



SHIRE OF WILLIAMS AGENDA

ORDINARY COUNCIL MEETING
WEDNESDAY 21 OCTOBER 2020



NOTICE OF ORDINARY MEETING OF COUNCIL

Dear Elected Member & Community Members,

You are respectfully advised the next Ordinary Meeting of the Shire of Williams
will be held on Wednesday 21 October 2020,
in the Shire of Williams Council Chambers, 9 Brooking Street, Williams,
commencing at 3.30 pm.

Geoff McKeown
Chief Executive Officer

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SHIRE OF WILLIAMS STRATEGIC COMMUNITY PLAN 2017-2032

ECONOMIC

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

ED1. Develop infrastructure and investment that is sustainable and an ongoing legacy to the Shire.

ED2. To have appropriate levels of housing to cater for population retention and growth.

SOCIAL AND CULTURAL

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

SCD1. To provide community infrastructure and facilities that meet the needs of the population.

SCD2. To support a safe and healthy community with a strong sense of community pride.

SCD3. To recognise the vibrant history of the Shire and its rich, varied cultural heritage and natural environment is valued, respected, promoted and celebrated.

LAND USE & ENVIRONMENT

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

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

LUE2. Natural assets and public open spaces are accessible, well utilised and managed.
LUE3. Recognising and implementing sustainability measures.

LUE4. To have safe and well maintained transport network that supports local economy.

CIVIC LEADERSHIP

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

CL1. The Shire is efficient in its operations, actively listens to the community and anticipates and responds to the community needs.

CL2. The revenue needs of the Shire are managed in an equitable, proactive and sustainable manner.

CL3. Effective collaboration and shared services with other relevant Local, State and Federal Government agencies, industry and community organisations.

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AGENDA

1.0 Declaration of Opening / Announcement of Visitors

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

2.0 Record of Attendance / Apologies / Leave of Absence

Elected Members

Cr Jarrad Logie - President
 Cr Natalie Major - Deputy President
 Cr Moya Carne
 Cr Gil Medlen
 Cr Simon Harding
 Cr Alex Watt
 Cr Bob Baker
 Cr Tracey Price
 Cr Bernie Panizza

Staff

Geoff McKeown - Chief Executive Officer
 Trevor Brandy - Environmental Health Officer/Building Surveyor
 Cara Ryan - Manager of Finance
 Manuela Lenehan - Minute Taker

Visitors – Nil
 Apologies - Nil
 Leave of Absence – Nil

3.0 Public Question Time

4.0 Petitions / Deputations / Presentations

5.0 Declarations of Interest

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

6.0 Confirmation of Minutes of Previous Meetings

6.1 Ordinary Council Meeting Held 16 September 2020

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held 16 September 2020, as previously circulated, be confirmed as a true and accurate record.

7.0 Announcements by Presiding Member Without Discussion

8.0 Matters Which Require Decisions**8.1 Development and Regulatory Services****8.1.1 Building Permits**

File Reference	13.34.10
Statutory Ref.	<i>Building Act 2011 Building Regulations 2012</i>
Author & Date	Trevor Brandy 8 October 2020
Attachments	Nil

Background

The Environmental Health Officer/ Building Surveyor undertakes a number of activities in accordance with legislation that require a decision by Council. This report includes detail of these activities.

Comment

Building Permits issued for the Month of September 2020:

Permit Number	Owner	Address	Description
440	C&J Hogg	Lot 3679 Sattler Road	Dwelling Ext
442	S&B Harding	Lot 128 Marradong Road	Office complex
433D	Clay Harris	10 Growse Street	Demolition of Dwelling
444	William Fowler	9476 York/Williams Road	S/F Garage
445	Williams Service Centre Pty Ltd	13254 Albany Hwy	S/F Service Station

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

Fees are received for processing Building Permits in accordance with the *Building Regulations 2012*.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council endorse the issue of building permits for the month of September 2020.

8.2 Office of the Chief Executive Officer

8.2.1 Williams Arts & Crafts Centre Committee – Request for Fee Waiver

File Reference	11.60.20
Statutory Ref.	Local Government Act 1995 Section 6.12
Author & Date	Geoff McKeown 23 September 2020
Attachments	Nil

Background

The Williams Arts & Crafts Centre Committee has requested Council waive a portion of the fee levied for use of the Arts & Crafts Centre for the 2020/21 financial year.

Comment

The members suspended their activities during the height of the COVID-19 pandemic when gatherings were restricted and/or discouraged. This covered a period of approximately six months. Activities have only resumed recently. .

The request is for a reduced annual fee of 50% to reflect the period they did not meet. The annual fee to this group is \$232.50.

To consider a waiver the Council is governed by Section 6.12 of the *Local Government Act 1995* which states:

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

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

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

A waiver of 50% of the annual fee amounts to \$116.25.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council waive 50% of the annual fee applying to the Williams Arts & Crafts Centre Committee for the 2020/21 financial year, recognising a period of recess during the COVID-19 pandemic.

8.2.2 Eagle Sculpture

File Reference	11.30.30
Statutory Ref.	<i>Local Government Act 1995 Section 6.8</i>
Author & Date	Geoff McKeown 25 September 2020
Attachments	Nil

Background

This item recommends the purchase of the Eagle Sculpture that is currently on loan from Jordan Sprigg and displayed on the Albany Highway.

When the sculpture was first displayed the Shire invited community feedback, which was very positive. Further feedback was invited when the proposed purchase price of \$45,000 was publicised. Community feedback was then more evenly divided on the question of whether or not it should be purchased.



Eagle Sculpture being installed on 23 June 2020

Comment

During the period of consultation a local resident expressed an interest in contributing to the sculpture so it can remain in Williams. The level of contribution offered is up to two

thirds of the purchase price. The Donor is happy for the sculpture to remain the property of the Shire and has asked for approval to place a commemorative plaque at its location. Also, to be consulted and have input into the final location of the sculpture.

The Artist, Jordan Sprigg, was asked if he will accept payment terms over two financial years at the request of the Shire and the Donor. This request has been agreed to.

The 2020/21 Annual Budget does not include the purchase of art or the transfer of funds from the Art Acquisition Reserve Fund for the purpose, therefore there is a process Council will need to endorse relating to unbudgeted expenditure, if it wishes to make the acquisition.

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

6.8. Expenditure from municipal fund not included in annual budget

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

* Absolute majority required.

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

A separate issue relates to the requirements of Council's Purchasing Policy where purchasing thresholds state that multiple quotes are to be obtained when considering a purchase of this value. Given the unique nature of the item and circumstances of the purchase, Council will need to acknowledge a variation to its Policy.

Strategic Implications

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

- SCD 1.5 Continue to support and develop tourism opportunities for the Shire.
- CL 2.2 Maintain accountability, transparency and financial responsibility.

Financial Implications

Acknowledging the value of the private contribution to the sculpture, the cost to the Shire will be \$15,000.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council agree to purchase the Eagle Sculpture from Artist, Jordan Sprigg, at a purchase price of \$45,000, including GST, subject to:

1. Acceptance of a private contribution to the value of \$30,000 and agreeing to the Donor's request for the placement of a commemorative plaque and input into the location of the sculpture;
2. Agreement with the Artist for payment terms over two financial years;
3. Approval of the purchase being made as unbudgeted expenditure in the 2020/21 financial year in accordance with Section 6.8 *Local Government Act 1995*;
4. Transfer of sufficient funds from the Art Acquisition Reserve Fund to meet the Shire's 2020/21 contribution; and
5. Acknowledgement that the purchase is not in conformity with the Council's Purchasing Policy due to the unique nature of the item and circumstances of its purchase.

8.2.3 Employment Contract – Works Supervisor

File Reference	4.20.15
Statutory Ref.	Section 5.37 <i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 30 September 2020
Attachments	Nil

Background

Mr Tony Kett is currently employed as the Works Supervisor on a 3 year contract that commenced in January 2018. His contract will expire on the 31 December 2020.

In accordance with Section 5.37(2) of the *Local Government Act 1995*, the CEO is to inform the Council of each proposal to employ a senior employee. The Council may accept or reject the CEO's recommendation but if the Council rejects a recommendation, it is to inform the CEO of the reasons for doing so.

Comment

Discussion has recently been held between Mr Kett and the CEO on the terms of the new contract. Mr Kett would like a new three year contract. The Performance Criteria which is an annexure to the current contract has been reviewed and updated to meet revised expectations.

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

The Works Supervisor's remuneration package is included in the Annual Budget and Long Term Financial Plan.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council accepts the Chief Executive Officer's recommendation to enter into a new three year contract of employment with Mr Tony Kett for the position of Works Supervisor commencing on 1 January 2021.

8.2.4 Authorised Officers Under Legislation

File Reference	4.50.60
Statutory Ref.	<i>Local Government Act 1995, Bush Fires Act 1954, etc.</i>
Author & Date	Geoff McKeown 7 October 2020
Attachments	Nil

Background

At the Annual Meeting of Fire Control Officers held on the 6 October 2020 a resolution was passed recommending the appointment of Fire Control Officers and Dual Registered Fire Control Officers for the coming Fire Season.

Comment

The recommendation below includes an updated list of Fire Control Officers to reflect the most recent changes. Under the *Bush Fire Act 1954* local governments may appoint Fire Control Officers.

Strategic Implications

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

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

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council appoint the following persons as Bush Fire Control Officers in accordance with the *Bush Fires Act 1954* hereunder, effective immediately:

Chief Bush Fire Control Officer	Geoff McKeown
Deputy Chief Bush Fire Control Officer	David Carter

Bush Fire Control Officers

Boraning	George Lavender & Dennis Cowcher
Congelin	Philip Martin & Stuart Rintoul
Glenfield	Nicholas Panizza
Narrakine	Ashley Chadwick
Tarwonga	Gilbert Medlen
West Culbin	Wayne Duffield
Williams Townsite	Trevor Palframan (Williams Gazetted Fire District only)

Dual Registered Bush Fire Control Officers

The following are appointed as Dual Registered Bush Fire Control Officers with neighbouring local governments:

Shire of West Arthur	Gilbert Medlen & Wayne Duffield
Shire of Wagin	Gilbert Medlen
Shire of Wandering	Philip Martin & Stuart Rintoul
Shire of Cuballing	Philip Martin & Stuart Rintoul
Shire of Narrogin	Nicholas Panizza & Geoff McKeown
Shire of Boddington	Ashley Chadwick

Dual Bush Fire Control Officers

The following are appointed as Dual Bush Fire Control Officers from neighbouring local governments:

Shire of West Arthur	Trevor Bunce
Shire of Wagin	Chris Piesse
Shire of Wandering	Peter Monk & Tim Hardie
Shire of Cuballing	Nelson Young
Shire of Narrogin	Barry Hardie & Brenton Hardie
Shire of Boddington	Dennis Cowcher, Brad Morgan & Brad Hardie

8.2.5 Local Law Review

File Reference	4.1.50
Statutory Ref.	<i>Local Government Act 1995</i> , section 3.16
Author & Date	Niel Mitchell, Consultant 12 October 2020
Attachments	Local Laws Review Report

Background

The *Local Government Act 1995* s.3.16 requires that a review of a local government's local laws be carried out at least once every 8 years, and prescribes the process of doing so. Any action to be taken on the report is to be determined by absolute majority.

The review was initiated in July 2020, and the necessary steps required by legislation for public consultation commenced on 17 August 2020.

At the time of closing on 1 October 2020, no submissions were received.

Comment

Although there have been a number of amendments to several local laws over the years, with the last initiated by the Shire being in 2008, the date of the last review has not been able to be determined.

The main gap identified which should be covered is a Bush Fires Brigades Local Law, as required by the *Bush Fires Act 1954*. Other gaps were noted that Council may wish to consider, but are at Council's discretion.

Several current local laws could be revoked without any negative effect on operations.

Given the length of time since adoption, any review that may have been undertaken, and legislative changes, most of the local laws would benefit from significant amendment and updating, should Council decide to proceed with them.

Specific conclusions and recommendations are contained in the Review Report attached.

Legislation that applies to the current local laws includes:

- *Agriculture and Related Resources Protection Act 1976*
- *Bush Fires Act 1954*
- *Cemeteries Act 1986*
- *Dog Act 1976*
- *Health (Miscellaneous Provisions) Act 1911*
- *Public Health Act 2016*
- *Waste Avoidance and Resource Recovery Act 2007*

Strategic Implications

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

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

Financial Implications

There is a cost to revise local laws or introduce new local laws. This will be subject to Council's decision on the Review Report recommendations.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. Receive the Shire of Williams Local Laws Review Report of October 2020.
2. In accordance with the Local Laws Review Report, repeal the following local laws as part of adoption of new local laws –
 - a) Building Line By-law No.1
 - b) By-laws Relating to Pest Plants
3. In accordance with the Local Laws Review Report, initiate the following new local laws, revoking the applicable current local law –
 - a) Animals, Environment and Nuisance
 - b) Bush Fire Brigades
 - c) Cemeteries
 - d) Dogs
 - e) Fencing
 - f) Health and Building
 - g) Public Places and Local Government Property
 - h) Meeting Procedures
 - i) Waste



SHIRE OF WILLIAMS

Local Laws Review Report

October 2020

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1 INTRODUCTION

1.1 **Statutory Environment**

Section 3.16 of the Local Government Act 1995 requires that each local law must be reviewed at least once every 8 years –

3.16. Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
 - (2) The local government is to give local public notice stating that –
 - (a) the local government proposes to review the local law; and*
 - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.**
 - [(2a) deleted]*
 - (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
 - (4) When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*
- * Absolute majority required.*

The review is not limited to only those local laws made under the Local Government Act.

1.2 **Review 2020**

The local laws in this review are those identified as current on the DLGSC Local Laws Register.

This Review commenced in July 2020 following discussion with the CEO, and comprises –

- a summary of existing local laws and their current likely applicability based on age and legislative head of power,
- preliminary identification of possible gaps in legislative framework,
- after identification of local laws clearly out of date and of limited relevance, a more in-depth consideration of matters and specific provisions within current local laws,
- recommendations for amendments or replacement local laws,
- recommendations for local laws to address gaps in framework.

Should Council decide to proceed further, a subsequent stage to draft new local laws to repeal, amend or replace as resolved.

1.3 **Information sources**

Information was sourced from –

- Shire's internal records,
- Department of Local Government, Sport and Cultural Industries Local Laws Register,
- State Law Publisher, Government Gazettes as published on-line.

