



Shire of Pingelly

Minutes

Ordinary Council Meeting
17 August 2016

SHIRE OF PINGELLY

Minutes of the Ordinary Council Meeting of the Shire of Pingelly held in the Council Chambers, 17 Queen Street, Pingelly on 17 August 2016.

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MEMBERS PRESENT

Cr SJ Lange	President
Cr WV Mulroney	Deputy President
Cr RJ Marshall	
Cr LN Steel	
Cr JM Walton-Hassell	
Cr EJ Hodges	
Cr PJ Wood	

STAFF IN ATTENDANCE

Mr G Pollock	Chief Executive Officer
Mr B Gibbs	Director Technical Services
Mrs L Boddy	Executive Assistant

APOLOGIES

Cr DI Freebairn

OBSERVERS & VISITORS

Ms Kristel Steel
Ms Claire Buckley

Swearing in of New Councillor

Conducted by Cheryle Lee JP

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman, Cr Shirley Lange, declared the meeting open at 2.04pm.

2. ACKNOWLEDGEMENT OF COUNTRY

I respectfully acknowledge the past and present traditional owners of this land on which we are meeting, the Noongar people. It is a privilege to be standing on Noongar country. I also acknowledge the contributions of Aboriginal Australians and non-Aboriginal Australians to the security and wellbeing of all the people of this country where we live and that we share together – Australia.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Welcome to Peter Wood, the Shire's newest Councillor.

3.1 Reminder

Agreements:

- No talking over each other
- No "side bar" conversations
- Return from breaks punctually
- Mobile phones on silent / no vibrate

"The longer I live, the more I realise the impact of attitude on life. Attitude, to me, is more important than facts. It is more important than the past, the education, the money, than circumstances, than failure, than successes, than what other people think or say or do. It is more important than appearance, giftedness or skill. It will make or break a company... a church... a home. The remarkable thing is we have a choice everyday regarding the attitude we will embrace for that day. We cannot change our past... we cannot change the fact that people will act in a certain way. We cannot change the inevitable. The only thing we can do is play on the one string we have, and that is our attitude. **I am convinced that life is 10% what happens to me and 90% of how I react to it. And so it is with you... we are in charge of our Attitudes.**"

— Charles R. Swindoll

4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

At the Ordinary Council Meeting held on 20 July 2016 Council approved the following:

12032 Moved Cr Mulroney Seconded Cr Marshall
that Council approve Cr Freebairn taking leave from the 21st of July to the 1st of September 2016

Carried 7:0

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

The Presiding Person opened question time at 2.06pm. As there were no members of the public present, question time closed at 2.06pm.

7. APPLICATIONS FOR LEAVE OF ABSENCE

12043 Moved Cr Mulroney Seconded Cr Marshall
that Council approve:

- Cr Hodges taking leave from the 19th August to the 3rd September 2016
- Cr Wood taking leave from the 3rd of September to the 13th September 2016
- Cr Steel taking leave from the 31st August 2016 to 15th October 2016

Carried 7:0

8. DISCLOSURES OF INTEREST

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 20 July 2016

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meeting to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

12044 Moved: Cr Steel Seconded: Cr Hodges

Recommendation and Council Decision:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 20 July 2016 be confirmed.

Carried 7:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

11. REPORTS OF COMMITTEES OF COUNCIL

• Audit Committee	Full Council
• Recreation & Cultural Committee	Member – Cr Lange Member – Cr Walton-Hassell Member – Cr Morton Member – Cr Marshall
• Bushfire Advisory Committee	Member – Cr Freebairn Deputy – Cr Morton
• Medical and Aged Care Services Committee	Member – Cr Freebairn Member – Cr Hodges Member – Cr Lange Member – Cr Mulroney Member – Cr Steel
• CEO Performance Review Committee	Member – President Member – Deputy President Member – Councillor to be determined

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

- | | |
|---|--|
| • Central Country Zone of WALGA | Delegate – President
Delegate – Deputy President
Deputy – Cr Walton-Hassell |
| • Hotham-Dale Regional Road Sub-Group | Delegate – Cr Lange
Deputy - Cr Marshall |
| • Pingelly Cottage Homes Committee | Delegate – Cr Freebairn
Deputy – Cr Mulroney |
| • Development Assessment Panel | Delegate – Cr Lange
Delegate – Cr Mulroney
Deputy – Cr Freebairn
Deputy – Cr Morton |
| • Dryandra Country Visitors Centre | Delegate – Cr Marshall
Deputy – Cr Freebairn |
| • Regional Waste Group | Delegate – Cr Mulroney
Deputy – Cr Marshall |
| • Shires of Pingelly and Wandering Joint Local Emergency Management Committee | Delegate – Cr Lange
Deputy – Cr Hodges |
| • Aged Care Planning Regional Sub-Group (BBP) | Delegate – Cr Lange
Delegate – Cr Steel
Deputy – Members of Medical & Aged Care Committee |
| • Youth Working Group | Delegate – Cr Morton
Delegate – Cr Walton-Hassell
Deputy – Recreation & Cultural Committee |
| • Project User Group (PUG) | Delegate – Cr Lange
Deputy – Members of Medical & Aged Services Committee |
| • Sport and Recreation Focus Group | Delegate – Cr Lange
Delegate – Cr Walton-Hassell
Deputy – Cr Marshall |

13. REPORTS FROM THE SHIRE PRESIDENT

Meetings attended July:

15th Agenda Briefing
19th Aged Care Committee
20th Council Meeting
21st Aged Appropriate Accommodation
21st PRACC Project Team Meeting
25th BBP – Brookton
28th PUG – Cancelled
29th Chambers – Extraordinary Election

Meetings attended August:

1st PRACC Project Team Meeting
1st Pingelly Development Association
2nd “Gifts” Forum – Perth
3rd LG Week – Water Authority; AGM of WALGA
4th LG Week Convention – Emergency Management
5th LG Week Convention – Tourism
Local Government Week – best for a while

Best speakers:

Sir Robin Wales Mayor of Newham – London
Lt General David Morrison – Equality
Tanya Dupagne – Camp Kulin
Michael Parker – CEO Harvey / Yarloop fire

14. OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Council Meeting Dates for 2017

File Reference: 0000
Location: Council
Applicant: G Pollock, Chief Executive Officer
Author: G Pollock, Chief Executive Officer
Date: 25 July 2016
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Special Council Meeting 4 November 2015 Item 9.1.1

Summary:

Council consider setting the following proposed dates for the Ordinary Meetings of Council in 2017:

15 February 2017
15 March 2017
19 April 2017
17 May 2017
21 June 2017
19 July 2017
16 August 2017
20 September 2017
18 October 2017
15 November 2017
13 December 2017

Background:

Council is required to advertise its meeting dates prior to meetings being held. In order to allow this to occur, it is recommended that Council adopt the 2017 dates for meetings in advance as per policy 4.1 Ordinary Meetings of Council.

Comment:

Normally Council don't hold an ordinary Council meeting in January unless urgent business is required to be addressed.

Consultation:

Shire President and Senior Staff

Statutory Environment:

Local Government Act 1995, Part 5

Division 2 — Council meetings, committees and their meetings and electors' meetings

Subdivision 1 — Council meetings

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
 - (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.

Policy Implications:

Policy 4.1 - Ordinary Meetings of Council will need to be amended to reflect the endorsed resolution.

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12045 Moved: Cr Steel

Seconded: Cr Mulroney

Recommendation and Council Decision:

That Council endorse setting the following Ordinary Council Meetings dates for 2017:

15 February 2017

15 March 2017

19 April 2017

17 May 2017

21 June 2017

19 July 2017

16 August 2017

20 September 2017

18 October 2017

15 November 2017

13 December 2017

Carried 7:0

14.2 Council Delegates to Committees

File Reference: 0000
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Gavin Pollock, Chief Executive Officer
Date: 3 August 2016
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Council Ordinary Meeting held on 21 October 2015 item 11.1.1

Summary:

Council to consider reviewing and appointing members, delegates and deputies to Committees (internal and external).

