the Act states:

**5.100A. Gifts to council members**

A local government cannot give a gift to a council member unless —

- (a) the gift is given in prescribed circumstances; and
- (b) the value of the gift is less than a prescribed amount.

The prescribed circumstances referred to in the Act are outlined in the *Local Government (Administration) Regulations 1996*. Regulation 34AC states:

**34AC. Gifts to council members, when permitted etc. (Act s. 5.100A)**

- (1) The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.
- (2) The amount of \$100 for each year served as a council member to a maximum of \$1 000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in subregulation (1).





Where an employee is terminating their employment and the Council considers gifting an iPad/Tablet to that employee, the value of that gift is to remain within the limits of the adopted policy. The current policy states:

**7.5 Gratuities – Payments to terminating employees in addition to contract or award**

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

- a) The Shire of Williams will only pay a gratuity to those employees whose employment with the Shire is finishing.
- b) The gratuity will not exceed \$1,000 in total.
- c) The gratuity may be in cash or as a gift.
- d) 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 s.5.50 (2).

It is recommended that Council adopt the draft Policy and endorse the circumstances where iPad/Tablets will be gifted to three past Councillors whose terms ceased at the 2017 Local Government Election.

**Strategic Implications**

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

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

**Financial Implications**

The depreciated value of three iPads is estimated at approximately \$289 each, based on a 20% depreciation rate calculated using the diminishing value method.

**Voting Requirements**

Simple Majority

**Officer’s Recommendation**

That Council:

- 1. adopt the draft iPad/Tablet Policy and include it in the Shire of Williams Policy Manual; and
- 2. approve the gifting of three second hand iPads to three past Councillors whose terms ceased at the 2017 Local Government Election.



**Council Resolution**

**Medlen/Baker**

That Council:

1. adopt the draft iPad/Tablet Policy and include it in the Shire of Williams Policy Manual; and
2. approve the gifting of three second hand iPads to three past Councillors whose terms ceased at the 2017 Local Government Election.

**Carried 8/0  
Resolution 110/18**

**8.4.6 UNNAMED ROAD – OFF PIG GULLY ROAD**

<b>File Reference</b>	12.15.36
<b>Statutory Reference</b>	Schedule 9.1(5) of the <i>Local Government Act 1995</i> and Regulations 9 and 10 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown 11 <sup>th</sup> December 2017
<b>Attachment</b>	Nil

**Background**

At the November 2017 Ordinary Meeting the Council considered a request from William Higham to support the permanent closure of an unnamed section of road of Pig Gully Road, or incorporate it into the Shire’s road inventory for future management. Currently the road, as shown on the plan below, is being maintained by the Higham Family.





At the November 2017 Ordinary Council Meeting the following resolution was passed:

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

*That Council initiate the permanent closure of a section of unnamed road reserve, extending in an easterly direction from Pig Gully Road for approximately 1.63km, subject to support for the action being obtained from landowners with property adjacent to the road reserve.*

**Carried 9/0**  
**Resolution 93/18**

**Comment**

There are two property owners that have access to this section of road reserve, in addition to the Higham Family. They were advised of the proposed closure and asked to comment prior to further action being undertaken. The following responses were received:

Adjacent Landowner Submission	Comment
Landowner Submission 1	I support the closure of Unnamed road off pig gully road. There has been theft of equipment and suspected sheep theft in the Darkan/Williams area, I believe the road should be closed or locked for local use/fire emergency use.
Landowner Submission 2	<p>The road reserve is on the northern boundary of our property at 1086 Pig Gully Road.</p> <p>It is a reserve that was originally part of our property prior to the English family requiring the road be formed to access a property they acquired on our north western corner (now owned by Colin Houghton).</p> <p>It is a road that we do use occasionally to access the north eastern corner of this farm.</p> <p>In winter this is the only way we can access our land to the north east of Wild Horse creek.</p> <p>We certainly need to ensure we can continue to have both use and access to the road for the effective management of our property</p> <p>We believe we can apply to install gates at the intersection of Pig Gully road and would be keen to implement this to help with security and ensure only authorised users access this road.</p> <p>In addition we would be keen to install gates on the western side of the intersection of the road and Pig Gully road for the same reason.</p>

Given one of the property owners will be negatively impacted by the closure, Council may wish to consider the alternative option to deal with this matter. That being to:

1. Accept responsibility for the future maintenance and renewal of the unnamed section of road reserve;
2. Install a 'No Through Road' sign at the commencement of the road; and
3. Initiate a process to have the road named and included on the Shire's road inventory.

The Chief Executive Officer and the Works Supervisor visited the location and reviewed the condition of the road. At the moment the road is in good condition, having been graded recently. The lower part of the road does need upgrading as access during wetter periods would be challenging.