1.4 **Definitions and Acronyms**

In this document –

Act means the Act having the head of power for that local law;

AS/NZS means Australian Standard / New Zealand Standard;

Board in the context of Cemeteries Act and cemeteries local laws, means the Council;

CBFCO means the Chief Bush Fire Control Officer;

CEO means the Chief Executive Officer;

CPI means the Consumer Price Index published by the Australian Bureau of Statistics;

Council specifically means the elected members as a group;

DFES means the Department for Fire and Emergency Services;

district means the area of the Shire of Williams;

DLGSC means the Department of Local Government, Sport and Cultural Industries;

EHO means the Environment Health Officer;

JSCDL means the WA Parliamentary Joint Standing Committee on Delegated Legislation;

LPS means Local Planning Scheme;

Shire means the organisation.

2 PUBLIC CONSULTATION

The required advertising was –

Local public notice	<i>The Williams</i> , on Monday, 17 August 2020
Notice Boards	Shire Office & Library – from 17 August to 1 October 2020
Website	from 17 August to 1 October 2020
Earliest submissions may close	Monday, 28 September 2020
Submissions closed	Thursday, 1 October 2020
Submissions received	None
Report to Council Meeting	Wednesday, 21 October 2020

3 CORE INTERPRETATIONS

There are a number of core interpretations that are needed to understanding the workings of local laws. These are established in legislation and by courts, so the application of them in local laws has become very specific, with negligible room for re-interpretation.

It is therefore essential that they be applied rigidly to local laws, and to avoid potential inconsistencies in understanding, it is suggested that they be applied to delegations of power, policy manual and other documentation.

Throughout this document, the following will be applied as far as possible.

3.1 **Council v. local government v. district v. Shire**

These are often used interchangeably with one interpretation having different meanings depending on the context, creating confusion.

a) Council

Courts have held that Council means the elected members. Therefore, where a local law says that Council must do a particular thing, there is no legal way for the matter to be delegated – the decision must be made by Council, in session, even though the action is then undertaken by the CEO.

For example, from the Cemetery Local Law –

3. In these local laws unless the context otherwise requires:

"Authorised Person" means an employee of the Council authorised by the Council to exercise any power conferred by an Act of Parliament or these local laws;

This means that the Council by resolution must appoint authorised persons, and the apparent delegation under clause 4 of that local law is ineffective as it is inconsistent.

Similarly, the Health Local Law states –

Water Supply

3.3.1 (1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the Council.

This means that the EHO or CEO cannot make a decision regarding the adequacy of the water supply, as it must be by resolution of Council

b) The local government

In legislation the term means the organisation, not the geographic area.

The Local Government Act uses “the local government” to indicate the organisation rather than having to say City, Town or Shire wherever it is used.

When it comes to the ability to delegate power, the difference is crucial. As noted above, “Council” means the elected members, whereas “local government” means the organisation. It is generally considered that where there is a decision or action associated with use of the term, it is a power that is to be exercised by the highest authority in the organisation (the Council), but Council may delegate the power as it is not restricted to “Council”, unless there is a statement that stipulates “by resolution” or requiring an absolute majority.

None of the local laws uses the term “local government” in this way, which would permit delegation of power to the CEO.

c) district

The use of this term is clear and easily understood, as it means the geographic area of the Shire.

d) Shire

The community at large mixes the use of “Shire”, sometimes meaning the Council, sometimes the organisation, and sometimes the area –

“I’m going to ask the Shire to change the rules of the Shire for buildings in the Shire”

is quite ambiguous, whereas the following statement is not –

“I’ll ask the Council to change the rules of the local government for buildings in the district”

Except as part of the name, it is suggested that the term “Shire” be avoided where possible. If used, the term should be interpreted as meaning the organisation, not the Council or the district.

3.2 **Position references – CEO, EHO etc.**

Courts and DLGSC hold that reference to a specific person, position or function means that specific person, position or function. While another may do the work, the decision cannot be delegated.

Accordingly, reference to –

- Council – means the elected members in session
- CEO – means the person holding or acting in that role
- EHO – means a person holding those qualifications, and

Similarly – building surveyor/officer, ranger and any others mentioned.

For example, under the Pest Plants Local Law (emphasis added) –

5. 1 The **Council** may serve on the owner or occupier of private land within the district a duly completed notice in the form of the Second Schedule to these by laws requiring him to destroy, eradicate or otherwise control any pest plant on that land.

Further, in reference to use of authority under the Health Local Law, the EHO must be appointed by Council in order to enforce the Health Local Law, but could be appointed by the CEO for the purposes of the Health Act, Food Act etc., if the CEO has delegated authority to appoint. Refer comments relating to the Health Local law in section 4.8.

In order for streamlining appointment of authorised persons, carrying out of duties, prompt response to matters, it is necessary that the terminology be substantially freed up.

3.3 **Delegation v. authorisation**

A delegation is the power for the recipient to make the decision as though they were the Council. It is not an authorisation, which has a separate implication under legislation.

A delegation can only be made using the same legislation as head of power as the power being delegated. For instance, the Local Government Act cannot be used to make a delegation under the Building Act.

While some legislation permits delegations to be made to employees other than the CEO, there is only one instance where it cannot be made to the CEO (Bush Fires Act 1954 s.17(10)).

The Local Government Act permits delegations to be made only to a committee of Council or the CEO. A delegation cannot be made to –

- a committee that has not been established by Council under s.5.8; nor
- to a person other than the CEO.

For the sake of consistency of operation, it is suggested that with the one exception of the Bush Fires Act, all delegations be made to the CEO.

There are requirements around delegations –

- annual review
- must be in writing
- require absolute majority resolution under the Local Government Act, although not under other legislation
- can only be made to employees, and cannot be made to consultant or contractors.

An authorised person however, is permitted to carry out the function described in the authorising legislation, and does not have the discretion to vary the overriding function. An authorised person –

- can be appointed by the CEO, if the CEO has delegated power to do so
- can be a contractor or consultant (e.g. ranger, EHO)
- does not have to have their authority reviewed and confirmed in writing annually

It should be noted that some legislation, especially food, health and building matters, while the power may be delegated to the CEO, the functions must be performed by a person with appropriate qualifications.

4 CURRENT LOCAL LAWS

4.1 **Building Line By-law No.1 (1959)**

Formal title Building Line By-law No.1

4.1.1 Head of Power

Road Districts Act 1919

4.1.2 History

Adopted – 8 April 1959

Published – Government Gazette on 15 May 1959

Amended – None

4.1.3 Review comments

It was intended that it be repealed in 1997, however the Gazettal quoted an incorrect original Gazettal date, and was therefore ineffective.

4.1.4 Summary

The matters of this local law have been superseded by the Local Planning Scheme, and it serves no purpose.

4.1.5 Recommendation

That the Building Line By-law No.1 be revoked.

4.2 **Pest Plants (1989)**

Formal title By-laws Relating to Pest Plants

4.2.1 Head of Power

Agriculture and Related Resources Protection Act 1976

4.2.2 History

Adopted – 21 December 1988

Published – Government Gazette on 17 February 1989

Amended – None

4.2.3 Review comments

The only plant listed is caltrop.

The Dept. of Primary Industries and Regional Development no longer lists caltrop as a declared plant, noting only that it is a prescribed pest plant in some local governments (29 July 2020).

In recent times, many local governments have repealed these sorts of local laws as they lack the expertise, personnel and financial resources to control the plants on lands under their management, other than on an as observed basis. They may have also considered it would be inappropriate to require landowners to eradicate the plant on their property if similar effort was not made on Shire controlled lands.

However, there are many local governments that have retained these local laws, and quite a few have added additional pest plants, particularly if they are imported or invasive.

A guide as to the value of the local law may be an assessment of how often it has been used over the past 44 years.

Provisions in the ARRP Act relating to local laws were deleted in 2007, so the requirement for amendment or repeal of the local law to have the consent of the Minister and Cabinet, no longer exists, and can be made under the authority of the Local Government Act alone.

4.2.4 Summary

The local law seems to have little value unless there is a wish to retain it in case there is a substantial outbreak on a property.

4.2.5 Recommendation

That the Pest Plants Local Law be revoked.

4.3 **Cemeteries (1997)**

Formal title Local Laws Relating to Williams and Marling Public Cemeteries

4.3.1 Head of Power

Cemeteries Act 1986

4.3.2 History

Adopted – 20 August 1997

Published – Government Gazette on 24 October 1997

Amended – 19 December 2001

Published – 8 February 2002

4.3.3 Review comments

The original local law has been amended twice, with the first relating only to deleting “Boraning” and replacing with “Marling”. The second was by Governor’s Order applying to all cemetery local laws in the State and related to assistance animals.

While the local law covers Williams and Marling Cemeteries, the Landgate listing of all reserves within the Shire records 3 cemeteries, the third being the Old Williams Cemetery (Reserve No. 13434) on the western side of the Albany Highway, approx. 700-800 metres north of Piesse Street. It should be noted that there is a single road reserve from the Highway to the cemetery.

There are quite a number of problems with this local law as it has been published. These include –

- use of “Council” is not recognised by the Cemeteries Act, as the Act uses the term “Board”
- where the term “Council” has been used through the local law, in almost all cases it is intended to mean the organisation, however as noted in section 3.1, legally “Council” will be held to mean the elected members. Examples of poor use include –
 - o cl.3 definition of “authorised person” – must be appointed by Council
 - o cl.3 “single funeral permit” – requires the Council to issue the funeral permit
 - o cl.7 – Council has to issue the grant of exclusive right of burial
 - o cl.16 – applications are to be made at the office of the Council, but although the organisation has offices, the Council as a body of elected members does not
 - o cl.23 – Council should be determining the form required and issue permits
- cl.4 – the intention is to delegate power to the CEO to carry out all functions of the Council in the local law, but due to the legal interpretation of “Council”, the intended delegation of power in this clause may be invalid.
- cl.19-21 – provides for annual certification and registration of funeral directors, which in turn creates the requirement for a register of funeral directors, issue of annual invoices for fees etc.
- cl.19 – this clause is inconsistent with the Cemeteries Act which permits an individual to conduct a funeral with the approval of the Board
- cl.47 – requires the CEO to decide on planting of trees or shrubs, and cannot be delegated.
- cl.48 “... workers employed by Council ...”. As per the Local Government Act, Council has only one employee, the CEO. All other staff may be employees of the local government but are subject to the CEO’s directions and instructions.
- cl.50 – Council has to approve any animal being taken into a cemetery.
- cl.51 – is now inconsistent with Commonwealth and State legislation, and was repealed by Governor’s Order on 6 January 2015, and accordingly is unenforceable.

- cl.56 – “conduct unbecoming” is not a term that can be enforced, however, a breach of the Act or local law is clear, similarly, the concept of “nuisance” has been defined by Courts on many occasions.

Other matters noted include –

- there is no definition of funeral. It appears that the local law intends this to mean a burial or interment, but it could equally mean a funeral service or memorial service.
- there is no provision for “natural burials”. Natural burials are an increasingly frequent choice, with the body being contained within a shroud or readily biodegradable casket and often buried in a bush setting of the cemetery, rather than the usual grid pattern
- ability for the CEO to appoint authorised persons to enforce the provisions of the local law. This does not mean those persons carrying out administrative functions as part of their role.
- the use of “authorised person” rather than Council or CEO should be expanded
- the penalties permitted under the Act are pathetic in their deterrent value with the maximum being \$1000 in some circumstances set by the Act, but the general penalty available to Council through Court action is \$500 as specified in s.55(1)(p). The maximum infringement penalty under the Act is \$50 as per s.55(1)(q);
- prohibition on use of some materials in the cemeteries if appropriate, or offensive symbols or language on memorials;
- improve the powers of Council and CEO to manage activities within the cemetery.

4.3.4 Summary

There are a large number of changes that could be made, including –

- amending “Council” to ‘Board’ throughout where appropriate, consistent with the Act;
- amendments to various definitions so as to permit delegation of power to CEO to administer, appoint authorised persons etc.;
- include definitions to improve clarity of operation;
- remove provisions for funeral director permits, registration, annual fees etc., so that all interments are by single funeral permit
- insert provisions for natural burials etc.;
- amend for legislative changes, such as for assistance animals;
- increase modified penalties to \$50 and inclusion of a daily penalties as permitted by the Act

Given these, it is considered that development of a new local law would be advantageous.

4.3.5 Recommendation

That a new Cemeteries Local Law be developed.

4.4 Dogs (1997)

Formal title Local Laws Relating to Dogs

4.4.1 Head of Power

Dog Act 1976

4.4.2 History

Adopted – 20 August 1997

Published – Government Gazette on 24 October 1997

Amended – none

4.4.3 Review comments

While technically a local law, it only repeals an older local law. Accordingly, it has no operational effect but will still appear on the DLGSC Local Laws Register as a current local law.

The Local Government Act s.5.96A only requires that (emphasis added) –

5.96A. Information published on official website

(1) The CEO must publish the following information on the local government's official website, unless it would be contrary to subsection (2) to do so –

(a)

(b) an up-to-date **consolidated** version of any local law made by the local government in accordance with section 3.12 that is in force;

Accordingly, there is no legislative requirement for a local law that is solely a repeal local law to be on the website.

4.4.4 Summary

No action required.

4.4.5 Recommendation

No action required.

4.5 **Fencing (1997)**

Formal title Local Laws Relating to Fencing

4.5.1 Head of Power

Local Government Act 1995

4.5.2 History

Adopted – 20 August 1997

Published – Government Gazette on 24 October 1997

Amended – None

Published – n/a

4.5.3 Review comments

The Town Planning Scheme lists six zones, while only two are listed in this local law. Clause 4.1 of the Scheme lists the zones and was amended in 1999, several years after Gazettal of the local law. It is presumed the zone names aligned prior to the Scheme amendment.

Town Planning Scheme	In local law
Residential	Residential
Rural residential	Not used
Commercial	Combined
Industrial	
Rural	Not used
Special use	Not used

Clause 3 provides that for fences on a boundary between differing zones –

- if one zone is residential, the requirements for that zone will apply;
- if neither zone is residential, the Council itself is to determine.

Specifications of a sufficient fence for both the residential and the combined industrial and commercial zone are given in the two schedules to the local law. While they appear to be adequate generally, several observations are made –

- residential –
 - o no provision for a chain wire fence, especially for front gardens, not for masonry fences, which over a certain height will require a building licence
 - o likewise, wooden picket fences are not permitted
 - o no provision for the extra height privacy screening often used
 - o discretion for these is provided for in clause 5(d), but only by decision of the Council itself
- industrial and commercial –
 - o the 2 zones will often have different types of uses, and the fencing around a shop is unlikely to need to be to the same standard as around a fuel depot (for example);
 - o the flat prohibition in clause 12 of potentially dangerous materials on fences, prevents use of razor wire on any installation as Council is unable to give consent to a breach of its own local law.