Background:

Council has the following Committees:

- Audit Committee Full Council
Charter:
To:
 - assist the auditor and ensure that audits are conducted successfully and timely;
 - meet with the auditor at least once a year;
 - examine the auditor's report and ensure appropriate action is taken; and
 - report on actions taken in respect of any issues raised by the auditor to council.
- Sports & Recreation Committee
Charter:
 - To provide recommendations to the Shire of Pingelly on sport and recreation matters
- Bushfire Advisory Committee
Charter:

To advise Council on all matters relating to:
 - the prevention, controlling and extinguishing of bush fires;
 - prosecutions for breaches of the Bush Fire Act;
 - the formation and de-formation of bush fire brigades;
 - the co-ordination of the efforts and activities of the bush fire brigades; and
 - any other matter relating to bush fire control
- Medical Issues Committee
Charter: To investigate health issues relevant to Pingelly
- CEO Performance Review Committee
- **Charter:** To complete the Annual Performance Review of the Chief Executive Officer
- Aged Care Committee
Charter: To advise Council on all matters related to services for the elderly

Current committees and their members/delegates are detailed below:

- Audit Committee Full Council
- Recreation & Cultural Committee Member – Cr Lange
Member – Cr Walton-Hassell
Member – Cr Morton
Member – Cr Marshall
- Bushfire Advisory Committee Member – Cr Freebairn
Deputy – Cr Morton
- Medical and Aged Care Services Committee Member – Cr Freebairn
Member – Cr Hodges
Member – Cr Lange
Member – Cr Mulroney
Member – Cr Steel
- CEO Performance Review Committee Member – President
Member – Deputy President
Member – Councillor to be determined

Council has previously appointed Delegates to the following external committees:

- Central Country Zone of WALGA Delegate – President
Delegate – Deputy President
Deputy – Cr Walton-Hassell
- Hotham-Dale Regional Road Sub-Group Delegate – Cr Lange
Deputy - Cr Marshall
- Pingelly Cottage Homes Committee Delegate – Cr Freebairn
Deputy – Cr Mulroney
- Development Assessment Panel Delegate – Cr Lange
Delegate – Cr Mulroney

Deputy – Cr Freebairn
Deputy – Cr Morton
- Dryandra Country Visitors Centre Delegate – Cr Marshall
Deputy – Cr Freebairn
- Regional Waste Group Delegate – Cr Mulroney
Deputy – Cr Marshall
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Cr Lange
Deputy – Cr Hodges
- Aged Care Planning Regional Sub-Group (BBP) Delegate – Cr Lange
Delegate – Cr Steel
Deputy – Members of Medical & Aged Care Committee

- Youth Working Group
Delegate – Cr Morton
Delegate – Cr Walton-Hassell
Deputy – Recreation & Cultural Committee
- Project User Group (PUG)
Delegate – Cr Lange
Deputy – Members of Medical & Aged Services Committee
- Sport and Recreation Focus Group
Delegate – Cr Lange
Delegate – Cr Walton-Hassell
Deputy – Cr Marshall

Comment:

With the recent retirement and appointment of one Councillor, it is considered to be an opportune time to review delegations to external committees.

Consultation:

Chief Executive Officer and Councillors.

Statutory Environment:

Section 5.8 of the *Local Government Act* (Establishment of committees) provides that a local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

- *Absolute majority required.

Section 5.9 (Types of committees) provides that:

- (1) In this section **other person** means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only;
 - (b) council members and employees;
 - (c) council members, employees and other persons;
 - (d) council members and other persons;
 - (e) employees and other persons; or
 - (f) other persons only.

Section 5.10 (Appointment of committee members) provides that:

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

- *Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Section 5.11A (Deputy committee members) provides:

- (1) The local government may appoint a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.
- **Absolute majority required.*
- (2) A person who is appointed as a deputy of a member of a committee is to be —
- (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

Section 5.11 (Tenure of committee membership)

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the term of the person's appointment as a committee member expires;
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

Section 5.12 (Election of presiding members and deputies)

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
- (a) to "office" were references to "office of presiding member";
 - (b) to "council" were references to "committee"; and
 - (c) to "councillors" were references to "committee members".

- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
- (a) to “office” were references to “office of deputy presiding member”;
 - (b) to “council” were references to “committee”;
 - (c) to “councillors” were references to “committee members”; and
 - (d) to “mayor or president” were references to “presiding member”.

Section 5.15 (Reduction of quorum) provides that the local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

- **Absolute majority required.*

Section 5.16 (Delegation of some powers and duties to certain committees) provides that:

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

- **Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

Section 5.17 (Limits on delegation of powers and duties to certain committees)

- (1) A local government can delegate —
- (a) to a committee comprising council members only, any of the council’s powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;
 - (b) to a committee comprising council members and employees, any of the local government’s powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government’s powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government’s property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

Section 5.19 (Quorum for meetings) provides that the quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

Section 7.1A (Audit committee) provides that:

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed * by the local government and at least 3 of the members, and the majority of the members are to be council members.
 - *Absolute majority required.
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

Section 67 of the *Bush Fires Act* provides that:

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind, as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee;
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
 - (a) may from time to time meet and adjourn as the committee thinks fit;
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Section 5.8 of the *Local Government Act 1995* and section 38 of the *Emergency Management Act 2005*, establishes the Shires of Pingelly and Wandering Joint Local Emergency Management Committee;

1. In accordance with provisions of Section 5.9 of the *Local Government Act 1995* resolves that the Local Emergency Management Committees are to comprise of Councillors, Staff and Other Persons;

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

N/A

Voting Requirements:

Absolute Majority

12046 Moved: Cr Mulroney

Seconded: Cr Marshall

Recommendation and Council Decision 1:

That Council discuss the following Committees of Council and Council Delegates to External Committees by appointing elected members of Councillors to the following Committees:

- | | |
|---|--|
| • Audit Committee | Full Council |
| • Recreation & Cultural Committee | Member – Cr Lange
Member – Cr Walton-Hassell
Member – Cr Wood
Member – Cr Marshall |
| • Bushfire Advisory Committee | Member – Cr Freebairn
Deputy – Cr Marshall |
| • Medical and Aged Care Services Committee | Member – Cr Freebairn
Member – Cr Hodges
Member – Cr Lange
Member – Cr Mulroney
Member – Cr Steel |
| • CEO Performance Review Committee | Member – President
Member – Deputy President
Member – Cr Hodges |

That delegates and general deputies be appointed for:

- | | |
|--|--|
| • Central Country Zone of WALGA | Delegate – President
Delegate – Deputy President
Deputy – Cr Walton-Hassell |
| • Hotham-Dale Regional Road Sub-Group | Delegate – Cr Lange
Deputy – Cr Marshall |
| • Pingelly Cottage Homes Committee | Delegate – Cr Freebairn
Deputy – Cr Mulroney |

- **Development Assessment Panel**
Delegate – Cr Lange
Delegate – Cr Mulroney

Deputy – Cr Freebairn
- **Pingelly Tourism Group**
Delegate – Cr Freebairn
Deputy – Cr Lange
- **Regional Waste Group**
Delegate – Cr Mulroney
Deputy – Cr Wood
- **Shires of Pingelly and Wandering Joint
Local Emergency Management Committee**
Delegate – Cr Lange
Deputy – Cr Hodges
- **Aged Care Planning Regional Sub-Group (BBP)**
Delegate – Cr Lange
Delegate – Cr Steel
Deputy – Members of Medical &
Aged Care Committee
- **Youth Working Group**
Delegate – Cr Steel
Delegate – Cr Walton-Hassell
Deputy – Recreation & Cultural
Committee
- **Project User Group (PUG)**
Delegate– Cr Lange
Deputy – Cr Hodges
- **Sport and Recreation Focus Group**
Delegate – Cr Lange
Delegate – Cr Walton-Hassell
Deputy – Cr Hodges

Carried 7:0

12047 Moved: Cr Mulroney Seconded: Cr Marshall

Recommendation and Council Decision 2:

**That Council endorse the above appointments of Elected Members of Council to the
Committees of Council and Council Delegates to External Committees.**

Carried 7:0

14.3 Withdraw Ranger Authorisation

File Reference: 00043 / 00141
Location: Shire of Pingelly
Applicant: Gavin Pollock – Chief Executive Officer
Author: Gavin Pollock – Chief Executive Officer
Date: 3 August 2016
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Ranger Authorisation, 18 November 2015 Ordinary Meeting of Council

Summary:

Council to withdraw all delegations to act as an authorised officer from Mr Derek Powell from WA Contract Ranger Services.

Background:

Mr Derek Powell was endorsed by Council as an authorised officer while employed by WA Contract Ranger Services.

11906 - Moved: Cr Hodges

Seconded: Cr Steel

Recommendation and Council Decision:

That:

Council endorse Mr Powell & Ms Glass as an Authorised Officer for the Shire of Pingelly pursuant to the following Acts :

- *Dog Act 1976*
- *Cat Act 2011*
- *Bush Fire Act 1954*
- *Litter Act 1979*
- *Caravan and Camping Act 1995*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Local Government Act 1995*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Animal Welfare Act 2002*

Carried 7:0

Comment:

Mr Powell no longer works for or is employed by WA Contract Ranger Services.