The section road reserve is approximately 1.63km long and the photos below show the formation of the road (Fig 1) and the three barrel culvert where the road crosses Wild Horse Creek (Fig 2).



Fig 1



Fig 2

Through this consultation phase all property owners have raised the possibility of gates being installed across this road, both east and west of the Pig Gully Road intersection.

Schedule 9.1(5) of the *Local Government Act 1995* gives power to a local government to grant approval for a gate to be placed across a road. The legislation states:





**5. Gates across public thoroughfares**

- (1) Regulations may be made under which a local government may authorise a person to have across a public thoroughfare that is under its control or management a gate or other device that enables motor traffic to pass and prevents the straying of livestock.
- (2) Regulations may include provisions for ensuring that a gate that has been placed across a public thoroughfare with the authority of a local government is not left open.

Regulations 9 and 10 of the *Local Government (Uniform Local Provisions) Regulations 1996* detail the process to be used by a local government to grant permission for a gate. It is primarily for the purpose of preventing the straying of livestock, but also acts as a practical deterrent for people who have not valid reason to use the road. It is a useful tool for property owners to control access to road reserves that are not part of the regular road network.

The wording in the regulations states:

**9. Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)**

- (1) A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
- (2) The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit.
- (3) Permission granted by the local government under this regulation —
  - (a) must be in writing; and
  - (b) must specify the period for which it is granted; and
  - (c) must specify each condition imposed under subregulation (4); and
  - (d) may be renewed from time to time; and
  - (e) may be cancelled by giving written notice to the person to whom the permission was granted.
- (4) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, conditions on the construction, placement and maintenance of the gate or other device across the public thoroughfare.
- (5) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.
- (6) The local government may at any time, by written notice given to the person to whom permission was granted under this regulation, cancel the permission and request the person responsible for the gate or other device to remove it within a time specified in the request.
- (7) A person to whom a request is made under subregulation (6) must comply with the request.

Penalty: a fine of \$5 000.



- (8) A local government must keep a register of gates and other devices constructed in accordance with a permission granted under this regulation.

**10. Gate across thoroughfare not to be left open — Sch. 9.1 cl. 5(2)**

A person who is responsible for a gate registered under regulation 9(8) must ensure that the gate is not left open.

Penalty: a fine of \$1 000.

It is recommended that permission be given to place a gate across the western section of this unnamed road, where it intersects with Pig Gully Road, as this has support of all the property owners.

If Council includes the eastern part of the unnamed road into the Shire's road network it is not recommended that a gate permit be issued for this section. As this is used for normal farming operations and regular movement of vehicles, it is unlikely that a gate permit option would be of benefit. A 'No Through Road' sign can be placed at the intersection to indicate that the road does not continue.

**Strategic Implications**

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

- LUE 4.1 Strive for high-quality, well-constructed and maintained local road network
- LUE 4.2 Ensure adequate and appropriate drainage is considered in all road upgrades and maintenance for both town and rural roads

**Financial Implications**

Adding additional roads to the overall network will increase the cost of maintenance and renewal. This is partially offset by road grants based on the extent of the road network.

**Voting Requirements**

Simple Majority

**Officer's Recommendation**

That Council:

1. accept responsibility for the future maintenance and renewal of an unnamed section of road reserve, extending in an easterly direction from Pig Gully Road for approximately 1.63km;
2. install a 'No Through Road' sign at the commencement of the road;
3. initiate a process to have the road named and included on the Shire's road inventory; and
4. on application from an adjoining property owner, issue a permit for the installation of a gate across the road reserve that runs west from Pig Gully Road and north of Wellington Location 4791.



**Council Resolution**

**Medlen/Baker**

That Council cease to pursue the permanent closure of a section of unnamed road reserve extending in an easterly direction from Pig Gully Road for approximately 1.63km, as support for the action has not been obtained from all landowners with property adjacent to the road reserve. Further, Council will approve, on application, the issue of permits to install gates across the road reserve where it intersects east and west of Pig Gully Road in accordance with Schedule 9.1(5) of the *Local Government Act 1995* and Regulations 9 and 10 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

**Carried 8/0  
Resolution 111/18**

*The resolution differed from the recommendation as Council did not wish to continue with the permanent closure of a section of the unnamed road reserve, due to support not being obtained from all adjacent landowners. Further, it wished to offer the landowners the option of a permit to install a gate across the unnamed road reserve.*

**Afternoon Tea**

The President adjourned the meeting for afternoon tea at 3.24pm and the meeting resumed at 3.50pm.