Other issues noted included –

- missing descriptions for sufficient fences in some zones –
There is no description of a sufficient fence for rural, rural residential or special use zones, despite the local law applying throughout the district.
- lack of ability for Council or CEO to delegate or provision for an “authorised person” –
No provision in the local law has been made for delegation, therefore stated actions by “council” or by “Building Surveyor” are limited to that authority. The definition of “Building Surveyor” states that the person is to be “appointed by the Shire of Williams”. Apply the principles of section 3.1 to this definition means that the building surveyor is to be appointed by Council and cannot be delegated to the CEO.
Preferably, the term “authorised person” should be used. Combined with a delegation of power by Council to the CEO to appoint authorised persons will give maximum flexibility.
- reference to Building Surveyor –
While some aspects of fencing will require building qualification (e.g.: approval for construction of masonry fences) much of the local law does not require formal qualification, merely observation and a tape measure. Any person could be authorised for these matters.
- modified penalties –
The local law does not list any modified penalties for a breach. Any breach of the local law will be required to be taken to court under clause 16.
- penalty amounts –
Under the local laws a breach is subject, on conviction, to a maximum penalty of \$200 for all offences, with an additional maximum daily penalty of \$20. The Local Government Act permits a maximum penalty on conviction of \$5,000, and a modified penalty to a maximum of \$500 (10%). Modified penalties can be set at various amounts for the severity of the breach, type of adjacent land use, and likely community risk.
- special area fencing –
Williams may not be affected by the trend, but many subdivisions or development swish to have some form of entry statement or fencing to identify the estate. Some provision could be made to allow some discretion for controls.

4.5.4 Summary

While the existing specifications for two zones may be suitable, the scope of the local law is inadequate, since –

- no ability for Council to delegate to the CEO;
- no ability to appoint authorised persons;
- not all zones / land uses are dealt with, and should be included;
- some types of fencing and materials have been omitted, although some discretions are available specifically for Council decision’
- penalty processes are very inflexible resulting in any prosecution being expensive without possibility of recovery of legal costs incurred
- penalty amounts are inadequate, cannot imposed as an infringement, and have very limited deterrent value.

Provisions of the local law with the Planning Scheme also need to be verified, so that setback requirements particularly are consistent

Given the number of changes to be made, and matters that need to be addressed, it is suggested that the local law be replaced.

4.5.5 Recommendation

That a new Fencing Local Law be developed,

4.6 General (1997)

Formal title Shire of Williams (Local Government Act) Local Laws

4.6.1 Head of Power

Local Government Act 1995

4.6.2 History

Adopted – 20 August 1997

Published – Government Gazette on 24 October 1997

Amended – none

Published – n/a

4.6.3 Review comments

As noted previously in 4.1, the Building Line By-law No.1 remains in force due to an error in making the General Local Laws.

Further, the revocation of the By-laws relating to Sick leave, appears to be ineffective as the original local law being revoked has not been able to be confirmed.

There are quite a number of problems with this local law as it has been published. These include –

- use of terminology for CEO, Council, Shire in many places in the local law;
- no ability for Council to delegate power to the CEO
- no provision for appointment of authorised persons
- other than for parking at the hall and sport pavilion in cl.6.12, there is no power to erect signage to control activities in an area, location, building etc.
- can't leave a tap on or waste water at the swimming pool, but there is no similar provision for any other property
- cl.3.1 –
 - o requires the pool manager to be appointed by the Council and cannot be delegated to CEO
 - o employees – are employees of the local government, not of the Council
 - o swimming coach has to be licensed by the Council and cannot be delegated to the CEO
- cl.3.9 – carnivals and events at the pool must have the consent of the Council
- cl.4.2 – Council has to approve the lighting of any fire within a reserve, overriding controlled burns
- cl.6.10 – prohibition on misbehaviour, however, misbehaviour is not defined. Nuisance has been well defined and applied by Courts over the years.
- cl.11.9 requires compliance with a written instruction under the local laws, but there is no requirement to comply with an instruction of an authorised person;
- Schedule 1 Forms –
 - o inclusion in the local law means that they cannot be altered without an amendment to the local law, and many of them are deficient in the information required from the applicant or which is in the licence;
 - o there is no reason why forms, applications, licences etc. cannot be set administratively, provided adequate and sufficient information is disclosed;
 - o the forms can then be expanded or reduced as appropriate.
- Schedule 2 Penalties – these are within the range permitted by the Act, but are now inadequate to act as a deterrent.

Much of the local law deals with management of the swimming pool. There is little in the way of controls over –

- other reserves for recreation, public open space etc.;
- public buildings;
- activities on thoroughfares;
- activities in public places;
- ability to suspend, amend, cancel a licence issued for activities

4.6.4 Summary

This local law is considered to be quite deficient in terms of its flexibility, scope and provisions for control and management of land and buildings under the Shire's control.

Two local laws could be developed to cover the range matters necessary –

- Activities in Thoroughfares and Public Places and Trading Local Law;
- Local Government Property Local Law

Many of the venues that the Shire manages have ambiguous boundaries (in practical terms) to determine where a public place stops and property begins, such as the grassed area outside the hall. Accordingly, it is suggested that a single local law for public places and local government property be developed removing any question as to which local law applies in such circumstances. Many of the provisions in the 2 individual local laws are similar.

It is suggested that the local law be replaced.

4.6.5 Recommendation

That a new Public Places and Local Government Property Local Law be developed.

4.7 Standing Orders (1997)

Formal title Local Laws Relating to Standing Orders

4.7.1 Head of Power

Local Government Act 1995

4.7.2 History

Adopted – 20 August 1997

Published – Government Gazette on 24 October 1997

Amended – None

Published – n/a

4.7.3 Review comments

Standing Orders (or Meeting Procedures) Local Laws are usually quite static, with changes in legislation rarely impacting on the wording used in the local law.

This local law would have been one of the very early Standing Orders Local Laws adopted after the proclamation of the Local Government Act 1995, with that Act coming into effect on 1 July 1996. As such there are many matters that have been done differently over the years, with the most recent incorporating changing community expectations relating to public question time, behaviour in meetings, openness to review, application to committee and electors' meetings etc.

More recent Meeting Procedures Local Laws tend to be a resource pointing the reader to the Act in relation to specific matters rather than reiterating the provisions of the Act. In this way, the local law becomes a reference to the requirements placed on meetings and individuals. Some include reference to the specific sections of the Act, but not all.

Some of the matters noted include –

- cl.1.5 –
 - o use of “President” – while defined to include “presiding member” in cl.1.5 it is usual to refer to presiding members in the local law, reserving the use of the term “President” to specific matters relating to the President
 - o “simple majority” is defined, but not absolute majority
 - o “meeting” does not include committee or elector’s meetings
 - o no definition of “regulations”, despite being used on a number of occasions in the local law
- no provision has been made for public question time – it is not a specific requirement as it is dealt with partly by the Act, and some matters can be managed by policy. However, policy is unenforceable on members of the public. Provisions included within the local law would enable public question time matters to be enforced if necessary
- cl.8.1 – requires members of council or committee to stand when addressing the meeting
- cl.9.2 – without specific suspension of this standing order, a person may only speak once, and there is no discretion available to the presiding person to allow discussion.
- Committees –
 - o cl.17.2 requirement that a Deputy Presiding Member be appointed. While it is not considered to be inconsistent with the Act, there is not a requirement to do so (s.5.12(2)). Under the local law, if there is no deputy presiding member elected, the committee is unable to operate until one is elected.

- cl.17.3 – the Act does not provide for leave of absence from a committee. Accordingly, this clause could be seen as automatic removal from office under the Act s.5.11(2)(b). However, it is considered that this assumption is suspect, and it would be better for Council to make a specific resolution removing the person from committee office, should this ever be necessary
- there is no clear application of the local law to electors' meetings
- no provisions for electronic recording of meetings, particularly by members of the public
- no provisions relating to adverse reflection on another person, and although cl.2.4 deals with objectionable business, this is quite different to adverse reflection
- similarly, use of offensive language is not necessarily objectionable business
- unlike most Meeting Procedures Local Laws, there is no provision for penalty upon breach of the local law. No instance of this being utilised is known, however, unless there is a provision in the local law, it would be unable to be applied. The usual penalty that is considered reasonable under this local law is \$1,000 upon conviction, without the option of issuing an infringement notice
- while not essential, it would be worthwhile emphasising that in accordance with the Act, all voting is to be open and secret ballot is not permitted (except election of the President and Deputy President only, of the Council).

Of importance, there is no provisions around when a resolution of Council is to be implemented, which has ramifications for how long after the meeting the CEO may wait before implementation and several other matters. This slight delay enables elected members to advise the CEO of any intention to move a motion of revocation, prior to implementation and possible commitment of resources of the Shire and applicant to an outcome that may be overturned.

Administration Regulations r.10 deals with revoking decision but is silent on the period in which a notice of motion can be made, potentially leading to a situation where a resolution has been acted on and sometime later, perhaps weeks, there is the notice of motion to revoke.

A clause dealing with implementation of decisions removes the implication that decisions must be acted on immediately, and also protects Council from late revocations if the proponent has also acted on the advice of the decision of the Council. It does not prevent the CEO from immediate action if appropriate.

It is suggested that any window of time before implementation to allow for a notice of revocation to be submitted prior to implementation be quite restricted, perhaps to the afternoon of the business day following Council meeting.

This does not remove the power of elected members to consider a notice of revocation at some later date, only that there is a window of opportunity should a notice be made very quickly, and means that the CEO does not have to implement decisions immediately, as is sometimes the case if pressure to act is exerted.

A further issue often overlooked by local governments is the duration of committees. It is a quirk of the Act that a committee may be established under s.5.8, but unless disbanded, it continues in place whether it has members or not. The Act s.5.11 specifies that committee tenure is only until after the next ordinary local government elections day.

It is suggested that all committees should only be established to be consistent with tenure of the members, thereby permitting regular review of terms of reference, any delegations made to the committee, its purposes and functions etc.

It should be noted that these provisions are only applicable to committees established under the Act, and committees under other legislation, such as the Bush Fire Advisory Committee or workplace OHS Committees have other requirements that may not be entirely consistent with the Local Government Act.

4.7.4 Summary

This local law remains largely valid and useful, however in order to keep pace with some legislative changes and public expectations, it is suggested a replacement local law be considered, given changes in terminology and some legislation. Particular provisions suggested for inclusion –

- specific application to electors' meetings
- inclusion of relevant matters for public question time
- inclusion of provisions relating to implementation of decisions
- improved ability for the presiding person to control the meeting
- ability to prosecute a member of the public if repeatedly disruptive

Some legislative changes are coming that may impact, including mandatory codes of conduct. If however, it is felt that the local law is sufficient, it could be retained without amendment. As it principally imposes responsibilities on elected or committee members, Council may consider that it is adequate without the changes suggested.

4.7.5 Recommendation

That a new Meeting Procedures Local Law be developed.

4.8 Health (2001)

Formal title Consolidated Health Local Laws

4.8.1 Head of Power

Health Act 1898

Health Act 1911 – now the *Health (Miscellaneous Provisions) Act 1911*

The *Public Health Act 2016* repealed many provisions of the former Act, including the power to make local laws. The power now resides in the *Local Government Act 1995*.

Local Government Act 1995

4.8.2 History

Adopted – By-laws of the Williams Local Board of Health
19 January 1906

Published – Government Gazette on 9 March 1906

Adopted – Consolidated Health Local Laws
21 February 2001

Published – Government Gazette on 11 May 2001

Amended – 21 November 2001

Published – Government Gazette on 8 February 2002

4.8.3 Review comments

In checking various matters, no repeal of an extremely old bylaw has been located, and it therefore appears to remain in place. As with the incorrect reference for repeal of the Building Lines Bylaw No. 1 noted in section 4.1, it would seem that the *By-laws of the Williams Local Board of Health* published in the Government Gazette on 9 March 1906 remain in force. It may be that the Shire is not the successor to the Williams Local Board of Health, however, given much of the subject matter of this Bylaw, it would appear that the Board of Health was synonymous with the Williams Road Board.

The repeal clause of the 2001 local law is ineffective as none of the four “repealed” local laws is a Williams bylaw or local law. The clause refers to original Shire of Murray local law that was adopted by reference as all four of the repealed local laws listed do not relate to Williams, but to Murray. As one local government cannot repeal the local laws of another, this clause has no effect.

The 2001 local law has many of its origins the Health Bylaw adopted by the City of Perth in the early 1990s, prior to the current Local Government Act and well before the *Public Health Act 2016*. As such legislative priorities and provisions have changed, the Food and Building Acts proclaimed etc. many of the local law’s provisions should be reviewed for relevance and usefulness.

A substantial amendment was made in 2002 in order to correct a series of errors and oversights in the original adoption by reference, and included repeal of a clause identified by the Parliamentary Joint Standing Committee on Delegated Legislation.

One matter identified by the JSCDL as being not authorised or contemplated by the Health Act as it was at that time, is in clause 8.2.(2) of the local law, and it has not been remedied. A second matter was dealt with by deletion of the relevant clause (old clause 7.1.4).¹

As the Local Government Act 1995 is now the head of power for this local law, there are significant options for flexibility available to Council, including –

- the capacity to impose infringements;
- power for Council to delegate to the CEO to appoint an EHO or authorised persons.

Particular issues noted within the local law include –

- inability to delegate to CEO
- inability to delegate power to appoint authorised persons, at least one of whom should have building qualifications, rather than environmental health qualifications
- referencing to old Australian Standards – where a particular standard is referenced without allowing for updates to the Standard, any revised Standard will not apply
- Medical Officer of Health – the function has been taken over by authorised persons appointed by the Department of Health. These people act under the Public Health Act, not the local law, so reference in the local law implies that they act with local law authority. The situation creates a potential inconsistency in lines of responsibility.
- cl.1.3 Definitions – examples of inadequate or unnecessary definitions –
 - o Environmental Health Officer – has to be appointed by Council to administer the local law
 - o Medical Officer – noted above
 - o Principal Environmental Health Officer – not needed, as the person is an EHO and the term “Principal” only indicates organisational authority
 - o sewer – refers to them being the “property of Council” (the elected members), but should be “the property of the local government”
- cl.3.1.2(b) – permission is to be subject to Council approval, and cannot be delegated
 - o this limitation is frequent throughout the local law
- cl.3.2.5 – implies that a concrete slab floor is to have sub-floor ventilation
- cl.4.1.6 – provision of quarterly reports to Council regarding the sewerage system may be required
- cl.4.2.1 to 4.2.6 Disposal of Refuse –
 - o these matters would generally now be included in a Waste Local Law
 - o the local law attempts to exercise some control over commercial waste, contrary to the *Waste Avoidance and Resource Recovery Act 2007*
- cl.11.1.1 – Penalties
 - o under the Local Government Act, maximum penalty is \$5,000 not \$1,000 as in the local law
 - o at the moment, the penalties would only apply upon conviction by a court
- Schedules –
 - o inclusion in the local law means that they cannot be altered without an amendment to the local law, and many of them are deficient in the information required from the applicant or which is in the licence;
 - o there is no reason why forms, applications, licences etc. cannot be set administratively, provided adequate and sufficient information is disclosed;
 - o the forms can then be expanded or reduced as appropriate.