Consultation:

WA Contract Ranger Services
Chief Executive Officer

Statutory Environment:

Section 39 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12048 Moved: Cr Hodges

Seconded: Cr Marshall

Recommendation and Council Decision:

That Council:

Endorse Mr Derek Powell being withdrawn as an Authorised Officer for the Shire of Pingelly relating to the following Acts :

- **Dog Act 1976**
- **Cat Act 2011**
- **Bush Fire Act 1954**
- **Litter Act 1979**
- **Caravan and Camping Act 1995**
- **Control of Vehicles (Off Road Areas) Act 1978**
- **Local Government Act 1995**
- **Local Government (Miscellaneous Provisions) Act 1960**
- **Animal Welfare Act 2002**

Carried 7:0

14.4 Withdraw Authorised Officer Delegations

File Reference: 00043
Location: N/A
Applicant: Gavin Pollock, Chief Executive Officer
Author: Gavin Pollock, Chief Executive Officer
Date: 9 August 2016
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Item 11.3.1 Ordinary Council Meeting 21 October 2015

Summary:

That Council revoke the appointment of Ms Grace French, Director Corporate and Community Services as an authorised officer under various legislation and revoke the delegation of various powers from the Chief Executive Officer which enabled Ms French to carry out her role.

Background:

Ms French ceased work with the Shire of Pingelly on Friday 5 August 2016 in the position of Director Corporate and Community Services that is required to oversee many regulatory areas as part of the employed position.

Comment:

Section 5.44(1) of the *Local Government Act 1995* provides that the Chief Executive Officer may delegate any of the Chief Executive Officers' powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Section 5.44(2) states that the delegations are to be in writing and may be general or as otherwise provided for in the instrument of delegation. Section 5.46(2) provides that delegations should be reviewed at least once in every financial year.

Section 5.46(3) of the *Local Government Act 1995* requires records to be kept in relation to the exercise of the power in the discharge of duties in accordance with delegations.

It is recommended that the following delegations be revoked from Ms French:

Delegations:

C16: Plant & Equipment
C17: Plant & Equipment Hire
C18: Replacement Plant Hire
C20: Temporary Road Closure
C21: Temporary Closure of Roads for Public Events
C22: Liquor Permits
C23: Impounding
C25: Control of Fires
C26: Harvest Bans
C29: Fire Breaks
C30: Infringements
C31: Signing of Purchase Orders
C34: Administration Centre
C35: Administration of Local Laws
C36: Enter Land in Emergencies
C37: Tree Safety
C39: Renewing Licences
C47: Payment of Accounts
C48: Credit Card / Fuel Card
C50: Electronic Funds Transfer (EFT)
C55: Cost Recovery
C56: Rate Book
C57: Assistance to Community Organisations and Events

C58: Debt Collection
C59: Sale of Surplus Equipment, Materials and Scrap
C60: Conferences, Seminars & Training Courses
C62: Travel and Accommodation Arrangements

Authorised Officers are required to be appointed to administer various acts on the Shire of Pingelly's behalf. It is recommended that Ms French be revoked as an authorised officer for the purposes of administering the following acts and their associated regulations:

- Dog Act 1976
- Cat Act 2011
- Bush Fire Act 1954
- Litter Act 1979
- Caravan and Camping Act 1995
- Control of Vehicles (Off Road Areas) Act 1978
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Animal Welfare Act 2002

Consultation:

Chief Executive Officer and Director Technical Services

Statutory Environment:

Section 5.44(1) of the *Local Government Act 1995*
5.46(3) of the *Local Government Act 1995*
Dog Act 1976
Cat Act 2011
Bush Fire Act 1954
Litter Act 1979
Caravan and Camping Act 1995
Control of Vehicles (Off Road Areas) Act 1978
Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960
Animal Welfare Act 2002

Policy Implications:

Shire of Pingelly Delegation Register
Local Government Act 1995

Section 5.44 provides that:

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and

- (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) "conditions" includes qualifications, limitations or exceptions.

Section 5.45 provides that:

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

Financial Implications:

Nil

Strategic Implications:

Section 5.44(1) of the *Local Government Act 1995*

Voting Requirements:

Simple Majority

12049 Moved: Cr Steel

Seconded: Cr Mulroney

Recommendation and Council Decision:

1. That Council revoke Ms Grace French's delegations for the following purposes:

- 2.C16: Plant & Equipment**
- 3.C17: Plant & Equipment Hire**
- 4.C18: Replacement Plant Hire**
- 5.C20: Temporary Road Closure**
- 6.C21: Temporary Closure of Roads for Public Events**
- 7.C22: Liquor Permits**
- 8.C23: Impounding**
- 9.C25: Control of Fires**
- 10. C26: Harvest Bans**
- 11. C29: Fire Breaks**
- 12. C30: Infringements**
- 13. C31: Signing of Purchase Orders**
- 14. C34: Administration Centre**
- 15. C35: Administration of Local Laws**
- 16. C36: Enter Land in Emergencies**
- 17. C37: Tree Safety**
- 18. C39: Renewing Licences**
- 19. C47: Payment of Accounts**
- 20. C48: Credit Card / Fuel Card**
- 21. C50: Electronic Funds Transfer (EFT)**
- 22. C55: Cost Recovery**
- 23. C56: Rate Book**
- 24. C57: Assistance to Community Organisations and Events**
- 25. C58: Debt Collection**
- 26. C59: Sale of Surplus Equipment, Materials and Scrap**
- 27. C60: Conferences, Seminars & Training Courses**
- 28. C62: Travel and Accommodation Arrangements**

- 2. That Ms Grace French be revoked as an Authorised Officer for the Shire of Pingelly pursuant to the following Acts:**
- **Dog Act 1976**
 - **Cat Act 2011**
 - **Bush Fire Act 1954**
 - **Litter Act 1979**
 - **Caravan and Camping Act 1995**
 - **Control of Vehicles (Off Road Areas) Act 1978**
 - **Local Government Act 1995**
 - **Local Government (Miscellaneous Provisions) Act 1960**
 - **Animal Welfare Act 2002**

Carried 7:0

12050 Moved: Cr Mulroney Seconded: Cr Hodges

That the meeting be closed to members of the public to allow Council to discuss confidential items.

Carried 7:0

14.5 Report on RFT 01 – 2016/17 Architectural Services. Architectural design, documentation, and project delivery services for Pingelly’s Age Appropriate Accommodation (AAA) project.

File Reference:	00565
Location:	Shire of Pingelly
Applicant:	Shire of Pingelly
Author:	Craig McLennan, Project Manager
Date:	12 August 2016
Disclosure of Interest:	Nil
Attachments:	Officers Report Tender Submission
Previous Reference:	Special Meeting of Council of 1 April 2016, Item 9.1 “Confidential Funding Agreement – Western Australian Health”,

12051 Moved: Cr Mulroney Seconded: Cr Hodges

Recommendation and Council Decision:

Based on the considerations in the commercial in confidence Shire Officer’s report that the Council enters into a contract with Iredale Pedersen Hook Architects and authorise the Chief Executive Officer to sign the required documents for engagement.

Carried 7:0

14.6 Confidential Item - Director Corporate and Community Services

File Reference: 000698
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Gavin Pollock, Chief Executive Officer
Date: 11 August 2016
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

12052 Moved: Cr Mulroney Seconded: Cr Steel

Recommendation and Council Decision:

That Council:

- 1. endorse the appointment of the successful applicant when selected by the Chief Executive Officer as a Senior Employee in the position of Director Corporate and Community Services for the Shire of Pingelly.**
- 2. endorse the Chief Executive Officer negotiating a five year contract with the successful applicant within the advertised salary package range.**
- 3. endorse the Chief Executive Officer to affix the common seal to the signed contract of employment.**
- 4. require the Chief Executive Officer to advise Council of the successful applicant's name and experience once appointed and the contract of employment has been signed.**

Carried 7:0

Kristel Steel, Claire Buckley and Barry Gibbs left the room at 3.23pm.