**8.4.7 THIRD PARTY APPEAL RIGHTS IN PLANNING**

<b>File Reference</b>	10.60.10
<b>Statutory Reference</b>	<i>Planning and Development Act 2005</i>
<b>Author &amp; Date</b>	Geoff McKeown      5 <sup>th</sup> December 2017
<b>Attachment</b>	Appendix 3 - WALGA - Outcome of Consultation – Third Party Appeal Rights in Planning

**Background**

The Western Australian Local Government Association (WALGA) is seeking responses from local governments on the subject of Third Party Appeal Rights in Planning.

WALGA undertook consultation through a number of workshops and a webinar following a decision by the WALGA State Council to undertake research on the subject. A consultation paper has been prepared and a copy is attached for reference (Appendix 3).

Third Party Appeal Rights do not exist under current State legislation, being the *Planning and Development Act 2005*. Therefore only parties with a direct interest in the development



application can appeal a planning decision. They are the applicant/property owner and the responsible planning authority.

### Comment

The consultation paper distributed by WALGA proposed four options. The WALGA State Council has noted that there is increased support for the introduction of some form of Third Party Appeal Rights. However, if introduced, WALGA believes it should include criteria that:

- Ensures that appeals are only made on valid planning grounds and are not made for commercial or vexatious reasons.
- Limits Third Party Appeal Rights to those parties which previously made a submission on that development application during the advertising period.
- Require a short window in which to appeal (for example 14 days).

As a result of the feedback from the workshops and webinar WALGA has developed the following options:

#### 1. **Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels:**

Under this system, third party appeals would be broadly similar to the New South Wales system whereby appeal rights are limited to uses such as major developments where the development is high impact and possibly of state significance. This would include the ability to appeal amendments to an existing approval.

#### 2. **Support the introduction of Third Party Appeal Rights for decisions where *discretion* has been exercised under the R-Codes, Local Planning Policies and Local Planning Schemes:**

Under this system, third party appeals would be broadly similar to the Tasmanian system whereby third party appeals are limited to development applications where discretion has been exercised. This would include the ability to appeal an amendment to an existing approval.

#### 3. **Support the introduction of Third Party Appeal Right against development approvals:**

Including all development application approvals made by Local Governments, JDAPs and the Perth DAP, MRA or WAPC. This would include appeal rights for affected neighbours and community groups for applications and the ability to appeal amendments to an existing approval.

#### 4. **Support the introduction of Third Party Appeal Rights against development approvals and/or the conditions or absence of conditions of an approval:**

Under this system, third party appeals would be broadly similar to the Victorian system whereby the provisions of third party appeal rights cover most development applications and the use of, or lack of, any conditions being imposed. This would include the ability to appeal an amendment to an existing approval.

#### 5. **Other**

As a range of options were provided by members, any alternate versions to the above, or combination of the above could be proposed, including maintaining WALGA's current policy position of not supporting Third Party Appeal Rights.





Based on the outcomes of the workshops, the Association is requesting that members consider the following as the preferred model (Option 1) for Third Party Appeal Rights in Planning in Western Australia:

***Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels***

#### **Strategic Implications**

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

CL 1.2 Ensure the community remains well informed, well connected and engaged and has the opportunity to actively participate

#### **Financial Implications**

Nil

#### **Voting Requirements**

Simple Majority

#### **Officer's Recommendation**

That Council advise WALGA that in responding to its consultation process, the Shire of Williams supports the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels.