There are a number of provisions that do not require a qualified EHO or building surveyor in practice, that could be carried out by an authorised person, such as –

- cl.3.1.2 – discharge of rainwater outside the property
- cl.4.2.10 – burning of rubbish
- cl.5.2.4 – cats

¹ See the Report of the Joint Standing Committee on Delegated Legislation in Relation to Model By-Laws Series “A” and Health Local Laws Made by Local Governments Under the *Health Act 1911*, December 2001

4.8.4 Summary

The current local law is generally effective, covering almost all necessary matters. The Act and Regulations are generally silent on the matters dealt with, and where there are legislative provisions, they are non-specific and insufficient.

However, the local law does lack flexibility, but if Council, the CEO and EHOs are prepared to work within the limitations, there is little need for change.

Given the scope of the existing local law, it is suggested that it be split according to various provisions that either may be administered by qualified or simply authorised persons, and legislative head of power. The three areas would deal with –

- animals, environment and nuisance – many of these provisions would be able to be administered by any authorised person such as a ranger, and do not require a qualified person;
- health and building matters – these generally require a qualified EHO or building surveyor, or at least a person experienced in these matters;
- waste – having a different legislative head of power, and dealing with local government waste (essentially domestic waste) and operation of waste facilities.

If it is considered that the flexibility is desirable, it would be opportune to review the whole local law to incorporate these and other matters, including –

- updating definitions,
- allowing for delegation of power to the CEO to appoint authorised person and to enforce the local law without continual reference to Council for approval;
- inclusion of provisions for modified penalties and infringement notices;
- removal of Schedules where appropriate.

Please note that if a new Health Local Law is pursued, a Waste Local Law is advisable as separate processes and legislative head of power apply.

Any amendment or new local law should also revoke the By-laws of the Williams Local Board of Health published in the Government Gazette on 9 March 1906.

4.8.5 Recommendation

That new local laws be developed, replacing various parts of the current local law –

- Animals, Environment and Nuisance Local Law;
- Health and Building Local Law;
- Waste Local Law.

4.9 **Firebreaks (2007)**

Formal title Local Laws Relating to Firebreaks

4.9.1 Head of Power

Cemeteries Act 1986

4.9.2 History

Adopted – 16 November 2006

Published – Government Gazette on 7 February 2007

Amended – None

Published – n/a

4.9.3 Review comments

While the local law is simple and easy to follow, there are a number of corrections that would be advisable if the local law is to be retained –

- remove imperial measurements, i.e. the references to half an acre
- there is no discretion to vary firebreak period , to bring forward in dry years or to delay in wet years;
- the firebreak period (5 November to 12 April) also doesn't line up with restricted or prohibited burning period –
 - o commences after the start of the prohibited period
 - o concludes after the end of the restricted period
 - o it is suggested that it be 1 November to 29 March, to align with the commencement of the prohibited burning period and the end of the restricted period

There are also some issues that may be worth Council considering which include –

- forestry / tree plantations
- hobby farm, especially close to the townsite
- discretion to vary position of firebreaks due to rock or for environmental purposes

All these matters can be address by a notice issued in accordance with the Bush Fires Act section 33. Use of this mechanism –

- still allows for penalty provisions and infringement to be issued for non-compliance; and
- provides Council the opportunity to amend very quickly should the need arise, whereas an amendment to a local law will take a minimum of 4 months and more likely 5-6.

4.9.4 Summary

Overall, while amendments could be made to improve the flexibility, application and relevance of the local law, it is considered that Council would be better served by repeal of the local law and development of a notice in accordance with the Bush Fires Act 1954 section 33, in consultation with the FCOs and brigades.

4.9.5 Recommendation

That the Firebreaks Local Law be revoked, and a notice be made annually or as deemed necessary by Council under the Bushfires Act 1954 s.33 in relation to fire hazard control measures that include, but are not limited to firebreaks.

5 IDENTIFIED GAPS

5.1 **Animals, Environment and Nuisance**

5.1.1 Comment

Separates out the ranger type issues from the current Health Local Law. Until recent years the ability to control these matters rested with the Health Act 1911, and consequently required an EHO to administer.

Matters addressed include –

- poultry in backyards – chickens, turkeys, ducks, geese etc.
- farm animals in backyards
- noise
- dust, water run off etc.

5.1.2 Recommendation

That an Animals, Environment and Nuisance Local Law be made, replacing various provisions of the Health Local Law.

5.2 **Bush Fire Brigades**

5.2.1 Comment

The *Bush Fires Act 1954* provides –

43. Election and duties of officers of bush fire brigades

A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

Although a range of other matters may be prescribed by local law, there is no requirement to do so. These matters may be addressed through a notice in accordance with section 33 of the Act, in 4.9 of this report, or by policy direction of Council or other means.

Accordingly, it is suggested that a local law be made. While WA Local Government Association does have a model local law, it is cumbersome, ineffective and likely impossible for a small rural brigade to comply with. Accordingly, it is suggested that this model is not used.

Bush fire control officers are not automatically a part of any brigade, nor are brigade officers automatically appointed as an FCO. The FCOs have their duties largely prescribed by the Act and are appointed by the Shire, whereas the duties of brigade officers are set out in both the Act s.44, and in the local law, and they may be elected by the brigade, or appointed by the local government. An FCO may override any firefighting decision of any brigade officer, unless restricted by the local government.

5.2.2 Recommendation

That a Bush Fires Brigades Local Law be made addressing the matters required by the *Bush Fires Act 1954*.

5.3 **Cats**

5.3.1 Comment

The Cat Act s.79(3)(h) provides that the standard number of cats can be stipulated in a local law. The local law is not specifically required to be a Cats Local Law.

This is currently stipulated in the Health Local Law cl.5.2.4 as 3 cats, unless exemption approved by Council. There is no discretion to delegate the power to make the decision to the CEO or authorised person. There is no differentiation between cats on townsite or rural properties.

In addition, the Health Local Law also makes provisions about catteries. If provision for catteries is to be made, it is suggested that a separate Cats Local Law be made.

5.3.2 Recommendation

Subject to provision for standard number of cats being included in some other local law, that a Cats Local Law not be made, unless additional controls are desired.

5.4 Dogs

5.4.1 Comment

Much of the control of dogs is covered by the Dog Act and Regulations. As with cats, Council may consider there is not a specific need for a Dogs Local Law.

The range of matters a Dogs Local Law may cover is now limited –

- a few selected matters relating to impounding and release of dogs
- keeping of dogs –
 - o limitation on number permitted to be kept
 - o conditions that might be applied;
 - o dogs to be adequately confined
- kennel establishments
 - o not just formal kennels but where more than the standard number are approved to be kept

The Dog Act requires that the standard numbers of dogs that may be kept is specified in a local law. The minimum is 2 dogs to a maximum of 6 dogs. More than 6 dogs is subject to any kennel licence.

Without a local law, the maximum number of dogs that may be kept is 2, as permitted by the Dog Act. If the local law does not then contain kennel provisions, the maximum number of dogs that can be permitted is 6.

It is presumed that neither of these restrictions would be acceptable to farmers.

5.4.2 Recommendation

That a Dogs Local Law be developed.

5.5 Extractive Industries

5.5.1 Comment

The preference would be to administer Extractive Industries under the Local Planning Scheme, through the provisions within the LPS and Local Planning Policy as needed.

This would be the simplest and most consistent method of dealing with any issues, although there may be matters that cannot be addressed by Planning Policy. In which case, a local law may still not be required, but general policy be made to cover the matters that must be addressed, and the standards to be met, and calculations of contributions to be made by the proponent.

The LPS clause 2.21 provides Council with the power to make Local Planning Policy, which is then enforceable under the provisions of the LPS and Act. There is a separate process for making planning policy detailed in the clause that is different to administrative policy.

Control over the specific extractive industry approved under the LPS can be exercised through conditions placed on the development.

5.5.2 Recommendation

That an Extractive Industries Local Law not be made, subject to confirmation by the Shire's planner that appropriate controls may be exercised under the LPS and planning policy with the application of relevant conditions.

5.6 Parking and Parking Facilities

5.6.1 Comment

There would appear to be little point in controlling parking in the town. The possible exception may be Albany Highway, for which the approval of Main Roads WA may be required as it is a road under their control.

Parking of livestock trucks, or commercial vehicles causing a nuisance are able to be controlled under an Animals, Environment and Nuisance Local Law, not due to where they are parking, but according to the nuisance they may create through noise, dust, odour, wash down etc.

5.6.2 Recommendation

That a Parking and Parking Facilities Local Law not be made.

5.7 Waste

5.7.1 Comment

Many local governments are now consolidating waste matters into a single local law. Many have waste or waste provisions scattered through several local laws, which then each require approval to be obtained from the Waste Authority (Dept. of Water and Environmental Regulation).

The model Waste Local Law is designed to cover both delivery of the collection service and management of disposal facilities by either the Shire directly or through a contractor.

A Waste Local Law would not apply to some matter including –

- commercial rubbish collection, although businesses can opt in as a contract of convenience;
- use of street or recreation area litter bins;
- littering

If a decision is made to proceed with this local law, provisions within the current Health Local Law would be affected.

5.7.2 Recommendation

That a Waste Local Law be made, replacing various provisions of the current Health Local Law.

6 PRINCIPLES FOR FUTURE LOCAL LAWS

There are number of foundation principles recommended for future local laws. In part these will need the appropriate provisions included in the local law, and also require some acceptance and direction of Council.

6.1 AS/NZS

The Parliamentary Joint Standing Committee on Delegated Legislation requires that any reference to an Australian Standard be specific, and that a member of the community is able to access the Standard free of charge. This means that every Standard referenced in a local law should be purchased by the Shire, and made available for viewing. Due to copyright requirements, copies of the Standard are not to be provided to the person viewing.

6.2 Definitions

Consistent with modern usage in legislation, including local laws, there should be an alignment of terminology between local laws and legislation –

CEO, EHO, Building Surveyor etc. means the person holding that specific office,

Council specifically means the elected members in session,

local government can be used in two ways –

- a) to mean the organisation generally, i.e.: an administrative function;
- b) if in relation to making a decision, generally interpreted as meaning the Council,
 - i) who may delegate to CEO or other officer if permitted by the legislation, or
 - ii) if reference is specifically made to “*by resolution*” or “*absolute majority*” or similar, is required to be the Council.

authorised person means a person who has the legal capacity to carry out a task having been appointed to a specific position or qualifications, and being directly permitted by the legislation or local law

- o carrying out of functions be an authorised person under legislative authority is not a delegation

authority relates to an authorised person, not to a delegation;

delegation means the delegation of power by Council to a Council committee or the CEO (who may then exercise their discretion to sub-delegate) to undertake the required task, within the framework resolved by Council, and without further reference to Council –

- o often incorrectly used to mean that a person has been instructed or authorised to do a particular thing by a senior staff member;
- o should not be confused with appointed, nominated, deputy, representative etc.

policy means a direction given by Council that a task is to be done a particular way, or the requirements before a decision can be taken –

- o often incorrectly used to mean a standard practice, “we’ve always done it this way”
- o is distinct from standard procedures, management instructions etc. that maybe issued by the CEO.

As noted elsewhere, reference to a person means that specific person, and while the preformation of that duty or function may be exercised by a person relieving in that position, it cannot be delegated from that person to another. For example –

- where an inspection is to be carried out by an EHO, it must be a person appointed as an EHO by the local government
- where an inspection is to be carried out by the local government, the obligation may be delegated to the CEO, who may in turn delegate or authorise another person to undertake the task

Generally, local governments delegate as much of everything that is to be done by the “local government” to the CEO, placing conditions or limits on the delegation as considered appropriate.

As these principles and concepts are legally recognised, the differences and implications of them are important.

A number of the Shire’s current local laws use the terminology interchangeably, creating the potential for inconsistency and confusion.

6.3 Delegations

A delegation may only be made under the appropriate head of power, and cannot be used to cross-delegate for other legislation.

Consistent with the more rigid interpretation of definitions noted above, Council may need to review the Delegations Register made to CEO and others, the conditions and limits applied, and their appropriateness.

Care should be taken to exclude matters that are not authorising, but are descriptive (policy).

If Council operates Committees, it may be appropriate to also create formal terms of reference for these, in particular the Committees required by legislation –

- Audit Committee
- Local Emergency Management Committee

Refer Local Government Act 1995 –

- s.5.16 – Council may delegate some powers and duties to a committee
- s.5.17 – limits on delegations to a committee
- s.5.42 – Council may delegate powers and duties to the CEO
- s.5.43 – limits on delegations to CEO
- s.5.44 – CEO may delegate the power or duty to another employee, but not the ability to further delegate
- s.7.1B – further limitation on delegations to the Audit Committee

DLGSC’s Operational Guideline No.17 Delegations may assist.

6.4 Policies

The Local Government Act s.2.7(2)(b) provides that the Council is to determine the local government’s policies, implying that making, amending or revoking policy cannot be delegated to the CEO. However, the CEO may develop standard operating procedures, executive directions etc. for employees.

Policies should refer to the specific decision of Council relating to the requirements of a task, either how the task is to be undertaken or the criteria to be imposed. It should not mean the usual way of doing things or something that has developed as standard practice.

Generally policies are instructions to staff, in effect – when this particular request or event occurs, this is how it is to be dealt with. These policies do not directly apply to the community, other than indirectly.

The use of policy to implement local laws and the Local Planning Scheme is recognised by the Local Government Act, the Planning and Development Act and the LPS. Where used to assist in the management of a matter covered by a local law or the LPS, there are requirements for public notice prior to the policy being used.

For example, use of Council facilities such as the Recreation Centre. If a condition is placed regarding a bond for cleaning or damage in a policy, not just as part of the Budget process, the policy may need to be

advertised for comment. As the Budget is available for public comment, a clearly identified cleaning/damage bond is not required to be advertised.

6.5 Schedules and Forms

As far as possible, remove all schedules and forms from local laws. If included, no change can be made to them without an amendment to the local law. If possible, limit –

- Schedules to –
 - o Modified penalties
 - o Static information not included in the body of the local law
- Forms to –
 - o infringement notices and withdrawal of infringement notices, if reference to the local government act provisions is not able to be made
 - o other forms to be referred to in the body of the local law as being “in the form as determined by the local government from time to time”.