14.7 Confidential Item – Sale of 2 Paragon Street

File Reference: 7634
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Craig McLennan, Project Manager
Date: 12 August 2016
Disclosure of Interest: Nil
Attachments: Property Valuation of 10 December 2015
Local Government Act 1995 Section 3.58
Draft Offer and Acceptance Form
2011 Joint Form of General Conditions for the Sale of Land

12053 Moved: Cr Steel Seconded: Cr Mulroney

- 1. Recommendation and Council Decision:**
- 2. The Council resolve to endorse the Valuation carried out on 10 December 2015 is still providing a true indication of the property's value.**
- 3. The Council authorise the Chief Executive Officer of the Shire of Pingelly to prepare a contract for the sale of the property under a standard REIWA contract for the sale of land. Specifically:**
 - a. For the sale of 2 Paragon Street, Pingelly (lot 853 on Plan 187112) to**
 - b. N&T Shepherd Investments Pty Ltd (ACN 167 541 871) (Noel and Tasha Shepherd) for the**
 - c. Council to agree to the negotiated sale price excluding GST.**
 - d. To obtain the Shepherds signatures on the contract.**
- 4. The Council authorise the Chief Executive Officer to agree to / attend to the other conditions requested in the letter of Offer received 25 July 2016. That is:**
 - 1. *Subject to financial approval.***
 - 2. *Property to be free of any mortgages, caveats, encumbrances [sic] or contamination.***
 - 3. *Clarification of easement of sewer***
 - 4. *Settlement period of 30 days from acceptance of offer.***
 - 5. *Contract to be prepared using REIWA offer and acceptance form with accompanying terms and conditions or using a lawyer prepared contract.***
- 5. The Council authorise the Chief Executive Officer to carry out the advertising and other requirements as per the provisions of The Local Government Act S 3.58.**
- 6. The Council to reconvene to consider any submissions received as a result of the Public Notice before executing the sale and settlement of 2 Paragon Street, Pingelly.**

Carried 7:0

12054 Moved: Cr Mulroney Seconded: Cr Marshall
That the meeting be again open to the public

Carried 7:0

12055 Moved: Cr Mulroney
3.29pm.

Seconded: Cr Marshall to adjourn the meeting from

The meeting resumed at 3.47 pm with all those previously in attendance present as well as Claire Buckley, Kristel Steel and Barry Gibbs.

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Accounts Paid by Authority

Applicant: Gavin Pollock, Chief Executive Officer
Author: Adrian Byrne, Acting Senior Finance Officer
Date: 12 August 2016
Disclosure of Interest: Nil
Attachments: List of Accounts Following
Previous Reference: N/A

Summary:

Council endorsement is required for accounts made by authority for the month of July 2016.

Comment:

Unless otherwise identified, all payments have been made in accordance with Council's 2016/17 Budget.

Consultation:

Nil

Statutory Environment:

Regulation 12 of the *Local Government (Financial Management) Regulations* provides that:

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (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;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the Council to which the list is to be presented.

- (3) A list prepared under sub regulation (1) or (2) is to be —
- (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:

There are no policy implications arising from this amendment.

Financial Implications:

There are no known financial implications upon either the Council's current budget or long term financial plan.

Strategic Implications:

There are no known significant strategic implications relating to the report.

Voting Requirements:

Absolute Majority

12056 Moved: Cr Steel

Seconded: Cr Mulroney

Recommendation and Council Decision:

That Council endorse the Accounts for Payments for July 2016 as presented:

Carried 7:0

MUNI - 117984856	
EFT 2479 – 2538	\$ 389,635
CHEQUE 24314 - 24322	\$ 29,812.81
TRUST ACCOUNTS	
DEPT OF TRANSPORT – 123395691	\$ 28,095.61
TRUST FUND – 1828	\$ 680.00
DIRECT DEBIT -	
DD8040.1 – DD8068.11 - Including Bank and Loan fees	\$ 11,799.92
CREDIT CARD	
DD8080 – DD8080	\$ 2,211.51
GRAND TOTAL	\$ 462,234.85

ACCOUNTS PAID PRESENTED FOR ENDORSEMENT JULY 2016

Chq/EFT	Date	Name	Description	Amount
1839	19/07/2016	SIMON KAHL	REFUND OF CROCKERY BOND FOR EVENT HELD 9/07/16	\$ 490.00
1840	19/07/2016	STEVEN WAINEWRIGHT	REFUND OF BOND FOR HIRE OF COMMUNITY BUS ON 15/06/16	\$ 100.00
1841	19/07/2016	GEOFF POULTNEY	REFUND OF BOND FOR HIRE OF COMMUNITY BUS ON 9/06/16	\$ 100.00
1842	29/07/2016	PINGELLY MASONIC LODGE INC	Crockery Bond for event held 16/07/16	\$ 540.00
1843	29/07/2016	BROOKTON-PINGELLY FOOTBALL CLUB	Liquor Bond for event held 15/07/16	\$ 190.00
			TOTAL TRUST PAYMENTS	\$ 1,420.00
EFT2479	19/07/2016	H RUSHTON & CO	2 X 1400 X 24 TYRES	\$ 722.15
EFT2480	19/07/2016	THE WEST AUSTRALIAN	Advertisement - Finance Manager - Week of 30 June 2016	\$ 179.20
EFT2481	19/07/2016	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	Charges for debt recovery A10807	\$ 86.96
EFT2482	19/07/2016	LOCAL COMMUNITY INSURANCE SERVICES	Public & Products Liability - Pingelly Development Association	\$ 2,318.50
EFT2483	19/07/2016	GREAT SOUTHERN FUEL SUPPLIES	Fuel card purchases for JUNE 2016	\$ 1,859.66
EFT2484	19/07/2016	BEST OFFICE SYSTEMS	Postage and Handling for Cyan and Black Toner for MPC6003S	\$ 15.00
EFT2485	19/07/2016	TRUCKLINE	CLUTCH BOOSTER FOR T7 - BROOKTON SHIRE TRUCK	\$ 327.62
EFT2486	19/07/2016	AMD CHARTERED ACCOUNTANTS	Interim Audit for year ended 30 June 2016 - onsite visit by Tyler Nicholls and Matthew Ristic.	\$ 5,396.48
EFT2487	19/07/2016	JIRIKI MANAGEMENT - BEVERLEY WEBB	Contracted Financial Services	\$ 3,869.25
EFT2488	19/07/2016	LANDMARK	5 X 3M PINE POSTS	\$ 81.51
EFT2489	19/07/2016	IXOM OPERATIONS PTY LTD	Chlorine Service Charge for Pool	\$ 122.76

Chq/EFT	Date	Name	Description	Amount
EFT2490	19/07/2016	JOHN HUGHES SKIPPER MITSUBISHI	Purchase of Hyundai My 17 DM3 Santa Fe Series II 7 Seater Active 2.2L BQ17 Diesel Automatic Creamy White Solid & Black Cloth with extras Carpet Mat Set, Nudge Bar, Full Sized Alloy Spare, Full Tank of Fuel, Mudflaps - front & rear, Window Tint	\$ 39,890.00
EFT2491	19/07/2016	PINGELLY RURAL SUPPLIES	Conquest Brom M 20L	\$ 242.00
EFT2492	19/07/2016	THE WORKWEAR GROUP PTY LTD	CAT18P Staff uniform for Claire Buckley 2015/16	\$ 165.75
EFT2493	19/07/2016	AQUAMONIX - OCTY WATER PTY LIMITED	Climate Monitoring Systems - Hazard Prediction	\$ 22,603.90
EFT2494	19/07/2016	WEST AUSTRALIAN SHIRE COUNCILS & MUNICIPALE ROAD BOARDS AND PARKS LGRCEU	Payroll deductions	\$ 205.00
EFT2495	19/07/2016	LANDGATE	Gross Rental Valuations Chargeable; Schedule No: G 2016/5 dated 7/05/16 to 17/06/16, Schedule No: R 2016/5 dated 30/04/16 to 27/05/16	\$ 64.00
EFT2496	21/07/2016	AUSTRALIAN TAXATION OFFICE	BAS FBT FUEL TAX	\$ 29,846.00
EFT2497	21/07/2016	PINGELLY COMMUNITY RESOURCE CENTRE	2nd Quarter K Steel wages from 1/04/16 to 30/06/16	\$ 10,172.38
EFT2498	21/07/2016	CTI SECURITY SERVICES PTY LTD	Alarm Monitoring Charges 1/07/16 to 30/09/16	\$ 103.61
EFT2499	21/07/2016	WALLIS COMPUTER SOLUTIONS	Monthly ITS GOLD billing for July 2016	\$ 2,396.54
EFT2500	21/07/2016	LANDGATE	Rural UV General Revaluation 2015/2016	\$ 5,390.55
EFT2501	25/07/2016	BOC LIMITED	Annual Container Service Charge 1 x Oxygen G size	\$ 510.05
EFT2502	25/07/2016	IT VISION	Renew SynergySoft & Universe Annual License Fees 1/07/16 - 30/06/17; 10 users	\$ 27,165.07
EFT2503	25/07/2016	H RUSHTON & CO	REPAIR TYRE	\$ 77.45
EFT2504	25/07/2016	AUSTRALIA POST	Postage for June 2016	\$ 129.05
EFT2505	25/07/2016	WALGA	WALGA Subscriptions 1/07/16 to 30/06/17 - Association Membership	\$ 19,092.57
EFT2506	25/07/2016	LGISWA	Workcare Works - 30/06/16 to 30/06/17	\$ 110,421.54
EFT2507	25/07/2016	GREAT SOUTHERN WASTE DISPOSAL	Managing and Operating the Pingelly Refuse Site for May and June 2016	\$ 14,096.06