#### **Council Resolution**

##### ***Cavanagh/Medlen***

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

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

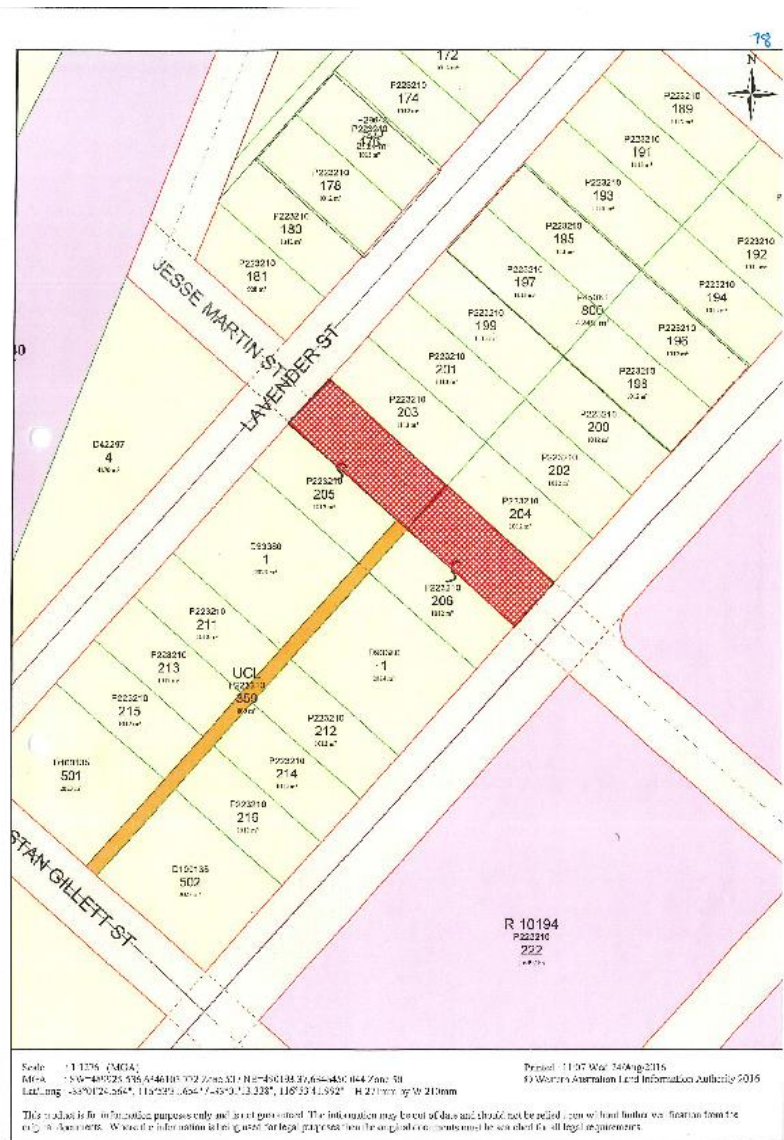
*The resolution differed to the recommendation as Council wished for no change to the legislation relating to Third Party Appeal Rights in planning decisions.*

#### **8.4.8 RENAMING OF JESSE MARTIN STREET**

<b>File Reference</b>	12.15.38	
<b>Statutory Reference</b>	Nil	
<b>Author &amp; Date</b>	Geoff McKeown	7 <sup>th</sup> December 2017
<b>Attachment</b>	Nil	

### Background

The formal closure of a section of Jesse Martin Street is reaching its conclusion. The plan below shows the section of Jesse Martin Street that has now been closed with the land joined to Lots 205 and 206. Landgate has requested advice from the Shire regarding the future street name(s) for the balance of Jesse Martin Street.



### Comment

Landgate has suggested two options for the naming of the sections of road reserve not impacted by the closure. Those options are:

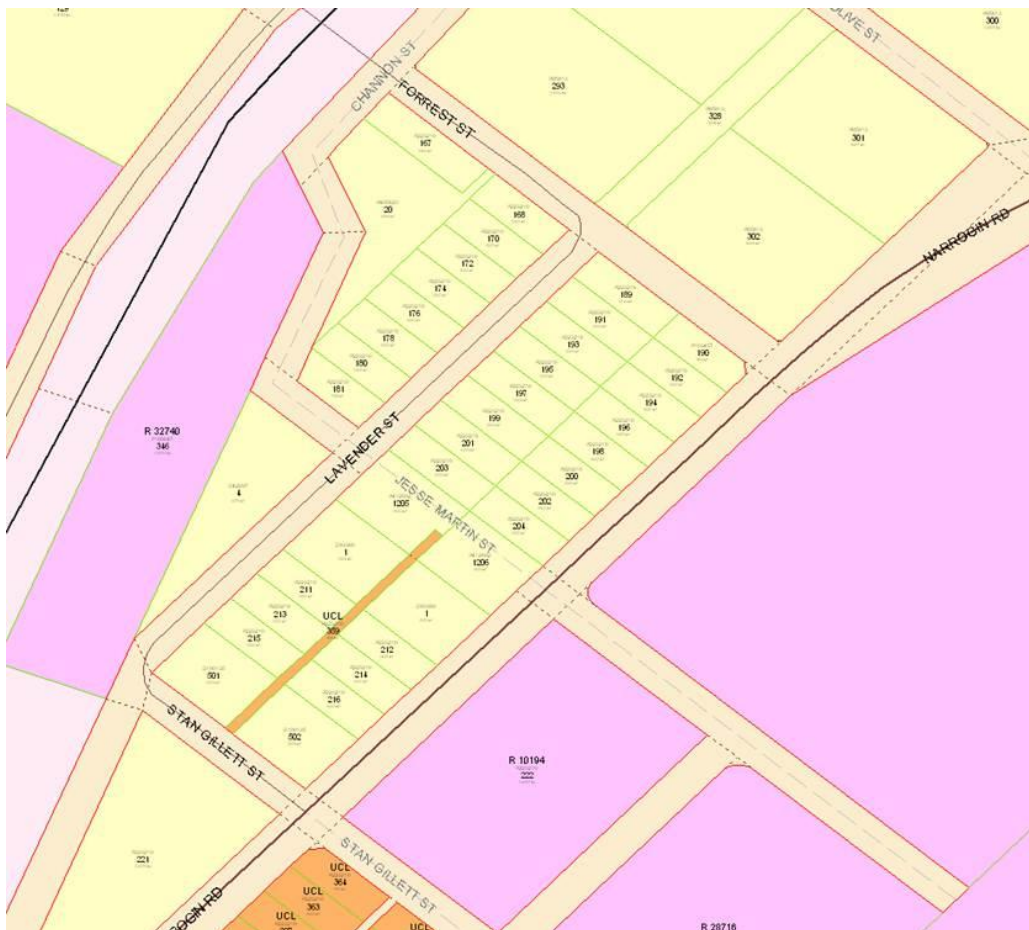
#### Option 1:

Extend Channon Street to Lavender Street and rename the northern portion of Jesse Martin Street and unname the portion between Lavender Street and Narrogin Road. This would leave the southern portion named Jesse Martin Street.

**Option 2:**

Extend Channon Street to Lavender Street and rename the northern portion of Jesse Martin Street and then unname the remaining portion of Jesse Martin Street.

Option 1 allows for the retention of the name 'Jesse Martin' in the Shire's road name inventory, albeit that the remaining section south of the Narrogin Road is not a constructed road at this stage. It is used as access to the Water Corporation Pumping Station. The map below shows the full extent of the southern section.



**Strategic Implications**

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

SCD 3.1 Advocate and support initiatives that will develop and celebrate the cultural heritage of the Shire

**Financial Implications**

Nil

**Voting Requirements**

Simple Majority



**Officer’s Recommendation**

That Council advise Landgate that it supports:

1. the renaming of streets in the Williams Townsite to extend Channon Street to Lavender Street, thereby renaming the northern portion of Jesse Martin Street;
2. unnamng the portion of Jesse Martin Street between Lavender Street and the Narrogin Road; and
3. retaining the name Jesse Martin Street for the portion of the road reserve south of the Narrogin Road.

**Council Resolution**

***Carne/Harding***

That Council advise Landgate that it supports:

1. the renaming of streets in the Williams Townsite to extend Channon Street to Lavender Street, thereby renaming the northern portion of Jesse Martin Street;
2. unnamng the portion of Jesse Martin Street between Lavender Street and the Narrogin Road; and
3. retaining the name Jesse Martin Street for the portion of the road reserve south of the Narrogin Road.

**Carried 8/0  
Resolution 113/18**

*Council resolved to defer consideration of the following items, until the February 2018 Ordinary Meeting of Council.*

- 8.4.9 – *Review of Code of Conduct*
- 8.4.10 – *Review of Purchasing Policy*
- 8.4.11 – *Regional Price Preference Policy*

**8.4.9 REVIEW OF CODE OF CONDUCT**

<b>File Reference</b>	4.1.10
<b>Statutory Reference</b>	Section 5.103 <i>Local Government Act 1995, Local Government (Administration) Regulations 1996 and Local Government (Rules of Conduct) Regulations 2007</i>
<b>Author &amp; Date</b>	Geoff McKeown 7 <sup>th</sup> December 2017
<b>Attachment</b>	Appendix 4 - WALGA Model Code of Conduct

**Background**

The Public Sector Commission recommends that local government conduct regularly reviews of their Code of Conduct to ensure it continues to address current and emerging conduct risks. It may not be necessary to update the Code of Conduct at every review but the process itself helps to ensure the document remains relevant and does not become outdated.



**Comment**

It is timely that Council review its Code of Conduct which is included in the Shire’s Policy Manual. It is also relevant at this time as newly elected Councillors made declarations on taking office that they will observe the *Local Government (Rules of Conduct) Regulations 2007* in undertaking their role.

It is recommended that a new Code of Conduct be adopted to replace the current wording in the Policy. The Western Australian Local Government Association (WALGA) has produced a Model Code of Conduct that can be used by local government as the basis for its document.

As mentioned, the Shire’s Policy Manual contains the current Code of Conduct and it is recommended that once the new Code of Conduct is adopted the Policy Manual be updated accordingly. A modified version of the WALGA document is provided for Council’s consideration as Appendix 4.

**Strategic Implications**

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

CL 1.3 Maintain, review and ensure relevance of Council’s policies, local laws and operational plans

CL 2.2 Maintain accountability, transparency and financial responsibility

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

**Financial Implications**

Nil

**Voting Requirements**

Simple Majority

**Officer’s Recommendation**

That Council adopt a new Code of Conduct as proposed and the content be included in the Shire’s Policy Manual.