6.6 Heads of power

Much legislation now refers to the Local Government Act for the process of making a local law, but retains the power to make the local law within the Act addressing the issue. Legislation that has alternate head of power, but uses Local Government Act processes, includes –

- Bush Fires
- Cats
- Dogs

However, some legislation does not provide a head of power for local laws, and accordingly, relies on the Local Government Act for both head of power and processes. This legislation includes –

- Agriculture and Related Resources Protection Act
- Public Health Act
- some building matters not included in either Building Act or the National Construction Code, etc.

The general practice in developing a local law is to state both the head or power for the local law, as well as the legislation stipulating the process for making the local law.

It is not recommended that a local law be made that relies on two legislative heads of power, as the requirements between legislation may differ, e.g.:

- Waste Local Laws require approval of the CEO of the waste authority, who is the Director General of Dept. of Water and Environmental Regulation under delegation from the Minister;
- Cats Local Law – if more than stipulation of the standard number of cats is to be included (e.g.: catteries), it is suggested that a separate Cats Local Law be made.

7 CONCLUSION

7.1 Summary of recommendations

Current Local Laws	Recommendation	Comment
Building Lines No.1	Revoke	Low priority
Pest Plants	Revoke	Low priority
Williams and Marling Public Cemeteries	Replace	Medium priority
Fencing	Replace	Low priority
General	Replace	Near future
Standing Orders	Replace	Medium priority
Health	Replace and split	<p>Near future Replace with –</p> <ul style="list-style-type: none"> - Health & Building Local Law - Animals, Environment & Nuisance Local Law - Waste Local Law <p>Some provisions could be separated to a Cats Local Law</p>
Firebreaks	Revoke	<p>Medium priority</p> <p>Use Bush Fires Act s.33 notice provisions</p>

Replacement Local Laws	Recommendation	Comment
Animals, Environment and Nuisance	Adopt	Splitting parts from Health Local Law that do not need a formally qualified person
Cemeteries	Adopt	To improve compliance, ability to delegate to CEO, appoint authorised persons, changes in community expectations.
Fencing	Adopt	To improve ability to delegate to CEO, appoint authorised persons, include new provisions
Health & Building	Adopt	To be compliant with <i>Public Health Act 2016</i> , removing amenity and building matters, inserting provision for modified penalties etc. Provisions will still generally need an appropriately qualified person
Meeting Procedures	Adopt	Modernising, provisions for public question time, implementation of resolutions, penalty, etc.
Public Places and Local Government Property	Adopt	Improve controls and management of lands and buildings under local government control

New Local Laws	Recommendation	Comment
Bush Fire Brigades	Adopt	Duties of officers etc. as required by the Bush Fires Act
Dogs	Adopt	Provisions for impounding, number of dogs permitted, kennels
Waste	Adopt	Removing some waste provisions from other local laws, and increased capacity to manage service provision, collections and waste facilities.

Other Local Laws	Recommendation	Comment
Cats	To be considered	Number of cats could be retained in Health or included in Animals, Environment & Nuisance If provisions regarding catteries to be included, suggest separate local law
Extractive Industries	To be considered	May be of some but limited use. Many aspects can be controlled through the Local Planning Scheme and planning policy, if adequate provisions are in place
Parking and Parking Facilities	Not recommended	Only if parking in public areas is a problem May not be able to enforce on the Albany Highway without Main Roads WA consent. Some controls relating to nuisances caused would be available through the Animals, Environment & Nuisance Local Law

7.2 **Making a local law**

To avoid potential errors, and reduce confusion, it is recommended that –

- new local laws be adopted in full, rather than by reference, avoiding potential errors in compilations and necessary cross-referencing, and for ease of reading and use,
- where substantial amendments are proposed, repeal the old local law, and adopt a new local law
- omnibus repeal of local laws be made
- omnibus amendment of local laws not be made but an individual amendment for each local law be made

7.3 **Next steps**

1. Council to receive this report and determine actions to take
2. If resolved by Council, actions to repeal and make local laws implemented as per legislative requirements –
 - Drafts of amending local laws and new local laws be prepared, and presented to Council progressively for comment
 - Once Council is satisfied with the proposed text, the mandatory procedures commenced.

It is likely that at least 8 to 9 months will be required for the full process for all recommendations.

Strategic Implications

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

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

Financial Implications

A development application fee was received in 2017.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council approve the construction of a dwelling and shed on Lot 501, 32 Lavender Street, Williams subject to the following conditions:

1. Upon notification of completion of the development the proponent is to provide written confirmation from the Bush Fire Attack Level Assessor that the lot is being maintained in a manner that is in accordance with BAL 19.
2. The lot is to be maintained with reduced fuel loads in accordance with the Shire's Firebreaks Local Law.
3. The proponent must obtain approval for an onsite effluent disposal system.
4. Crossover(s) to be installed to Shire's satisfaction having regard to the verge drainage and subject to the provisions of Council's Crossover Policy.
5. Onsite water supply with a combined capacity of 100,000 litres is required with a minimum of 10,000 litres water supply to be provided onsite for the purpose of bushfire fighting that is not available for general use and is provided with a camlock fitting that is compatible with Bush Fire Brigade fittings.
6. Stormwater to be disposed of to the Shire's satisfaction.
7. Development to be undertaken strictly in accordance with approved plans presented to Council and any statutory requirement applicable to the development.

8.2.7 Application for Development – Dwelling & Shed - Lot 202, 175 Narrogin Road

File Reference	10.60.15
Statutory Ref.	<i>Town Planning and Development Act 2005</i>
Author & Date	Geoff McKeown 15 October 2020
Attachments	Nil

Background

An application for development has been received for the construction of a dwelling and shed on Lot 202 (175) Narrogin Road, Williams.

This property is zoned 'rural residential' in the Shire of Williams Town Planning Scheme No.2 ("Scheme"). In accordance with the Scheme, the Council's prior development approval is required for all development including a single house and such application shall be made in writing to the Council.

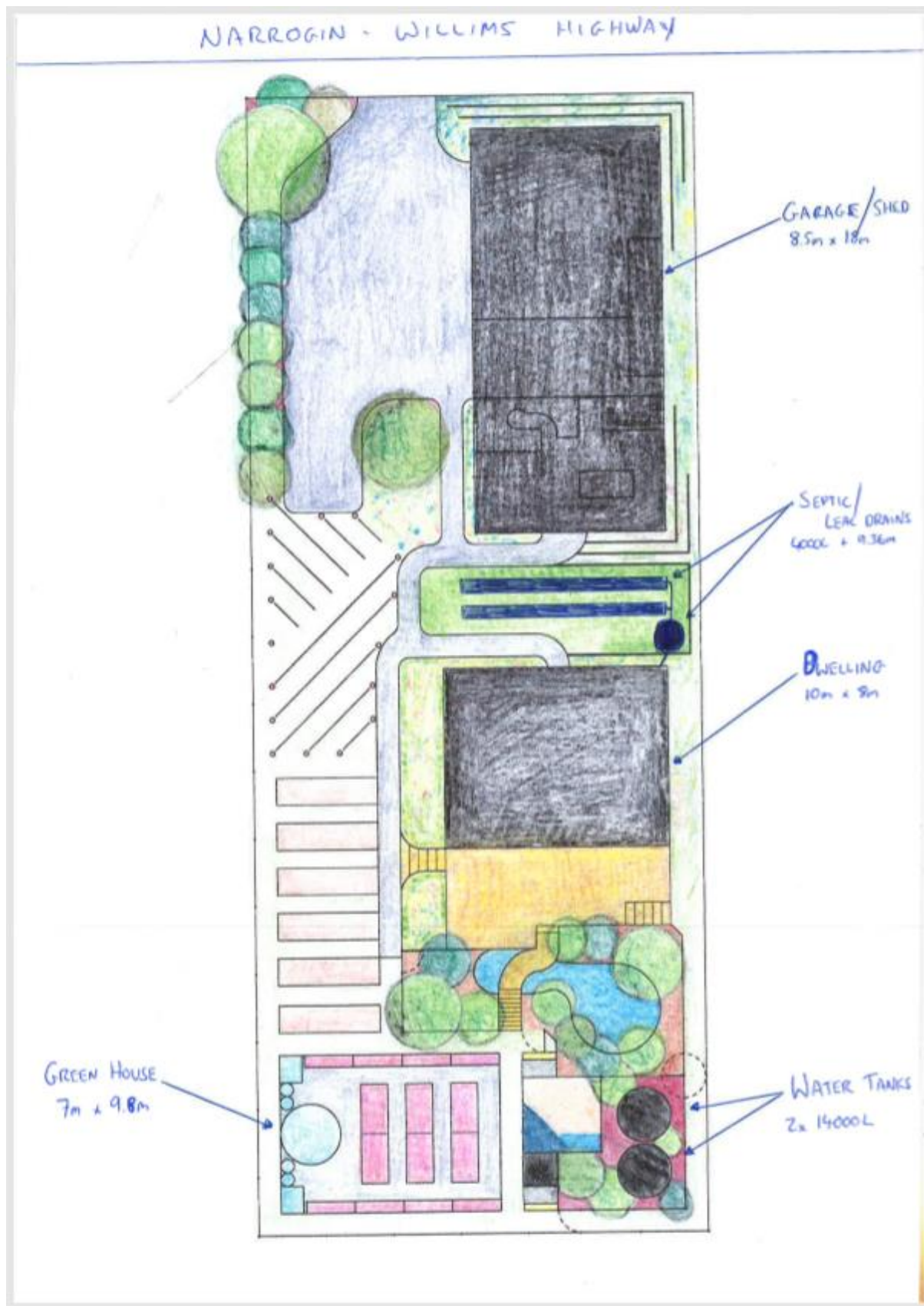
Comment

The following plan highlights the lot that is the subject of this application.



Currently the property does not have power or water connected. The Proponent has advised that he will have an off-grid solar system with battery backup and a rainwater catchment system. Effluent disposal will be via a septic tank and leach drain system.

The Proponent has provided a plan for the development, see below:



The lot is 1,012m² in size. The boundary setback for the dwelling and shed will be 1.5m from the eastern and southern boundaries. It should be noted that the shed is large with dimensions of 18m x 8.5m having a 153m² floor area. It will be 4.4m high to accommodate a mezzanine floor.

The Building Inspector has had initial discussion with the Proponent and the following information is relevant:

1. The block slopes down from the Narrogin Road and cut and fill will be completed to get a level pad for the shed. Therefore the shed will appear lower from the road.
2. The Proponent intends to build a limestone and iron railing fence on the road boundary with an electric gate.
3. Although the plan indicates 2 x 14,000ltr tanks, the Proponent is aware that the standard requirement for this area, where scheme water is not connected, is 100,000ltrs.
4. The Proponent has confirmed that the off-grid solar power system will have the capacity to pump water to the dwelling which is at a higher level.
5. A Bush Fire Attack Level Assessment Report has not been provided with this development application but will be a requirement in the assessment for a Building Permit. The property is in a Bush Fire Prone Area.

Strategic Implications

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

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

Financial Implications

A development application fee will apply.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council approve the construction of a dwelling and shed on Lot 202, 175 Narrogin Road, Williams subject to the following conditions:

1. A Bush Fire Attack Level Assessment must be provided indicating that the lot can be maintained at a level no greater than BAL 19.
2. The lot is to be maintained with reduced fuel loads in accordance with the Shire's Firebreaks Local Law.
3. The proponent must obtain approval for an onsite effluent disposal system.
4. Crossover(s) to be installed to Shire's satisfaction having regard to the verge drainage and subject to the provisions of Council's Crossover Policy.
5. Onsite water supply with a combined capacity of 100,000 litres is required with a minimum of 10,000 litres water supply to be provided onsite for the purpose of bushfire fighting that is not available for general use and is provided with a camlock fitting that is compatible with Bush Fire Brigade fittings.
6. Stormwater to be disposed of to the Shire's satisfaction.
7. Development to be undertaken strictly in accordance with approved plans presented to Council and any statutory requirement applicable to the development.

8.3 Corporate and Community Services

8.3.1 Payment Listing

File Reference	4.23.15
Statutory Ref.	<i>Local Government (Financial Management) Regulations 1996</i>
Author & Date	Cara Ryan 14 October 2020
Attachments	Payment listing for month ending 30 September 2020

Background

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

Statutory Implications

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.

Strategic Implications

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

CL 2.2 Maintain accountability, transparency and financial responsibility

Financial Implications

As listed in the recommendation below.

Voting Requirements

Simple Majority

Officer's Recommendation

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104842 – 104849 totalling \$419,508.56 approved by the Chief Executive Officer during the month of October 2020 be endorsed.