Chq/EFT	Date	Name	Description	Amount
EFT2508	25/07/2016	WA CONTRACT RANGER SERVICES	Ranger services visits on the 28/06/2016 and 06/07/2016	\$ 561.00
EFT2509	25/07/2016	WALLIS COMPUTER SOLUTIONS	Monthly ITS GOLD billing for August 2016	\$ 3,314.16
EFT2510	25/07/2016	JIRIKI MANAGEMENT - BEVERLEY WEBB	Contract Financial Services at \$11,520.00	\$ 4,158.00
EFT2511	25/07/2016	CENTRAL COUNTRY ZONE WALGA	Annual Subscription 2016/2017	\$ 4,158.00
EFT2512	25/07/2016	ASB MARKETING PTY LTD	Ladies Cambridge Polo x 14, including embroidery	\$ 583.17
EFT2513	25/07/2016	SHIRLEY LANGE	Reimbursement of internet charges for the month of JUNE 2016	\$ 49.95
EFT2514	25/07/2016	I SWEEP TOWN & COUNTRY	SWEEPING OF TOWN STREETS PLUS EDUCT STORM SUMPS	\$ 3,118.50
EFT2515	25/07/2016	IT VISION USER GROUP (INC)	IT Vision User Group Membership Subscription 2016/2017	\$ 715.00
EFT2516	25/07/2016	FUEL DISTRIBUTORS OF WA PTY LTD	Deliver 10,000l Diesel to depot	\$ 11,557.56
EFT2517	25/07/2016	ABCO PRODUCTS PTY LTD	4 x Puregiene Sovereign Luxury Hand Towel 2 x Puregiene Superior Quality Toilet Tissue 2 x Lemclenz 500ml Spray 1 x CleanMax 4% Bleach 5L	\$ 281.15
EFT2518	25/07/2016	GLENWARRA DEVELOPMENT SERVICES	Department of Lands	\$ 275.00
EFT2519	25/07/2016	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD	Adrian Byrne to 29th July 2016. Being 115 Hours at \$65.20 + GST per hour = \$7,498 + GST	\$ 1,900.58
EFT2520	25/07/2016	PINGELLY IGA SUPERMARKET	Newspapers for June 2016	\$ 39.70
EFT2521	25/07/2016	COUNTRY TYRES	STRIP AND REPAIR TYRE	\$ 103.13
EFT2522	25/07/2016	PINGELLY TYRE SERVICE	STRIP AND REPAIR TYRE	\$ 55.00
EFT2523	25/07/2016	RAMM SOFTWARE PTY LTD	RAMM (aka Roman II) Annual Support and Maintenance Fee for the period 1 July 2016 to 30 June 2017	\$ 6,176.21
EFT2524	25/07/2016	LGIS INSURANCE BROKING	Motor Vehicle/Plant Insurance - 30/06/16 to 30/06/17	\$ 47,231.52
EFT2525	25/07/2016	EDWARDS MOTORS PTY LTD	SERVICE OF O-PN HOLDEN CAPRICE *ESTIMATE ONLY*	\$ 261.35
EFT2526	25/07/2016	PINGELLY COMMUNITY CRAFT CENTRE	Commission for the month of June 2016	\$ 363.82

Chq/EFT	Date	Name	Description	Amount
EFT2527	29/07/2016	BEST OFFICE SYSTEMS	Scanning 7 x A1 maps and 3 x A2 maps so we have an electronic version for the Demolition RFT.	\$ 29.00
EFT2528	29/07/2016	TRUCKLINE	FILTER FOR SERVICE	\$ 273.19
EFT2529	29/07/2016	PINGELLY PONY & RIDING CLUB	Kidsport Voucher - Club Payments 2015/2016	\$ 300.00
EFT2530	29/07/2016	PINGELLY NIPPERS CLUB	Kidsport Voucher - Club Payments 2015/2016	\$ 695.00
EFT2531	29/07/2016	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD	Adrian Byrne to 29th July 2016. Being 115 Hours at \$65.20 + GST per hour = \$7,498 + GST.	\$ 2,868.80
EFT2532	29/07/2016	PINGELLY JUNIOR NETBALL CLUB	Kidsport Voucher - Club Payments 2015/2016	\$ 650.00
EFT2533	29/07/2016	CUBALLING NETBALL CLUB	Kidsport Voucher - Club Payments 2015/2016	\$ 367.50
EFT2534	29/07/2016	NARROGIN GYMNASTIC CLUB	Kidsport Voucher - Club Payments 2015/2016	\$ 185.00
EFT2535	29/07/2016	GIRL GUIDES WESTERN AUSTRALIA	Kidsport Voucher - Club Payments 2015/2016	\$ 200.00
EFT2536	29/07/2016	WEST AUSTRALIAN SHIRE COUNCILS & MUNICIPLE ROAD BOARDS AND PARKS LGRCEU	Payroll deductions	\$ 164.00
EFT2537	29/07/2016	BROOKTON-PINGELLY FOOTBALL CLUB	Kidsport Voucher - Club Payments 2015/2016	\$ 1,150.00
EFT2538	29/07/2016	PINGELLY COMMUNITY CRAFT CENTRE	Catering for Council Dinner Wednesday 20 July 2016 for 6pm - 11 people plus 1 gluten free (12 meals in total)	\$ 300.00
			TOTAL EFT MUNICIPAL FUND	\$ 389,635.90
24314	19/07/2016	TELSTRA	Various telephone charges CEO, DTS, DCCS, WS, PM, PAO and Depot	\$ 421.72
24315	19/07/2016	WATER CORPORATION	Lift access chamber lid on Parade street next to Town Hall Pingelly	\$ 2,652.38
24316	19/07/2016	SHIRE OF WANDERING	Long Service Contributions for Mr Rod Evenis	\$ 10,811.92
24317	19/07/2016	PINGELLY IGA SUPERMARKET	Payroll deductions	\$ 6.09
24318	21/07/2016	SYNERGY	Electricity charges 25/04/16 to 24/05/16, Streetlights	\$ 2,806.60
24319	21/07/2016	PINGELLY IGA SUPERMARKET	Newspapers for April 2016	\$ 199.35
24320	25/07/2016	TELSTRA	SMS Emergency Hotline 02/07/16 to 01/08/16	\$ 19.25

Chq/EFT	Date	Name	Description	Amount
24321	25/07/2016	WATER CORPORATION	Trade Water Permit Parade St Pingelly, 9011 - Pingelly Town Hall, 1/07/16 to 30/06/17	\$ 458.92
24322	25/07/2016	SYNERGY	Electricity charges 25/05/16 to 24/06/16, Streetlights	\$ 12,436.58
			TOTAL CHEQUE FROM MUNICIPAL FUND	\$ 29,812.81
			TOTAL ALL MUNICIPAL	\$ 419,448.71
DD8233.1	12/07/2016	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	Payroll deductions	\$ 5,880.97
DD8233.2	12/07/2016	BT SUPER FOR LIFE	Superannuation contributions	\$ 40.40
DD8233.3	12/07/2016	LUCRF SUPER	Superannuation contributions	\$ 2,769.29
DD8233.4	12/07/2016	THE TRUSTEE FOR THE DYER SUPER FUND	Superannuation contributions	\$ 824.28
DD8233.5	12/07/2016	AMP FLEXIBLE SUPER	Superannuation contributions	\$ 375.45
DD8233.6	12/07/2016	AUSTRALIAN SUPER ADMINISTRATION	Superannuation contributions	\$ 604.75
DD8233.7	12/07/2016	CBUS	Superannuation contributions	\$ 390.96
DD8233.8	12/07/2016	PRIME SUPER	Superannuation contributions	\$ 385.10
DD8233.9	12/07/2016	REST INDUSTRY SUPER	Superannuation contributions	\$ 198.57
DD8250.1	20/07/2016	DEPARTMENT OF TRANSPORT	Licensing Monies - Expense GEN JULY DEBITS	\$ 20,863.10
DD8261.1	26/07/2016	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	Payroll deductions	\$ 5,266.00
DD8261.2	26/07/2016	BT SUPER FOR LIFE	Superannuation contributions	\$ 27.50
DD8261.3	26/07/2016	THE TRUSTEE FOR THE DYER SUPER FUND	Superannuation contributions	\$ 834.30
DD8261.4	26/07/2016	CBUS	Superannuation contributions	\$ 802.50
DD8261.5	26/07/2016	REST INDUSTRY SUPER	Superannuation contributions	\$ 328.87
DD8261.6	26/07/2016	AUSTRALIAN SUPER ADMINISTRATION	Superannuation contributions	\$ 611.31
DD8261.7	26/07/2016	PRIME SUPER	Superannuation contributions	\$ 469.24
DD8261.8	26/07/2016	AMP FLEXIBLE SUPER	Superannuation contributions	\$ 377.91
DD8261.9	26/07/2016	BT SUPER FOR LIFE	Superannuation contributions	\$ 1,109.60
DD8233.10	12/07/2016	AMP LIFE LIMITED	Superannuation contributions	\$ 330.15
DD8261.10	26/07/2016	AMP LIFE LIMITED	Superannuation contributions	\$ 332.24
			TOTAL DIRECT DEBIT PAYMENTS	\$ 42,822.49

15.2 Adoption of 2016/17 Budget and Fees and Charges

File Reference: 00551
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Gavin Pollock, Chief Executive Officer
Date: 12 August 2016
Disclosure of Interest: Nil
Attachments: Budget Schedules and Rate Setting Statement
(Attachment 1 following pink sheet attachments booklet)

Summary:

To adopt the 2016/17 Budget in accordance with the requirements of the Local Government Act 1995 and other relevant legislation.