#### **8.4.10 REVIEW OF PURCHASING POLICY**

<b>File Reference</b>	4.1.10
<b>Statutory Reference</b>	<i>Local Government Act 1995, Local Government (Functions and General) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown 8 <sup>th</sup> December 2017
<b>Attachment</b>	Appendix 5 - Modified WALGA Model Purchasing Policy

#### **Background**

Following the outcome of the recent tender process for the construction of an industrial unit, the Shire was asked to consider its Purchasing Policy to give weight to businesses that add to the social and economic benefits to the local community.

In order to do this it is necessary to review the Shire current Purchasing Policy.

#### **Comment**

A Model Purchasing Policy has been obtained from WALGA and it has been modified to suit the needs of the Shire of Williams. The policy has a Sustainable Procurement component that encourages the development of competitive local businesses. It also states that as much as practical the Shire will:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to local suppliers.

To this extent, a qualitative weighting will be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy. This criterion will relate to local economic benefits that result from the quote or Tender process.

In a separate item of this Agenda, Council will be asked to consider the adoption of a new policy known as the Regional Price Preference Policy, which can be applied when undertaking all purchasing activities. This policy establishes limits where local supplies that submit compliant quotes or tenders can be considered similarly despite having a higher price.

#### **Strategic Implications**

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





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

### Financial Implications

Nil

### Voting Requirements

Simple Majority

### Officer's Recommendation

That Council adopt the revised Purchasing Policy as proposed and the content be included in the Shire's Policy Manual.

### 8.4.11 REGIONAL PRICE PREFERENCE POLICY

<b>File Reference</b>	4.1.10
<b>Statutory Reference</b>	<i>Local Government Act 1995, reg 24D Local Government (Functions and General) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown 8 <sup>th</sup> December 2017
<b>Attachment</b>	Nil

### Background

Following the outcome of the recent tender process for the construction of an industrial unit, the Shire was asked to consider a Policy that considers price variations for local suppliers competing for contracts to supply goods and services to the local government.

### Comment

The revised Purchasing Policy discussed earlier assumes that the Shire has a Regional Price Preference Policy in order to meet its objectives for sustainable procurement. The following is draft Regional Price Preference Policy for Council's consideration:

### Regional Price Preference Policy

Policy: **Aim:**

To provide for a price preference framework for the purchase of goods and services from local Shire of Williams suppliers.

Objectives: **Purpose:**

The policy aims to deliver a higher than average take-up of local supply, by detailing the extent of consideration given to local suppliers.



A price preference will apply to suppliers who are based in, operate from or source goods or services from within the Shire of Williams in relation to all quotes tenders invited by the Shire for the supply of goods, services and construction (building) services, unless quote or tender document specifically states prior to advertising that this policy does not apply.

**Practice:**

General Purchasing (other than Tenders)

When quotations for purchase goods or services are invited, quotations must be obtained from businesses (if in existence) that can provide the goods or services required that are located within the Shire of Williams.

Tenders – Regional Price Preference

In accordance with regulation 24D of the Local Government (Function and General) Regulations 1996 preference will be given to businesses operating within the boundary of the Shire of Williams by assessing the tender from that local tenderer as if the price bids were reduced by —

- (a) up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or
- (b) up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or
- (c) up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

A copy of this policy must be supplied with each tender document.

The Regional Price Preference Policy will apply to all tenders unless otherwise resolved by Council and information that outlines the power of the Council to make that decision is to be included in the Tender advertising and specifications, (i.e. the lowest or any Tender not necessarily accepted)

**Other**

When the provision of goods or services is not being sought by tender the following preference will be provided to local suppliers whose business is based within the Shire of Williams and the product quality is comparable.

5% for any purchase up to \$3,000

2% for any purchase between \$3,001 and \$149,999

History: Adopted 20<sup>th</sup> December 2017

Review: CEO

**Strategic Implications**

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





CL 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans

CL 2.2 Maintain accountability, transparency and financial responsibility

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

### **Financial Implications**

Nil

### **Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That Council adopt the Regional Price Preference Policy as proposed and the content be included in the Shire's Policy Manual.

## **8.4.12 USE OF THE COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY**

<b>File Reference</b>	4.50.60
<b>Statutory Reference</b>	Sections 5.42 and 9.49A <i>Local Government 1995</i>
<b>Author &amp; Date</b>	Geoff McKeown 14 <sup>th</sup> December 2017
<b>Attachment</b>	Nil

### **Background**

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

There is a requirement under the *Local Government Act 1995* that the Delegations Register is reviewed annually by Council. A procedure included in the Delegations Register is to report to Council the activities or actions that have been performed under delegated authority. A report will be completed for Council at each meeting that identifies: (1) use of the Common Seal, and (2) actions performed under the delegated authority requiring referral to Council as per the Delegations Register.