SHIRE OF WILLIAMS PAYMENT LISTING FOR THE MONTH ENDING 31SEPTEMBER 2020

DATE	NAME	DESCRIPTION	AMOUNT
<u>MUNICIPAL - EFT, BPAY, DIRECT DEBIT & CHEQUES</u>			
03/09/2020	WESTERN POWER	Design Fee - Men's Shed Power Supply	\$ 3,300.00
09/09/2020	FDC EDUCATORS	14 FDC Educators PE 06 September 2020	\$ 25,613.35
09/09/2020	SHIRE OF WILLIAMS	Salaries & Wages PE 09 September 2020	\$ 48,031.75
11/09/2020	PALUMBO, SHARON	Reimbursement for Expenses - Childcare Office	\$ 48.95
11/09/2020	SUNNY INDUSTRIAL BRUSHWARE PTY LTD	11479 - Part (Skid Steer)	\$ 796.40
11/09/2020	TOLL TRANSPORT PTY LTD	Freight - Various	\$ 137.72
22/09/2020	McINTOSH & SON (EFT)	11570 - Purchase of Mini Excavator	\$ 84,018.00
22/09/2020	MELCHIORRE PLUMBING & GAS	11482 - Repair Drainage Pump (Jamtree Lane)	\$ 1,458.60
16/09/2020	WA SUPER	Superannuation - August 2020	\$ 17,297.94
23/09/2020	SHIRE OF WILLIAMS	Salaries & Wages PE 23 September 2020	\$ 46,865.01
29/09/2020	FDC EDUCATORS	14 FDC Educators PE 20 September 2020	\$ 25,613.35
29/09/2020	BEAUTIFY WITH TAHLIA	COVID-19 Business Support	\$ 500.00
29/09/2020	QUINDANNING HOTEL	COVID-19 Business Support	\$ 500.00
29/09/2020	RUSTIK RAINBOW (EFT)	COVID-19 Business Support	\$ 500.00
29/09/2020	WILLIAMS BED AND BREAKFAST	COVID-19 Business Support	\$ 500.00
29/09/2020	WILLIAMS DISTRICT CLUB (EFT)	COVID-19 Business Support	\$ 500.00
29/09/2020	WILLIAMS HOTEL - STRICKO'S (EFT)	COVID-19 Business Support	\$ 500.00
29/09/2020	WILLIAMS PHARMACY	COVID-19 Business Support	\$ 500.00
30/09/2020	AAA ASPHALT SURFACES	11491 - Coldmix Asphalt	\$ 1,402.50
30/09/2020	AGQUIRE RURAL HOLDINGS PTY LTD	11494 - Monthly Hardware Account, August 2020	\$ 1,432.11
30/09/2020	AVON WASTE	11015 - Monthly Refuse Charges August 2020	\$ 8,611.34
30/09/2020	BEAUREPAIRES (EFT)	11654, 11496 - Parts (Roller)	\$ 3,115.61
30/09/2020	BEST OFFICE SYSTEMS	11561 - Monthly Printing/Copying Charges	\$ 223.49
30/09/2020	BOC Ltd (EFT)	11566 - August 2020 Container Service Fee	\$ 137.81
30/09/2020	BP TRUST (EFT)	11389 - Monthly Fuel Account August 2020	\$ 215.69
30/09/2020	BROWN McALLISTER SURVEYORS	11579 - Townsite Drainage Plan Survey	\$ 9,097.00
30/09/2020	CHAMDEN FARMING	11651 - Footpath at Lions Park	\$ 3,025.00
30/09/2020	COATES HIRE (EFT)	11499 - Turf Cutter Hire (Hockey Oval)	\$ 125.20
30/09/2020	CORSIGN (EFT)	11489 - Traffic Signs	\$ 369.60
30/09/2020	DATAMARS AUSTRALIA PTY LTD	11574 - Cat Registration Tags	\$ 67.63
30/09/2020	DUFF ELECTRICAL CONTRACTING	11386 - Electrical Work (Resource Centre)	\$ 342.82
30/09/2020	EDWARDS MOTORS PTY LTD (EFT)	11293 - Filter Set (Colorado Ute)	\$ 397.50
30/09/2020	FARMERS CENTRE (1978) PTY LTD (EFT)	11604 - Hydraulic Oil (Loader)	\$ 189.01
30/09/2020	G & GM KLUG & CO (EFT)	11658 - Gravel	\$ 7,504.00
30/09/2020	GREAT SOUTHERN FUELS (EFT)	11492 - Bulk Fuel	\$ 11,140.88
30/09/2020	HANCOCKS HOME HARDWARE	11576 - Shower Handle (Residential)	\$ 39.00
30/09/2020	HARMONY SOFTWARE	Educators' Software Fees, Month of August 2020	\$ 231.00
30/09/2020	INDUSTRIAL AUTOMATION GROUP	11382 - Annual Standpipe Controller Fee 2020/21	\$ 1,332.10
30/09/2020	ITR PACIFIC PTY LTD	11610 - Parts (Graders)	\$ 346.50
30/09/2020	LANDGATE (EFT)	Land Valuations - Rating	\$ 104.04
30/09/2020	MARRADONG COUNTRY (EFT)	11585 - HWEDA Membership 2020/21	\$ 7,500.00
30/09/2020	McINTOSH & SON (EFT)	11602 - Parts (Loader)	\$ 603.49
30/09/2020	MELCHIORRE PLUMBING & GAS	11380,11514,11520,11659 - Plumbing Services (Various)	\$ 4,203.10
30/09/2020	MORGAN RURAL SERVICES PTY LTD	11580 - Roadside Weed Control	\$ 7,507.50
30/09/2020	NARROGIN BEARING SERVICE (EFT)	11611 - Parts (Mower)	\$ 15.94
30/09/2020	NARROGIN HIRE SERVICE (EFT)	11575 - Reticulation (Art & Craft Centre)	\$ 37.56
30/09/2020	NARROGIN TOYOTA (EFT)	11297,11292 Parts (Blower, Chainsaw)	\$ 40.63
30/09/2020	PRICE'S FABRICATION AND STEEL	11582 - Deposit (Men's Shed)	\$ 14,608.96
30/09/2020	PRIME AG SERVICES - WILLIAMS (EFT)	1376,11497 - Herbicide	\$ 623.40
30/09/2020	SHIRE OF WAGIN (EFT)	EHO Expenses	\$ 7,285.56
30/09/2020	STATE LIBRARY OF WA (EFT)	Better Beginnings Program 2020/2021	\$ 88.00
30/09/2020	T-QUIP (EFT)	11605, 11609, 11611 - Parts (Mowers)	\$ 525.60
30/09/2020	THE GOODS (EFT)	11518, 11503 Cleaning Products	\$ 306.02
30/09/2020	THE WILLIAMS WOOL SHED. (EFT)	11657 - Protective Clothing	\$ 380.00
30/09/2020	TOLL TRANSPORT PTY LTD	Freight - Various	\$ 190.09
30/09/2020	TOWN PLANNING INNOVATIONS	11387 - General Planning Advice for August 2020	\$ 1,051.88
30/09/2020	TRUCK CENTRE (WA) PTY LTD	11603 - Parts (Prime Mover)	\$ 1,282.62
30/09/2020	TUTT BRYANT HIRE PTY LTD	11468 - Roller Hire	\$ 6,214.73
30/09/2020	WA CONTRACT RANGER SERVICES	11240 - Ranger Services, August/September 2020	\$ 701.25
30/09/2020	WALLIS COMPUTER SOLUTIONS	11390 - IT Support	\$ 168.88

SHIRE OF WILLIAMS PAYMENT LISTING FOR THE MONTH ENDING 31 SEPTEMBER 2020

DATE	NAME	DESCRIPTION	AMOUNT
30/09/2020	WILLIAMS GENERAL STORE (EFT)	Monthly refreshments & consumables, August 2020	\$ 171.84
30/09/2020	WILLIAMS HOTEL - STRICKO'S (EFT)	11373, 11519 - Refreshments	\$ 107.98
30/09/2020	WILLIAMS NEWSAGENCY	Monthly account August 2020	\$ 38.80
30/09/2020	WILLIAMS SJA SUB CENTRE (EFT)	SJA Subscriptions Collected in August 2020	\$ 95.00
24/09/2020	TELSTRA	WS Home Phone to 7/9/2020	\$ 56.82
29/09/2020	AUSTRALIAN TAXATION OFFICE	BAS - Aug 20	\$ 27,313.77
30/09/2020	SYNERGY	Electricity - Various	\$ 862.69
03/09/2020	CBA	CBA - Merchant Fees Aug 20	\$ 305.43
01/09/2020	WESTNET	Monthly CEO Internet Charges, September 2020	\$ 54.99
17/09/2020	ANZ CARDS	Monthly Credit Card Expenses x 3	\$ 1,110.04
03/09/2020	SYNERGY	Electricity to Swimming Pool 21/7/2020 to 18/8/2020	\$ 414.27
03/09/2020	TELSTRA	Pool Telephone to 19/8/2020	\$ 32.33
03/09/2020	WATER CORPORATION.	Water Consumption / Sewerage - (Various)	\$ 3,607.64
03/09/2020	SHIRE OF WILLIAMS	Rates (Rubbish Charges) for 2020/2021	\$ 17,626.00
10/09/2020	SYNERGY	Electricity (Various)	\$ 6,723.92
10/09/2020	TELSTRA	Monthly Phone Usage to 19/8/2020	\$ 428.99
22/09/2020	TELSTRA	Mobile Phone Services to 1/9/2020	\$ 322.50
30/09/2020	WILLIAMS LICENSED POST OFFICE	11388 - Postage & Stationery, July & August 2020	\$ 769.44
			<hr/>
			\$ 419,508.56

8.3.2 Financial Statements

File Reference	4.23.15
Statutory Ref.	<i>Local Government (Financial Management) Regulations 1996</i>
Author & Date	Cara Ryan 14 October 2020
Attachments	Financial Statements ending 30 September 2020

Background

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

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

Statutory Implications

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

Comment

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

Strategic Implications

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

CL 2.2 Maintain accountability, transparency and financial responsibility

Financial Implications

As disclosed in the financial statements.

Voting Requirements

Simple Majority

Officer's Recommendation

That the financial statements presented for the period ending 30 September 2020 be received.



SHIRE OF WILLIAMS

MONTHLY FINANCIAL REPORT For the Period Ended 30 September 2020

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

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Statement of Financial Activity by Program

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Note 8	Grants and Contributions
Note 9	Trust Fund
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Prepared by : Manager of Finance
Date prepared : All known transactions up to 15 October 2020

BASIS OF PREPARATION

REPORT PURPOSE

This report is prepared to meet the requirements of Local Government (Financial Management) Regulations 1996, Regulation 34. Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

BASIS OF ACCOUNTING

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities and to the extent they are not inconsistent with the Local Government Act 1995 and accompanying regulations), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise.

Except for cash flow and rate setting information, the report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All Funds through which the Council controls resources to carry on its functions have been included in this statement. In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 9.

SIGNIFICANT ACCOUNTING POLICIES

GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

CRITICAL ACCOUNTING ESTIMATES

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

ROUNDING OFF FIGURES

All figures shown in this statement are rounded to the nearest dollar.

KEY TERMS AND DESCRIPTIONS FOR THE PERIOD ENDED 30 SEPTEMBER 2020

STATUTORY REPORTING PROGRAMS

The Shire of Williams operations as disclosed in these financial statements encompass the following service orientated activities/programs.

PROGRAM NAME	OBJECTIVE	ACTIVITIES
GOVERNANCE	To provide a decision making process for the efficient allocation of scarce resources.	Administration and operation of facilities and services to members of Council. Other costs that relate to the tasks of assisting elected members and ratepayers on matters which do not concern specific Council services.
GENERAL PURPOSE FUNDING	To collect revenue to allow for the provision of services.	Rates, general purpose government grants and interest revenue.
LAW, ORDER, PUBLIC SAFETY	To provide services to help ensure a safer community.	Supervision and enforcement of local laws, fire prevention and suppression activities and animal control.
HEALTH	To provide an operational framework for good community health.	Health inspection and advisory services, analytical services, mosquito control, collection agent for Williams St John Ambulance subscriptions and assist with providing medical services.
EDUCATION AND WELFARE	To provide a framework that enables community needs in these areas are met.	Provision and maintenance of premises for the Williams Community Resource Centre and Willi Wagtails Childcare Centre. Provide administration services for the Childcare centre.
HOUSING	To help ensure the availability of adequate housing for the community needs.	Management, administration and maintenance of Williams Community Homes, Sandalwood Court, Wandoo Cottages, Jamtree Lane Units and New Street units.
COMMUNITY AMENITIES	Provision of amenities required by the community.	Refuse management, protection of the environment, maintenance of cemeteries and public conveniences.
RECREATION AND CULTURE	To establish and manage efficiently all infrastructure and resources which will meet the recreational and cultural needs of the community.	Maintenance of halls, recreational facilities and reserves. Operation of Library and compilation and maintenance of local heritage register.
TRANSPORT	To provide safe, effective and efficient transport services to the community.	Construction and maintenance of streets, roads, bridges and drainage. Cleaning and lighting of streets, depot maintenance and on-line agent for Department of Transport.
ECONOMIC SERVICES	Promotion of Williams and improvement of economic wellbeing of the district and its inhabitants.	Tourism services, area promotion, implementation of buildings controls, provision of standpipe water, maintenance and management of Williams Stud Breeders pavilion.
OTHER PROPERTY AND SERVICES	Efficient utilisation of Council resources, plant repairs and operations, management of Williams Town Planning Scheme.	Provision of private works to public, maintenance of Council plant, approvals and monitoring of town planning activities.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

	Note	Adopted Budget (d)	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
OPENING FUNDING SURPLUS (DEFICIT)	1 (b)	392,035	392,035	386,912	(5,123)	(1%)	
Revenue from operating activities							
Governance		500	0	0	0		
General Purpose Funding - Rates	5	1,966,047	1,966,047	1,964,526	(1,521)	(0%)	
General Purpose Funding - Other		242,571	66,737	66,615	(122)	(0%)	
Law, Order and Public Safety		30,905	625	1,625	1,000	160%	
Health		400	100	473	373	373%	
Education and Welfare		332,801	89,188	98,653	9,466	11%	▲
Housing		243,611	60,230	57,848	(2,382)	(4%)	
Community Amenities		187,183	46,096	57,406	11,311	25%	▲
Recreation and Culture		44,474	7,369	6,752	(617)	(8%)	
Transport		111,690	79,753	81,095	1,343	2%	
Economic Services		115,154	21,426	24,531	3,105	14%	
Other Property and Services		64,230	17,557	22,222	4,664	27%	
		3,339,566	2,355,126	2,381,747	26,620		
Expenditure from operating activities							
Governance		(185,921)	(51,483)	(50,013)	1,469	3%	
General Purpose Funding		(90,051)	(21,421)	(21,925)	(504)	(2%)	
Law, Order and Public Safety		(107,247)	(46,040)	(40,588)	5,452	12%	▲
Health		(61,302)	(15,325)	(13,154)	2,171	14%	▲
Education and Welfare		(353,525)	(89,126)	(84,673)	4,453	5%	
Housing		(194,893)	(69,888)	(66,408)	3,481	5%	
Community Amenities		(295,076)	(69,891)	(66,655)	3,236	5%	
Recreation and Culture		(770,025)	(181,945)	(185,930)	(3,985)	(2%)	
Transport		(1,598,367)	(413,522)	(460,061)	(46,539)	(11%)	▼
Economic Services		(176,976)	(50,755)	(39,619)	11,136	22%	▲
Other Property and Services		(108,977)	(102,871)	(98,566)	4,305	4%	
		(3,942,360)	(1,112,268)	(1,127,592)	(15,324)		
Non-Cash Amounts excluded from operating activities							
Add back Depreciation		1,267,984	316,997	317,009	12	0%	
Adjust (Profit)/Loss on Asset Disposal	6	0	0	2,000	2,000		
Adjust Fair Value to financial assets		0	0	0	0		
Adjust Provisions and Accruals		5,144	0	0	0		
Amount attributable to operating activities		670,334	1,559,856	1,573,164	13,308		
Investing Activities							
Grants, Subsidies and Contributions	8	805,568	20,000	20,000	0	0%	
Proceeds from Disposal of Assets	6	52,000	22,000	20,000	(2,000)	(9%)	
Proceeds from Self Supporting Loans		15,966	7,921	7,921	(0)	(0%)	
Capital Acquisitions	6	(2,046,757)	(256,681)	(282,828)	(26,147)	(10%)	▼
Amount attributable to investing activities		(1,173,223)	(206,760)	(234,908)	(28,148)		
Financing Activities							
Proceeds from New Borrowings		100,000	0	0	0		
Transfer from Reserves	3	240,856	0	0	0		
Repayment of Debentures		(102,462)	(7,921)	(7,921)	0	0%	
Transfer to Reserves	3	(91,540)	0	(25)	(25)		
Amount attributable to financing activities		146,854	(7,921)	(7,946)	(25)		
NET OPERATIONS, CAPITAL, FINANCING		(356,035)	1,345,175	1,330,310	(14,865)		
CLOSING FUNDING SURPLUS (DEFICIT)	1 (b)	36,000	1,737,210	1,717,222	(19,988)		

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer Note 2 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2020/21 year is \$5,000 or 5% whichever is the greater.