Background:

The Local Government Act requires Council's by 31 August each financial year to prepare and adopt, in the form and manner prescribed a financial budget for its municipal fund for the financial year ending the next following June.

Comment:

The overall increase in rates raised for the year 2016/17 is 7.5%. This increase will enable the Shire of Pingelly to complete its works programs and provide services required by the community and meet the compliance requirements of various governing agencies.

A capital works program amounting over \$12 million dollars is included in the budget, including upgrades and replacement of assets as required under the Shire of Pingelly Asset Management Plans. The major projects being undertaken in the 2016/17 budget are the Pingelly Recreation and Cultural Centre (PRACC), Age Appropriate Accommodation (AAA) units and an extensive road construction program.

Consultation:

Executive Staff, Councillors, Bev Webb - Consultant

Statutory Environment:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Waste Avoidance and Resource Recovery Act 2007

Policy Implications:

Nil

Financial Implications:

A balanced budget for the 2016/17 financial year.

Strategic Implications:

The budget documents Council's financial objectives for the next twelve months.

The draft 2016/17 budget has been developed based on the existing Community Strategic Plan and Integrated Planning documents prepared by the Shire of Pingelly.

Quadruple Bottom Line Assessment

A Healthy and Cohesive Community

- The draft 2016/17 budget delivers social outcomes identified in various planning and community supporting strategies that have previously been adopted by council. This includes support of medical services, aged care and primary health care services as well as community and sporting organisations and facilities. The draft budget makes provision for the development of the new Recreation and Cultural Centre (PRACC) and six (6) Age Appropriate Accommodation (AAA) units. The youth program will also be expanded to address community concerns.
- There has been extensive consultation with the community over the last few years as to the expectations of the community with regard to their needs and future development. A community survey was completed in April 2015. The information obtained from the survey has been used to determine community needs and future planning.

Enhanced Natural and Built Environment

- The draft 2016/17 budget delivers this on a number of levels, including the further development of a local transfer station and significant rehabilitation of the Pingelly refuse site will continue. Additionally the Shire is working toward a regional waste management program with a regional refuse site. The Shire of Pingelly also provides support for the University of WA Future Farm and its activities.

Prosperous and Sustainable Community

- The draft 2016/17 budget provides support for the community through financial support of the Pingelly Development Association, the Pingelly Community Resource Centre, the Community Craft Centre, the Friends of Pingelly Railway Station, Pingelly Youth Club, Pingelly Pony and Riding Club, Brookton Pingelly Football Club, Pingelly Men's Shed, Pingelly Townscape Group and the Pingelly Tourism Group. Additionally funds will be made available for developing aged care support jointly with the Shires of Brookton and Beverley and the continued improvement of road and transport networks, including Commodity Route improvements. New tourism signage and additional brochures are also included in the draft budget.

Effective Governance and Organisation

- Governance and compliance requirements continue to expand, with the Shire of Pingelly being subject to the same requirements as large metropolitan Councils. This represents a considerable impost on the Shire. The Shire of Pingelly will be revising the Integrated Planning documents including preparing a new Asset Management Strategic Plan. There is a requirement for continual revision of these plans in future years, with these plans being the basis of decisions made by Council. Council have also adopted a training policy for Councillors to assist with decision making and to provide an understanding of their roles and responsibilities. The review and revision of the Pingelly Local Planning Scheme has been undertaken, with approval and gazettal to be done during 2016/17 financial year.
- Staff training is also funded acknowledging that experienced staff are difficult to source in regional areas. The training allows staff to attain a level of competency in an office where multiple complex tasks are undertaken by a small workforce. Works staff will also undertake training to ensure compliance with Worksafe requirements and to ensure competency in work undertaken. In addition support services are sourced externally where expertise is not available locally.
- There are currently systems, policies and processes in place that are reviewed regularly to ensure the smooth and effective operation of the organisation.

Recommendation and Council Decision:

That:

12057 Moved: Cr Hodges Seconded: Cr Mulroney

Part A – Municipal Fund Budget for 2016/17

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) the council adopt the Municipal Fund Budget as contained in the attachment to this agenda and the minutes for the Shire of Pingelly for the 2016/17 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for that year of -\$926,559.
- Statement of Comprehensive Income by Program on page 3 showing a net result for that year of -\$926,559.
- Statement of Cash Flows on Page 5.
- Rate Setting Statement on page 6 showing an amount required to be raised from rates of \$1,864,908 based on a 7.5% rate increase.
- Notes to and Forming Part of the Budget on pages 7 to 38.

Absolute Majority Required

Carried 7:0

Note: Point 4 – “based on a 7.5% rate increase” was added to confirm the rate increase and \$1,864,708 was changed to \$1,864,908 for further clarification.

12058 Moved: Cr Steel Seconded: Cr Hodges

Part B – General and Minimum Rates, Instalment Payment Arrangements

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rates and minimum rates on Gross Rental and Unimproved Values.

1.1 General Rates

Residential (GRV)	11.5816 cents in the dollar
Commercial (GRV)	11.5816 cents in the dollar
Industrial (GRV)	11.5816 cents in the dollar
Townsite (GRV)	11.5816 cents in the dollar
Broadacre Rural (UV)	1.1073 cents in the dollar

1.2 Minimum Payments

Residential (GRV)	\$898
Commercial (GRV)	\$898
Industrial (GRV)	\$898
Townsite (GRV)	\$898
Broadacre Rural (UV)	\$898

Carried 7:0

12061 Moved: Cr Mulroney Seconded: Cr Steel

- 3. Pursuant to section 67 of the Waste avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 council adopt the following charges for the deposit of domestic and commercial waste (inclusive of GST where applicable):**

Refuse Site After Hours Access Fee	\$100
Burial of Hazardous Waste (per m³)	\$154
Building Rubble (per m³)	\$49.50
Green Waste – Non Residents (per m³)	\$11
Septic Waste (per m³) as per licence	\$22
Contaminated or unsorted mixed loads (per m³)	\$77
Oil Disposal – Non-residential or commercial (per litre)	\$2.75

Absolute Majority Required

Carried 7:0

12062 Moved: Cr Marshall Seconded: Cr Hodges

Part E – Elected Members Fees and Charges

- 1. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, council adopts the following annual fees for payment of elected members in lieu of individual meeting fees:**

President	\$10,000
Deputy President	\$4,400
Councillors	\$4,000

- 2. Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, Council adopts the following annual allowances for elected members:**

Phone, fax, It & Telecommunications	\$1,000
Childcare	actual cost of \$25 per hour or whichever is the lesser

- 3. Pursuant to section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:**

President	\$1,200
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- 4. Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:**

Deputy President	\$300
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Absolute Majority Required

Carried 7:0

12063 Moved: Cr Walton-Hassell Seconded: Cr Steel

Part F – Material Variance Reporting for 2016/17

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2016/17 for reporting material variances shall be 10% or \$5,000, whichever is the greater.