### **Comment**

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

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

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



**Action** - The Chief Executive Officer waived the charge for the supply of the equivalent of two trailer loads of mulch to the Williams District Club with a chargeable value of \$48.00.

**Action** - The Chief Executive Officer disposed of a set of second hand curtains at no cost to a Shire employee with a value estimated at \$40.00.

- **Payment of Creditors – Delegation FMR1**

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

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

**Strategic Implications**

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

CL 2.2 Maintain accountability, transparency and financial responsibility.

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

**Financial Implications**

Payments from the Municipal Fund and Trust Fund have been approved in the 2017/18 Annual Budget or by separate resolution of Council.

**Voting Requirements**

Simple Majority

**Officer's Recommendation**

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

**Council Resolution**

**Medlen/Major**

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

**Carried 8/0  
Resolution 114/18**



**LATE ITEM**

**Council Resolution**

***Major/Cavanagh***

That the following late item be accepted for discussion.

**Carried 8/0  
Resolution 115/18**

*Cr Alex Watt declared a proximity interest for the following late item 8.4.13 Construction of Industrial Unit. The nature of his interest relates to being the owner of land that is adjacent to Lot 403 Marjidin Way, Williams.*

*Cr Watt left the meeting at 4.23pm.*

**8.4 CHIEF EXECUTIVE OFFICER’S REPORT – LATE ITEM**

*The Economic Development Officer Heidi Cowcher entered the meeting at 4.28pm.*

**8.4.13 CONSTRUCTION OF INDUSTRIAL UNIT**

<b>File Reference</b>	13.60.55
<b>Statutory Reference</b>	Section 3.57 <i>Local Government Act 1995</i> and <i>Local Government (Functions and General) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown 20 <sup>th</sup> December 2017
<b>Attachment</b>	Draft Architectural Design Drawings

**Background**

At the October 2017 Ordinary Council Meeting a decision was made to award the tender for construction of an industrial unit in Marjidin Way to Famlonga Building Contractors.

Following that decision a meeting was held with Jeff Famlonga on the 13<sup>th</sup> November 2017 to commence the design and construct process.

**Comment**

Famlonga Building Contractors submitted a draft architectural design for the unit, see attached. The draft design was provided to the prospective tenant for input, and in response the following comments were passed back to Famlonga Building Contractors:

*The tenant would like a larger Office/Showroom so that he can display retail products for sale, i.e. 12m x 5m.*



---

*The front entry door would therefore be into the Office/Showroom.*

*Our other requests include:*

- *PA doors to be 920 wide.*
- *Needs a handwashing sink in main shed (occupational health and safety requirements & Worksafe). Maybe outside the Toilet on the opposite side of the internal sink.*
- *Ensure that there are skylights and whirlybirds in shed.*

Further discussion agreed that the skylights would not be required given the efficiency of the LED lighting. In addition, the prospective tenant asked if the office be a separate room within the larger area.

Famlonga Building Contractors has submitted a revised design drawing and variation to their original tendered price. A copy of the revised design is attached for consideration. It includes:

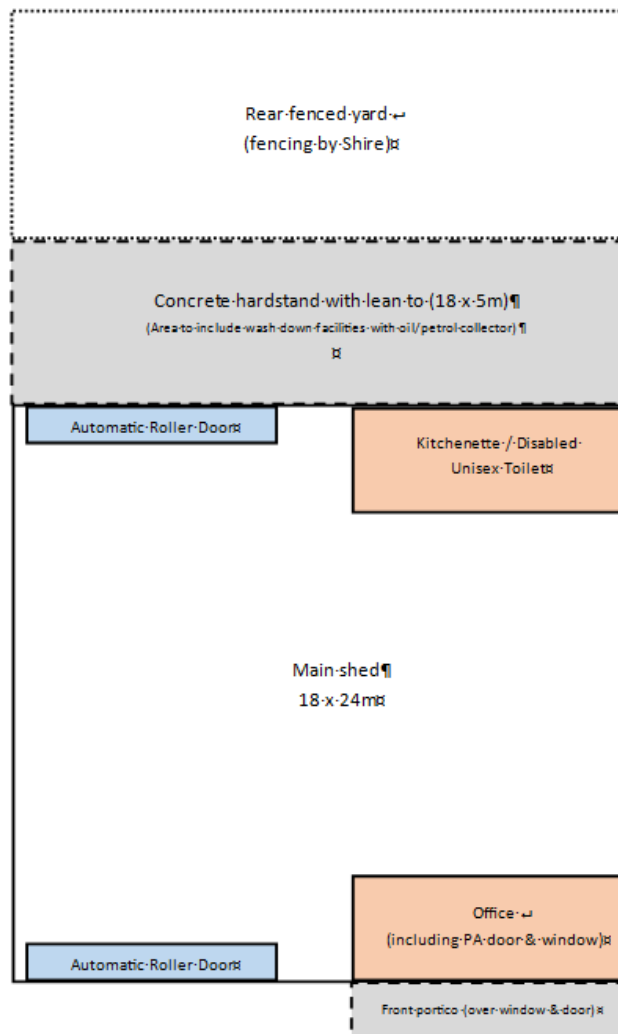
- Additional showroom 9m x 5m
- Frame as office lunchroom
- Gyprock ceiling walls
- Colourbond external
- Extra air conditioning
- Extra electrical