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

SIGNIFICANT ACCOUNTING POLICIES

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non current based on Council's intentions to release for sale.

EMPLOYEE BENEFITS

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.

(ii) Annual Leave and Long Service Leave (Long-term Benefits)

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

PROVISIONS

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

INVENTORIES

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**OPERATING ACTIVITIES
NOTE 1(b)
ADJUSTED NET CURRENT ASSETS**

	Note	Year to Date Actual 30 Sep 2020	This Time Last Year 30 Sep 2019	This Years Opening 1 July 2020
		\$	\$	\$
Current Assets				
Cash Unrestricted	3	1,787,196	1,559,505	854,072
Cash Restricted	3	764,882	958,980	764,857
Receivables - Rates	4	617,896	644,423	21,700
Receivables -Other	4	69,417	91,416	78,744
Accrued Revenue		3,608	186,643	3,608
Loans Receivable - clubs	7	8,045	7,677	15,966
Inventories		30,243	34,465	27,564
		3,281,288	3,483,107	1,766,511
Less: Current Liabilities				
Payables		(205,851)	(111,010)	(213,981)
Contract Liabilities	8	(249,362)	(112,653)	(48,870)
Provisions		(356,517)	(325,680)	(356,517)
Long Term Borrowings	7	(94,541)	(94,959)	(102,462)
		(906,271)	(644,302)	(721,830)
Adjustments and exclusions permitted by FM Reg 32				
Less: Cash Reserves	3	(764,882)	(958,980)	(764,857)
Less: Loans Receivables	7	(8,045)	(7,677)	(15,966)
Add: Leave Entitlements Cash Backed		20,592	15,473	15,473
Add: Movement in liabilities associated with Restricted Cash		1	0	5,118
Add: Long Term Borrowings	7	94,541	94,959	102,462
Adjusted Net Current Assets		1,717,222	1,982,581	386,911

SIGNIFICANT ACCOUNTING POLICIES

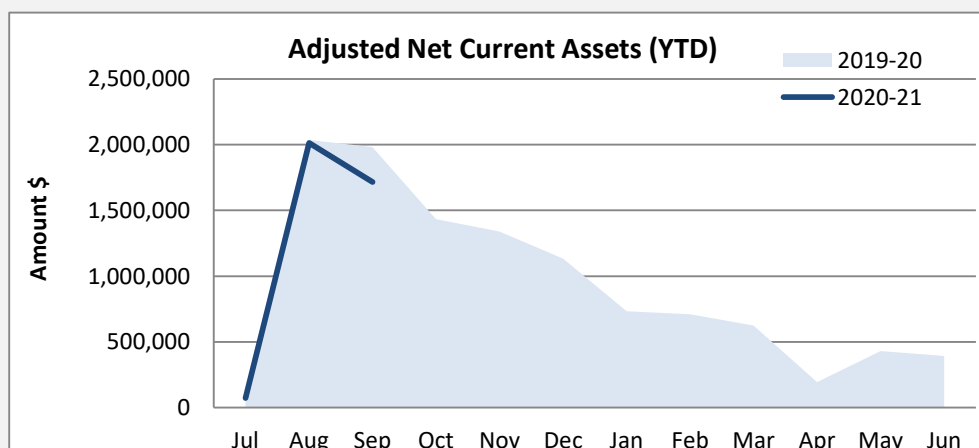
Please see Note 1 (a) for information on significant accounting policies relating to Net Current Assets.

KEY INFORMATION

The amount of the adjusted net current assets at the end of the period represents the actual surplus (or deficit if the figure is negative) as presented on the Rate Setting statement.

**This Year YTD
Surplus (Deficit)
\$1,717,222**

**Last Year YTD
Surplus(Deficit)
\$1,982,581**



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**NOTE 2
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2020/21 year is \$5,000 or 5% whichever is the greater.

Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	0				
General Purpose Funding - Rates	(1,521)	(0%)			
General Purpose Funding - Other	(122)	(0%)			
Law, Order and Public Safety	1,000	160%			
Health	373	373%			
Education and Welfare	9,466	11%	▲	Timing	Childcare Fees received exceeding budget expectations.
Housing	(2,382)	(4%)			
Community Amenities	11,311	25%	▲	Timing	Rural Tip passes purchased at beginning of year.
Recreation and Culture	(617)	(8%)			
Transport	1,343	2%			
Economic Services	3,105	14%			
Other Property and Services	4,664	27%			
Operating Expense					
Governance	1,469	3%			
General Purpose Funding	(504)	(2%)			
Law, Order and Public Safety	5,452	12%	▲	Timing	Expenditure on Fire Control still to be incurred.
Health	2,171	14%	▲	Timing	Mosquito Control expenses still to be incurred.
Education and Welfare	4,453	5%			
Housing	3,481	5%			
Community Amenities	3,236	5%			
Recreation and Culture	(3,985)	(2%)			
Transport	(46,539)	(11%)	▼	Timing	Maintenance road work being undertaken ahead of time. This will now capital works have commenced.
Economic Services	11,136	22%	▲	Permanent	COVID-19 Stimulus relief takeup less than predicted.
Other Property and Services	4,305	4%			
Investing Activities					
Grants, Subsidies and Contributions	0	0%			
Proceeds from Disposal of Assets	(2,000)	(9%)			
Capital Expenses	(26,147)	(10%)	▼	Permanent	Overbudget on Gravel Sheetting undertaken on Culbin-Boranning Rd

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**OPERATING ACTIVITIES
NOTE 3
CASH AND INVESTMENTS**

CASH AND INVESTMENTS

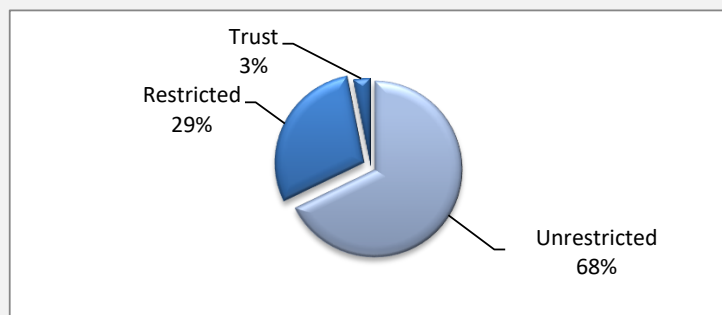
	Unrestricted	Restricted	Trust	Total YTD Actual	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
Cash on Hand							
Petty Cash & Floats	600			600		0.00%	On Hand
Cash Deposits							
Municipal Bank Account	124,925			124,925	ANZ	0.00%	At Call
Municipal Cash Investment	1,350,064			1,350,064	ANZ	0.10%	At Call
Trust Bank Account			80,008	80,008	ANZ	0.00%	At Call
Term Deposits							
Reserves		764,882		764,882	ANZ	0.75%	24-Oct-20
Treasury							
Overnight Cash Deposit	303,505			303,505	Treasury	0.20%	Overnight
Total	1,779,094	764,882	80,008	2,623,984			

SIGNIFICANT ACCOUNTING POLICIES

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.



Total Cash	Unrestricted
\$2.62 M	\$1.78 M

CASH BACKED RESERVES

Reserve Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Long Service Leave Reserve	20,591	144	1	5,000	0	0	0	25,735	20,592
Plant Reserve	179,117	1,254	8	40,000	0	(109,108)	0	111,263	179,125
Building Reserve	291,381	2,040	8	20,000	0	(90,000)	0	223,421	291,389
Joint Venture Housing Reserve	105,128	736	3	10,000	0	0	0	115,864	105,131
Recreation Facilities Reserve	122,825	860	4	10,000	0	(41,748)	0	91,937	122,829
Art Acquisition Reserve	8,783	61	0	0	0	0	0	8,844	8,783
Refuse Site Reserve	24,196	169	1	0	0	0	0	24,365	24,197
Community Chest Reserve	12,835	90	0	1,186	0	0	0	14,111	12,835
	764,856	5,354	25	86,186	0	(240,856)	0	615,540	764,881

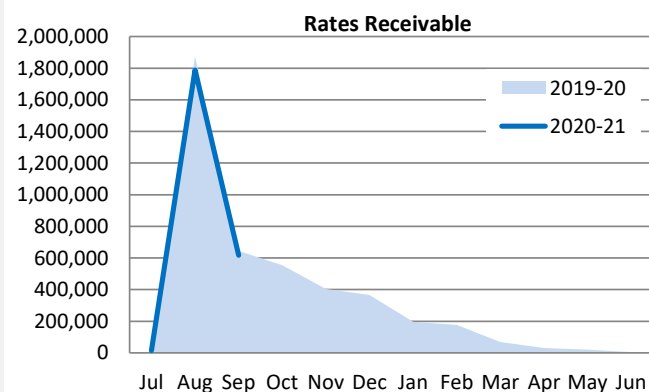
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**OPERATING ACTIVITIES
NOTE 4
RECEIVABLES**

Receivables - Rates Receivable	30 Sep 2020	30 June 2020
	\$	\$
Opening Arrears Previous Years	21,700	25,034
Rates - Levied this year	1,926,397	1,889,254
Rubbish - Levied this year	158,852	155,506
ESL - Levied this year	57,920	57,547
<u>Less</u> Collections to date	(1,546,973)	(2,105,641)
Net Rates Collectable	617,896	21,700
% Collected	71.46%	98.98%

KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.



Collected

71%

Rates Due

\$617,896

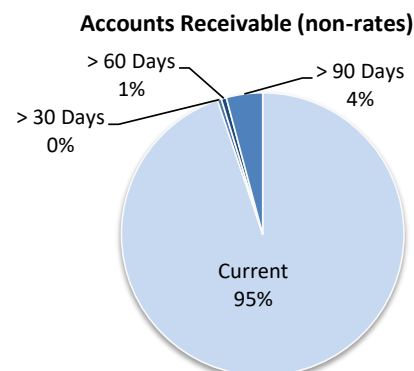
Receivables - General	Current	> 30 Days	> 60 Days	> 90 Days
	\$	\$	\$	\$
Receivables - General	65,808	323	402	2,884
Percentage	94.80%	0.47%	0.58%	4.16%

Total Receivables General Outstanding **69,417**

Amounts shown above include GST (where applicable)

SIGNIFICANT ACCOUNTING POLICIES

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



Debtors Due

\$69,417

Over 30 Days

5.20%

Over 90 Days

4.16%

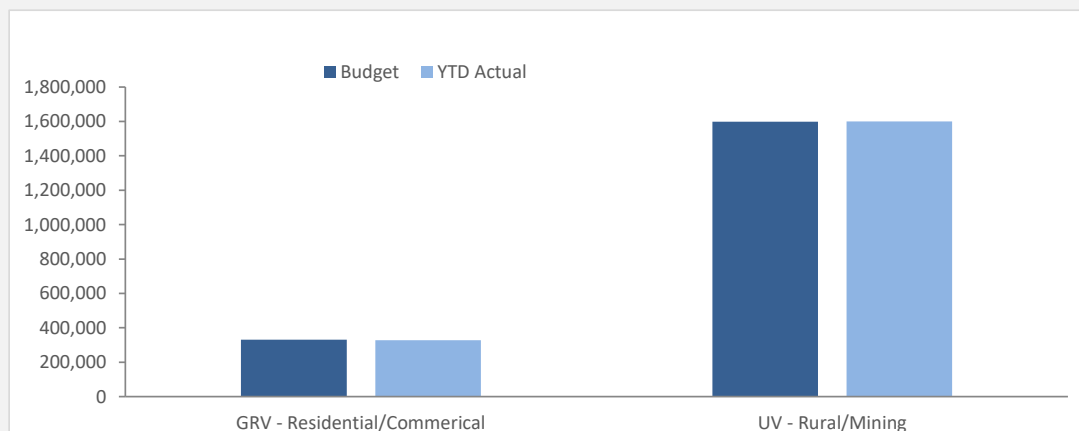
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020

OPERATING ACTIVITIES
NOTE 5
RATE REVENUE

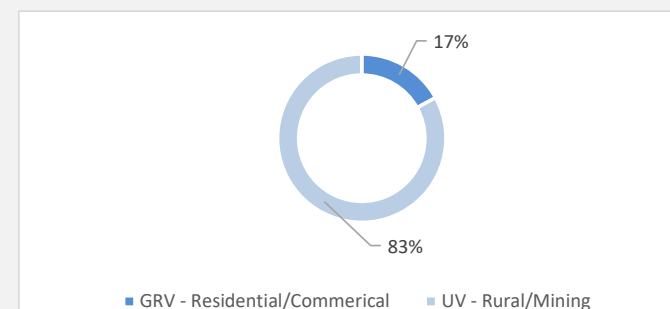
General Rate Revenue	Budget						YTD Actual				
	Rate in	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE	\$			\$	\$	\$	\$	\$	\$	\$	\$
General Rate											
GRV - Residential/Commerical	0.074721	168	2,861,590	213,821	0	0	213,821	213,860	818	0	214,678
UV - Rural/Mining	0.006731	240	225,098,000	1,515,135	0	0	1,515,135	1,514,542	941	0	1,515,483
Minimum Payment	Minimum \$										
GRV - Residential/Commercial	734	159	722,845	116,706	0	0	116,706	113,036	0	0	113,036
UV - Rural/Mining	944	89	7,885,851	84,016	0	0	84,016	84,960		0	84,960
Sub-Totals		656	236,568,286	1,929,678	0	0	1,929,678	1,926,397	1,759	0	1,928,157
Amount from General Rates							1,929,678				1,928,157
Ex-Gratia Rates							36,370				36,370
Total General Rates							1,966,048				1,964,527

SIGNIFICANT ACCOUNTING POLICIES

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.