Absolute Majority Required

Carried 7:0

12064 Moved: Cr Walton-Hassell

Seconded: Cr Mulroney

Part G – Rates Exemption

That pursuant to section 6.47 of the *Local Government Act*, and in keeping with past years, the 2016/17 rates on the following properties be waived to encourage these community organisations:

- Assessment A10364 – 13 Queen Street – Apex Club of Pingelly
- Assessment A8015 – Moorumbine Rd – Church of England
- Assessment A987 – 54 Shire Street – Pingelly Aged Persons Hostel
- Assessment A11033 – 6 Somerset Street – Somerset House
- Assessment A20103 – 34 Parade Street – Pingelly CRC
- Assessment A20450 – Lot 14 Shire Street – Pingelly Cottage Homes
- Assessment A6051 – 33 Somerset Street – Pingelly Cottage Homes
- Assessment A1049 – 37-39 Brown Street – Pingelly Cottage Homes
- Assessment A9390 – 24 Shire Street – Pingelly Cottage Homes
- Assessment A6171 – 29 Review Street – Pingelly Golf Club
- Assessment A22422 – 47 Stratford Street – Pingelly Masonic Lodge Inc
- Assessment A8988 – 51-53 Stratford Street – St John Ambulance Association

Subject to eligibility of exemption being reviewed.

Absolute Majority Required

Carried 7:0

12065 Moved: Cr Steel

Seconded: Cr Wood

Part H – Early Payment Incentive Prize

That entry into the Early Payment of Rates competition be offered to ratepayers who have paid in full all rates and charges within 35 days of issue (30 September 2016) and that the draw be conducted at the October 2016 Ordinary Council meeting following the close of the competition.

Absolute Majority Required

Carried 7:0

12066 Moved: Cr Wood

Seconded: Cr Marshall

That entry into the Early Payment of Rates competition prizes offered be made up of:

- **First Prize**
A \$350 Savings Account from the Pingelly Brookton Community Bank
- **Second Prize**
\$200 cash from Matthews Realty Pty Ltd

Absolute Majority Required

Carried 7:0

16 DIRECTORATE OF TECHNICAL SERVICES

16.1 Proposed Non Commercial Motorcycle Activity

File Reference: A21925
Location: Various Locations at 1040 Jingaring Road, East Pingelly
Applicant: Willie Thomson of Dirt High Promotions
Author: Sheryl Squiers, Administration Officer Technical
Date: 4 August 2016
Disclosure of Interest: Nil
Attachments: Pingelly Pony Express Emergency Risk Management Plan
Map of Event
(Attachment 2 after blue sheet in separate attachments book)

Summary:

Council to consider granting approval for a proposed Non Commercial Motorcycle Activity on 3 & 4 September 2016 at 1040 Jingaring Road on the following locations 19588, 18578, 4813, 7103, 4609 & 5873.

Background:

An application has been received from Willie Thomson of Dirt High Promotions for planning consent for a proposed Non Commercial Motorcycle Activity in the Shire of Pingelly.

The proposed activity is to be on the weekend of 3 & 4 September 2016 on the property at 1040 Jingaring Road, East Pingelly known as Brooklands Park Pastoral owned by Jeff Edwards.

Comment:

An application has been received from Willie Thomson of Dirt High Promotions for planning consent for a proposed Non Commercial Motorcycle Activity on the property Brooklands Park Pastoral owned by Jeff Edwards.

The land is zoned General Agriculture and with the subject lots to be used for the event at 1040 Jingaring Road in the Shire of Pingelly.

The type of event is a Pony Express Motorcycle Event to be held on 3 & 4 September 2016, the owner of the property Jeff Edwards has given written consent for this event to be held on his property.

The event will be run under permit from Motorcycling Australian and run in accordance with the Australian Rules of Competition, Public Liability Cover of \$50,000,000 through AON Insurance & Motorcycling Australia.

A copy of the application letter and other documentation is inserted below.

The proposed land use is a *use not listed* under the *Shire of Pingelly's Local Planning Scheme No.3* (LPS 3) Table 1 – Zoning Table and cannot be reasonably determined as falling within the interpretation of one of the existing uses. Therefore the provisions contained in Clause 4.4.2 of LPS 3 must be followed:

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

There will be between 10-20 people setting up the track on Friday 2 September 2016 and tidying up on Monday 5 September 2016.

All parking for the event will be within the property and controlled by voluntary marshalls. A minimum of 6 portable toilets will be provided. No dogs or pets allowed. There will be alcohol sales and food catering provided by the Pingelly Hockey Club.

Event promotion will be through Local Community News & Peel Region Sport will be advised and event promotion through local businesses and motorcycle shops between Peth & Bunbury.

Given the temporary nature of the proposal it is unlikely there will be any substantial negative impact on rural character, amenity or agricultural production in the surrounding area.

The main potential disturbance to amenity would be from noise and traffic. To ensure such amenity disturbance is minimised, should Council grant planning consent for the application, hours of operation could be restricted as a condition of approval.

It would also be suggested an Emergency and Risk Management Plan for the event addressing possible identified risks and proposed mitigation measures be submitted to include:

- Emergency Evacuation
- Fire Management
- First Aid and Ambulance Services
- Toilet Facilities etc

Previous similar events have been approved and operated in the Shire of Brookton and recently one event in Shire of Pingelly including events run by the applicant.

On consultation with Trevor Moran – Planner at Landvision for a previous application for a similar event:

That issuing a temporary planning approval under clause 10.6 of the LPS No.3, approvals would be required for permits under other Acts, Local Laws and Council Policies. If these are in place to Council's satisfaction then a temporary approval could be issued subject to any conditions Council deems necessary.

10.6 Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

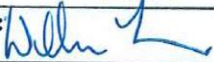
Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.



SCHEDULE 6 FORM OF APPLICATION FOR PLANNING APPROVAL

Shire of Pingelly
Local Planning Scheme No. 3

Application for Planning Approval

OWNER DETAILS:	
Name:	Willie Thomson
Address:	1/17 CANVALE ROAD, CANNING VALE
Postcode:	6155
Phone:	9455 2359
Work:	" "
Email:	MANAGER@TTAUTOSERVICES.COM
Mobile:	0438 360 570
Contact Person:	Willie Thomson
Signature:	 Date: 04/08/2016
Signature:	Date:
The signature of the owner(s) is required on all applications. This application will not proceed without that signature.	

APPLICANT DETAILS:	
Name:	DECIMA JOHNS
Address:	1/17 CANVALE ROAD, CANNING VALE WA
Postcode:	6155
Phone:	08 9455 2359
Work:	" "
Email:	ACCOUNTS@TTAUTOSERVICES.COM
Mobile:	0403 863 622
Contact Person for Correspondence:	DECIMA JOHNS

Signature: 	Date: 04/09/2016
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Part 2

PROPERTY DETAILS:		
Lot No. SEE ATTACHED	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:		Suburb:
Nearest Street Intersection:		

EXISTING BUILDING/LAND USE:
Description of proposed development and/or use:
Nature of any existing buildings and/or use:
Approximate cost of proposed development:
Estimated time of completion:

Office Use Only	
Acceptance Officer's initials:	Date Received:
Local Government Reference No:	

DIRT HIGH PROMOTIONS

1/17 Canvale Road
CANNING VALE 6155
Tel: 08 9455 2359
Mob: 0438 360 570

willie@williethomson.com
www.williethomson.com

ABN 90 063 103 560

04 August 2016

Shire of Pingelly
17 Queen Street
PINGELLY WA 6308

Att: Sheryl Squiers
Administration Officer Technical

**Re: Proposed Non Commercial Motorcycle Activity
Brooklands Park Pastoral
03 & 04 September
Property Owned by Jeff Edwards**

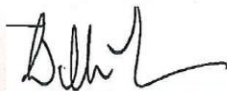
Hi Sheryl,

We are looking at running a Motorbike event in September in your locality.