Council is asked to consider the proposed revised design and requested variation to the tender price. The original tender documentation outlined that this tender would be based on a design and construct arrangement and a concept design was provided. The successful tenderer would then prepare the design to be endorsed by the Shire before construction commenced.

The issue for Council to consider is whether it is reasonable for the design variations requested by the Shire to fall within the original scope of works, or not. The Scope of Work included the following wording:

*Office to be located at front of shed and include a PA door and front window. Office will have a portico over the entrance and window;*

The following concept design drawing was provided to support the Scope of Work:



Secondly, Council is asked to consider the issue of a variation to the tendered price. The *Local Government (Functions and General) Regulations 1996* deal with situations where minor variations can be considered before a contract is entered into. An extract of the regulations states:

**20. Variation of requirements before entry into contract**

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.
- (2) If —
  - (a) the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or
  - (b) the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,



that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.

(3) In subregulation (1) —

*minor variation* means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

The amount of the variation, if accepted, does not alter Famlonga Building Contractors as the tenderer with the lowest price. Nor does it change this position with the adoption of a Regional Price Preference Policy.

### Financial Implications

The total budget for the project is \$408,576. Given that the Shire has now purchased Lot 403 Marjidin Way and undertaken the necessary earthworks, the total budget has been broken down into the following components:

1. Land	56,250
2. Settlement costs	1,560
3. Earthworks	38,000
4. Power, water connections	1,500
5. Kerbing, crossovers, asphalt	31,266
6. Shed construction	<u>280,000</u>
	\$408,576

### Voting Requirements

Simple Majority

#### Officer's Recommendation

That Council consider the variation to the design drawings for the proposed industrial unit in Marjidin Way and a minor variation to the tendered price.

#### Council Resolution

##### *Cavanagh/Medlen*

That Council consider the variation to the design drawings for the proposed industrial unit in Marjidin Way and a minor variation to the tendered price.

**Carried 7/0  
Resolution 116/18**

*Heidi Cowcher left the meeting at 4.53pm.*

*Cr Watt returned to the meeting at 4.53pm.*



## 8.5 MANAGER OF FINANCE’S REPORT

### 8.5.1 ACCOUNTS FOR PAYMENT

<b>File Reference</b>	4.23.15	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Cara Ryan	12 <sup>th</sup> December 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 104661 to 104664 totalling \$437,461.87 and SII Funding payments totalling \$27,544.17 approved by the Chief Executive Officer be endorsed.



**Council Resolution**

***Carne/Harding***

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104661 to 104664 totalling \$437,461.87 and SII Funding payments totalling \$27,544.17 approved by the Chief Executive Officer be endorsed.

**Carried 8/0  
Resolution 117/18**

**8.5.2 FINANCIAL STATEMENTS**

<b>File Reference</b>	4.23.15	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Cara Ryan	12 <sup>th</sup> December 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 30<sup>th</sup> November 2017 be received.

**Council Resolution**

***Cavanagh/Medlen***

That the financial statements presented for the period ending 30<sup>th</sup> November 2017 be received.

**Carried 8/0  
Resolution 118/18**





## **8.6 COUNCILLORS' REPORTS**

- Cr Cavanagh attended and discussed a meeting that he held with South32 Worsley Alumina representatives, held on the 16<sup>th</sup> November 2017.
- Cr Cavanagh attended and discussed the joint meeting of the Community Liaison Committees of South 32 Worsley Alumina and Newmont Boddington Gold, held on the 29<sup>th</sup> November 2017 in Boddington.
- Cr Cavanagh attended and discussed the Hotham Williams Economic Alliance (HWEDA) meeting, hosted by the Shire of Williams, held on the 12<sup>th</sup> December 2017.
- Cr Cavanagh attended and discussed the South32 Worsley Alumina Community Liaison Committee, held on the 19<sup>th</sup> December 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**

## **12.0 INFORMATION SESSION**

## **13.0 CLOSURE OF MEETING**

There being no further business for discussion the President declared the meeting closed at 5.40pm.