General Rates		
Budget	YTD Actual	%
\$1.93 M	\$1.93 M	100%



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**INVESTING ACTIVITIES
NOTE 6
CAPITAL DETAILS**

Capital Acquisitions	Annual Budget	YTD Budget	YTD Actual Total	YTD Budget Variance
	\$	\$	\$	\$
Land & Buildings	244,887	25,000	25,173	(173)
Plant & Equipment	564,500	141,500	146,242	(4,742)
Furniture & Equipment	0	0	0	0
Infrastructure - Roads	1,102,333	84,681	106,040	(21,359)
Parks, Gardens, Recreation Facilities	135,037	5,500	5,373	127
Capital Expenditure Totals	2,046,757	256,681	282,828	(26,147)

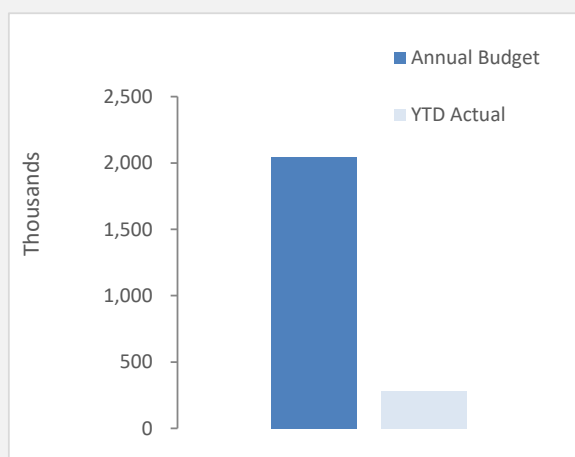
Capital Acquisitions Funded By:

	\$	\$	\$	\$
Capital grants and contributions	805,568	20,000	20,000	0
Borrowings	100,000	0	0	0
Other (Disposals & C/Fwd)	52,000	22,000	20,000	(2,000)
Cash Backed Reserves				0
Plant Replacement Reserve	109,108	0	0	0
Building Reserve	90,000	0	0	0
Recreation Facilities Reserve	41,748	0	0	0
Refuse Site Reserve	0	0	0	0
Contribution - operations	848,333	214,681	242,828	28,147
Capital Funding Total	2,046,757	256,681	282,828	26,147

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

KEY INFORMATION



Acquisitions	Annual Budget	YTD Actual	% Spent
	\$2.05 M	\$0.28 M	14%
Capital Grant	Annual Budget	YTD Actual	% Received
	\$0.81 M	\$0.02 M	2%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020

INVESTING ACTIVITIES
NOTE 6
CAPITAL DETAILS (Continued)

CAPITAL DISPOSALS

Asset Description	Budget			YTD Actual		
	Net Book Value	Proceeds	Profit / (Loss)	Net Book Value	Proceeds	Profit / (Loss)
	\$		\$			
Holden Colorado Ute - WL19	22,000	22,000	0	22,000	20,000	(2,000)
Isuzu Giga Tip Truck - WL128	30,000	30,000	0	0	0	0
	52,000	52,000	0	22,000	20,000	(2,000)

CAPITAL ACQUISITIONS

% of Completion	Infrastructure Assets	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over
-	Refurbishment - 1 x Single Person Unit - New Street	33,129	0	0	0
-	Single Person Units - Carport	22,558	0	0	0
5%	Mens Shed	149,200	25,000	25,173	(173)
-	Childcare Flooring	40,000	0	0	0
	Land & Buildings Total	244,887	25,000	25,173	(173)
100%	4x4 Dual Cab Ute - WL19	40,000	40,000	45,362	(5,362)
-	Multi-Tyre Road Roller - WL49	175,000	0	0	0
100%	Mini Excavator 5-6 Tonne	77,000	77,000	76,380	620
-	Tandem Drive Truck - WL128	248,000	0	0	0
100%	Variable Message Sign	24,500	24,500	24,500	0
-					
	Plant & Equipment Total	564,500	141,500	146,242	(4,742)
-	PROJECT GRANT - Williams Darkan Rd - Reseal	103,950	0	0	0
-	PROJECT GRANT - Quindanning Darkan - Seal	315,540	0	0	0
-	RTR - York Williams Road - Reseal	69,319	0	0	0
8%	RTR - Clayton Road - Seal Widening	77,399	6,500	6,657	(157)
40%	RTR - Wangeling Gully Rd - Gravel Sheeting	49,654	19,000	19,123	(123)
5%	COUNCIL FUNDED - Brooking Street	254,000	2,700	2,720	(20)
	LRCI GRANT - Brooking Street	36,000	300	246	54
-	COUNCIL FUNDED - English Rd - Gravel Sheeting	30,399	0	0	0
100%	COUNCIL FUNDED - Culbin Boranning - Gravel Sheeting	47,681	47,681	68,952	(21,271)
-	COUNCIL FUNDED - Petchell Rd - Seal	14,155	0	0	0
-	LRCI GRANT - Marradong Rd - Stabilising Pavement	52,075	0	0	0
-	COUNCIL FUNDED - Carne/Narrakine Rd - Tree Clearing	22,034	0	72	(72)
-	COUNCIL FUNDED - Townsite Drainage	30,127	8,500	8,270	230
-					
	Roads Total	1,102,333	84,681	106,040	(21,359)
50%	Lions Park Carpark & Landscaping	13,392	5,500	5,373	127
-	Town Hall Park - redevelopment	100,150	0	0	0
-	Cemetery Improvements - Marling	15,939	0	0	0
-	Shade Sale - Lions Park	5,556	0	0	0
	Infrastructure - Other Total	135,037	5,500	5,373	127
	Capital Expenditure Total	2,046,757	256,681	282,828	(26,147)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**FINANCING ACTIVITIES
NOTE 7
BORROWINGS**

Information on Borrowings	Principal 30 June 20	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Annual Budget	Actual	Annual Budget	Actual	Annual Budget	Actual	Annual Budget
Particulars	\$	\$	\$	\$	\$	\$	\$	\$	\$
Recreation and Culture									
Loan #71 Mens Shed	0	0	100,000	0	0	0	100,000	0	0
Transport									
Loan #67 Grader	61,117	0	0	0	40,398	61,117	20,719	0	1,748
Other Property and Services									
Loan #65 Industrial Land	184,772	0	0	0	12,039	184,772	172,733	0	11,581
Loan #66 Industrial Land	140,546	0	0	0	12,336	140,546	128,210	0	5,733
Loan #70 Industrial Shed	193,460	0	0	0	21,723	193,460	171,737	0	5,679
	579,895	0	100,000	0	86,496	579,895	593,399	0	24,741
Self supporting loans									
Recreation and Culture									
Loan #69 Williams Bowling Club	122,989	0	0	7,921	15,966	115,068	107,023	1,937	3,749
	122,989	0	0	7,921	15,966	115,068	107,023	1,937	3,749
Total	702,884	0	100,000	7,921	102,462	694,963	700,422	1,937	28,490

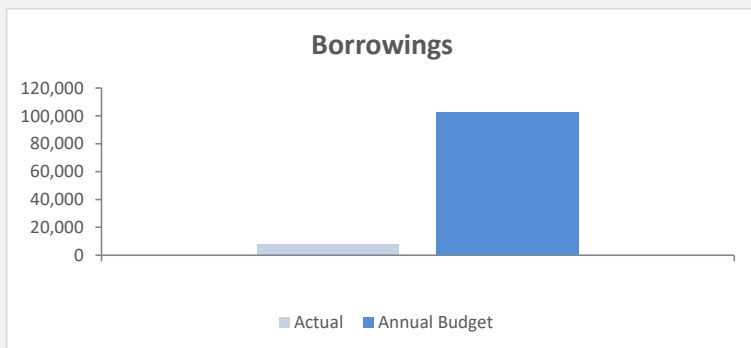
All debenture repayments were financed by general purpose revenue.

SIGNIFICANT ACCOUNTING POLICIES

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.



Principal Repayments
\$7,921

Interest Earned
\$300

Interest Expense
\$1,937

Reserves Bal
\$764,881

Loans Due
\$694,963

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020

NOTE 8
GRANTS & CONTRIBUTIONS

Program/Details	Unspent Grants, Subsidies and Contributions Liability				2020-21 Budget	Variations Additions (Deletions)	Operating	Non Operating	YTD Revenue	Not Received
	Liability 1-Jul	Increase Liability	Decrease (as Revenue)	Current Liability 30-Sep						
GENERAL PURPOSE FUNDING					\$	\$	\$	\$	\$	\$
Equalisation Grant	0	0	0	0	82,095	0	82,095	0	22,773	59,323
Local Road Grant	0	0	0	0	136,897	0	136,897	0	34,852	102,045
LAW, ORDER, PUBLIC SAFETY										
ESL Administration Grant	0	0	0	0	4,000	0	4,000	0	0	4,000
ESL Maintenance Grant	0	0	0	0	23,205	0	23,205	0	0	23,205
Depart. Of Infrastructure	20,000	0	(20,000)	0	20,000	0	0	20,000	20,000	0
EDUCATION & WELFARE										
Federal Sustainability Grant	0	0	0	0	43,000	0	43,000	0	21,500	21,500
The Williams - Photocopy	0	0	0	0	18,000	(18,000)	18,000	0	0	0
HOUSING										
NRAS - Contribution	0	0	0	0	55,961	0	55,961	0	14,060	41,901
COMMUNITY AMENITIES										
PHCC - Contribution to NRM Officer	0	0	0	0	1,100	0	1,100	0	0	1,100
RECREATION AND CULTURE										
(MAF RfR) 2019-20 Round 1	9,200	0	0	9,200	9,200	0	0	9,200	0	9,200
South 32	5,000	0	0	5,000	5,000	0	0	5,000	0	5,000
Mens Shed Contribution	0	0	0	0	40,000	0	0	40,000	0	40,000
Public Open Space Contribution	0	0	0	0	20,000	0	0	20,000	0	20,000
TRANSPORT										
Direct Grant	0	0	0	0	75,740	0	75,740	0	75,740	0
Road Project Grant	0	111,864	0	111,864	282,327	0	0	282,327	0	282,327
Local Roads and Community Projects	0	0	0	0	232,929	0	0	232,929	0	232,929
Roads to Recovery	0	0	0	0	196,112	0	0	196,112	0	196,112
Street Lighting Subsidy	0	0	0	0	5,700	0	5,700	0	0	5,700
TOTALS	34,200	111,864	(20,000)	126,064	1,251,266	(18,000)	445,698	805,568	188,924	1,044,342

KEY INFORMATION

Operating	Annual Budget	YTD Actual	% Received
	\$.43 M	\$.17 M	39%
Non- Operating	Annual Budget	YTD Actual	% Received
	\$.72 M	\$. M	

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**NOTE 9
TRUST FUND**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 1 Jul 20	Amount Received	Amount Paid	Closing Balance 30 Sep 2020
	\$	\$	\$	\$
Building Retention	0	0	0	0
Sale of Land for rates	60,007	0	0	60,007
Public Open Space Contributions	20,000	0	0	20,000
	80,007	0	0	80,007

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020

NOTE 10 BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

[illegible]

8.3.3 Review of Asset Management Policy

File Reference	4.1.10
Statutory Ref.	Section 6.12 <i>Local Government Act 1995</i>
Author & Date	Cara Ryan 13 October 2020
Attachments	Appendix 1 – draft Asset Management Policy

Background

The Asset Management Policy was developed and adopted by Council in May 2013 in line with the WA Department of Local Government's *Asset Management Framework and Guidelines*. This framework was developed to assist local governments to improve their asset management systems and assist them to plan and manage their assets so that the long term aspirations of the community can be reached.

The Asset Management Policy should outline the local government's asset management objectives, targets and plans. The policy must support a 'whole of life' and 'whole of organisation approach to asset management.

Although the policy was adopted in May 2013 it was not included in the Council's Policy Manual which subsequently underwent a full manual review in May 2018 where the Asset Management Policy was not included.

Comment

A review of the Asset Management Policy has been undertaken in accordance with the Department of Local Governments Framework and Guidelines, ensuring it is line with current standards for asset management practices. Consideration and review of other local government's policies has helped to formulate the revised policy proposed.

In adopting the reviewed Asset Management Policy, Council is continuing to commit to the improvement of asset management processes. The Policy establishes a platform for service delivery and provides a framework that enables the Asset Management Strategy and Plans to be produced.

Further work will be conducted later in the year in reviewing the current Asset Management Strategy and Asset Management Plan to align with the revised Policy.

Statutory Environment**LOCAL GOVERNMENT ACT 1995 - SECT 5.56****5.56 . Planning for the future**

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

19DA. Corporate business plans, requirements for (Act s. 5.56)**3) A corporate business plan for a district is to —**

- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
- b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and

*(c) develop and integrate matters relating to resources, including **asset management**, workforce planning and long-term financial planning.*

Financial Implications

Nil

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 4.1 Implement the development of the IPR documentation including the Corporate Business Plan, Asset Management Plan, Workforce Plan and Forward Capital Works Plan
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council adopt the amended O1.31 Asset Management Policy and approves its inclusion in the Shire of Williams Policy Manual.

O 1.31 Asset Management

History

Author Manager of Finance

Policy Statement

The Shire is committed to implementing systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes, ensuring that assets are planned, created, operated, maintained, renewed and disposed of in line with aspirations of the Strategic Community Plan and Council's priorities for service delivery.

Asset management decisions are to consider other key Shire policies and priority should be given to existing assets and services over new assets and services. Long term resource needs contained in the Asset Management Plans are to be balanced against financial availability within the Long Term Financial Plans.

Objective

The key objective of this policy is to ensure that there is organisation-wide commitment to asset management and that the objectives of the Shire's Asset Management Strategy and Plan are achieved. This ensures financial data on asset renewals, maintenance of existing assets and new assets are identified and form part of the Shire's long-term financial planning.

The principal objective of asset management is to enable the Shire to meet its service delivery objectives efficiently and effectively, in a way that ensures:

- Assets are managed in accordance with relevant legislation;
- Assets are managed in accordance with recognised best practice;
- Asset Management is an integral part the IPRF Framework;
- An asset "whole-of-life" approach is taken in the management of the Shire's assets;
- Risk is considered in the development of asset strategies;
- Asset performance is measured against defined levels of service outlined in the Asset Management Plan;
- Assets are brought to account in accordance with the requirements of the appropriate accounting standards and reporting requirements;
- Informed decision making is based on reliable data; and
- Asset management is sustainable.

Guidelines

Asset Management Strategy and plans are to be reviewed and updated at a period no more than two (2) years, ensuring integration with the Shire's Strategic Community Plan and the Long Term Financial Plan. The Asset Management system needs to comply with relevant Australian Accounting Standards, relevant Legislations & Regulations and Australian Standards.

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 Closure of Meeting