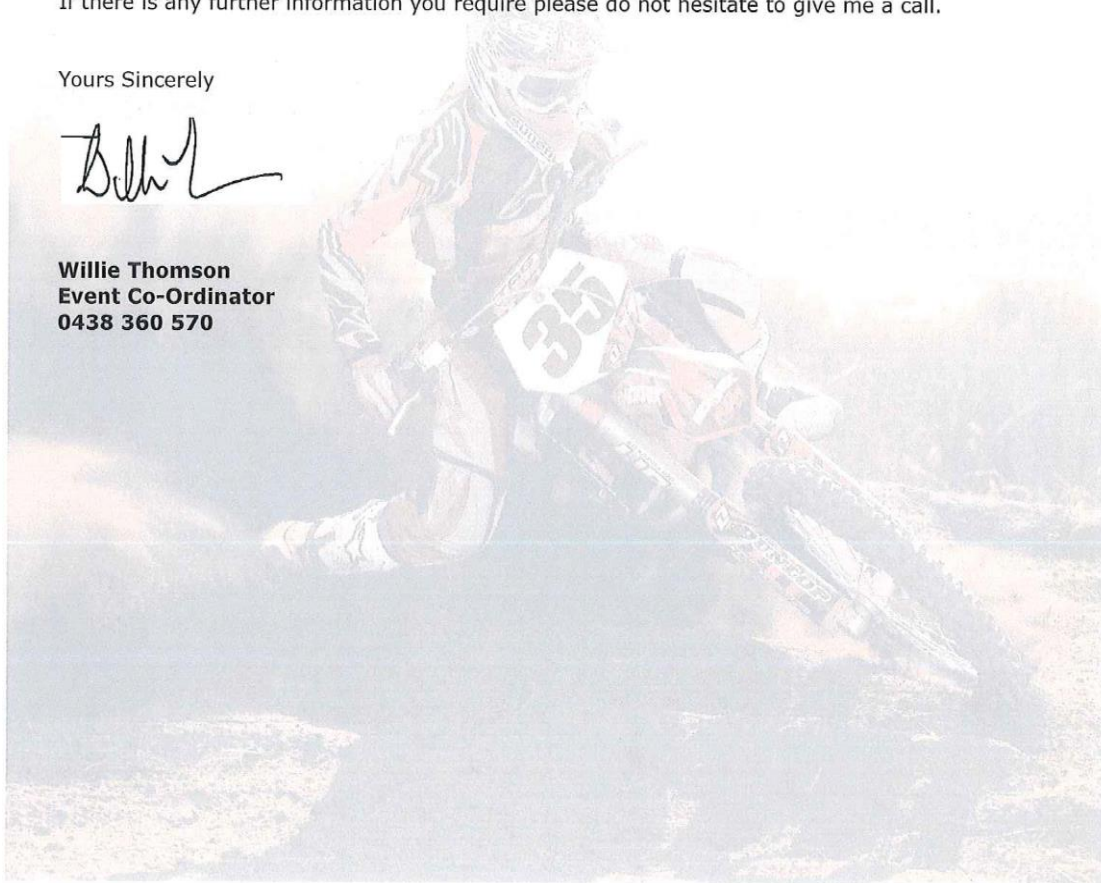
I have enclosed some general information on how the event works.

If there is any further information you require please do not hesitate to give me a call.

Yours Sincerely



**Willie Thomson
Event Co-Ordinator
0438 360 570**



J B & L B Edwards

Brooklands Park Pastoral

PO Box 14 Pingelly 6308

To whom it may concern

We give Willie Thomson and Dirt High Promotions our full support and will help in bringing these events to Brookton.

We feel Brookton will benefit in many ways from the potential thousands of people it will bring to the local services.

Yours sincerely

Jeff Edwards

Brooklands Park Pastoral

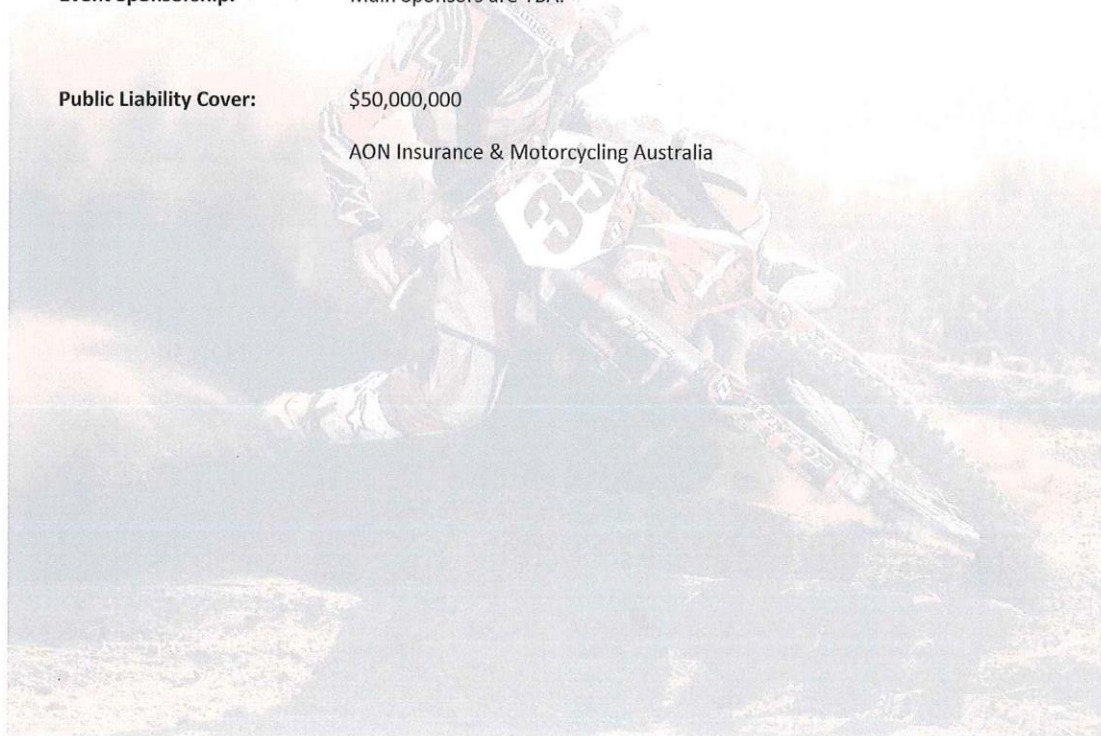
DIRT HIGH PROMOTIONS

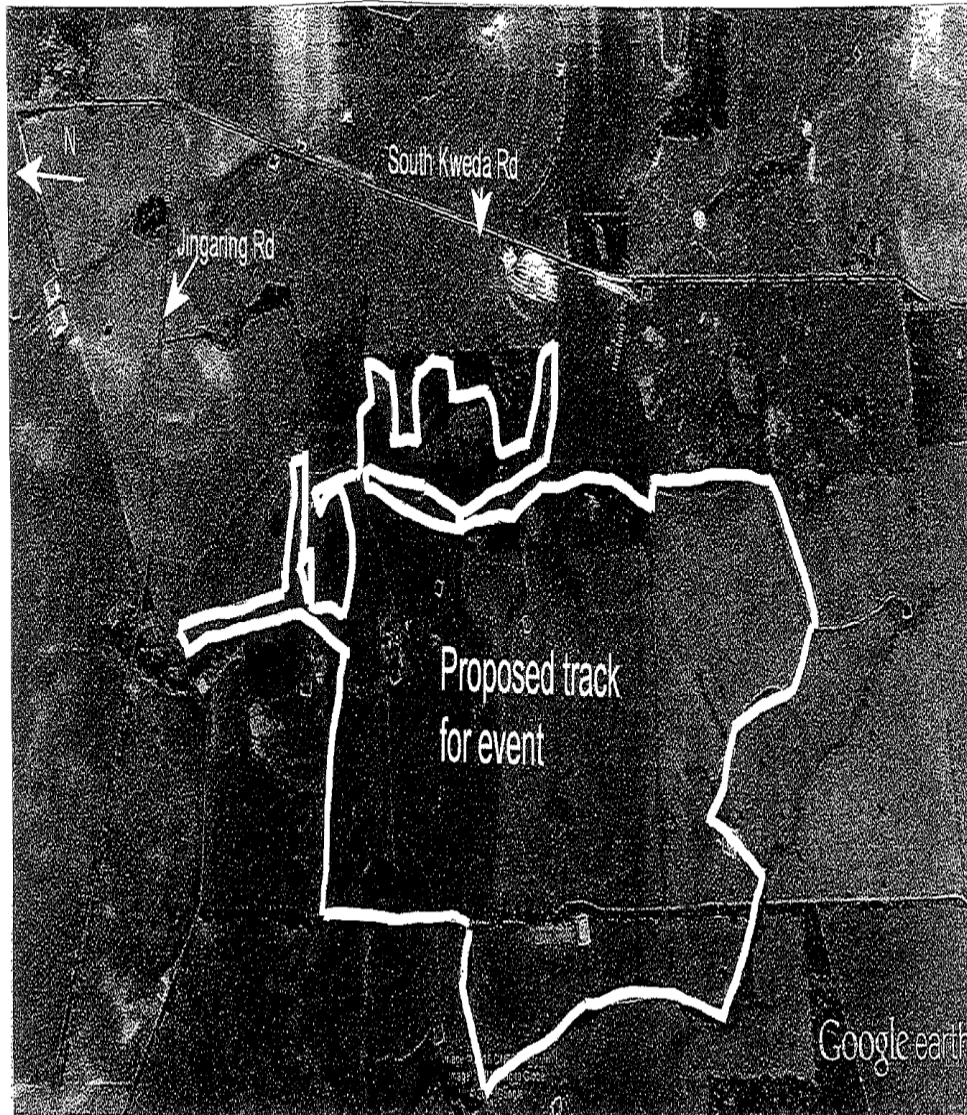
1/17 Canvale Road
CANNING VALE 6155
Tel: 08 9455 2359
Mob: 0438 360 570

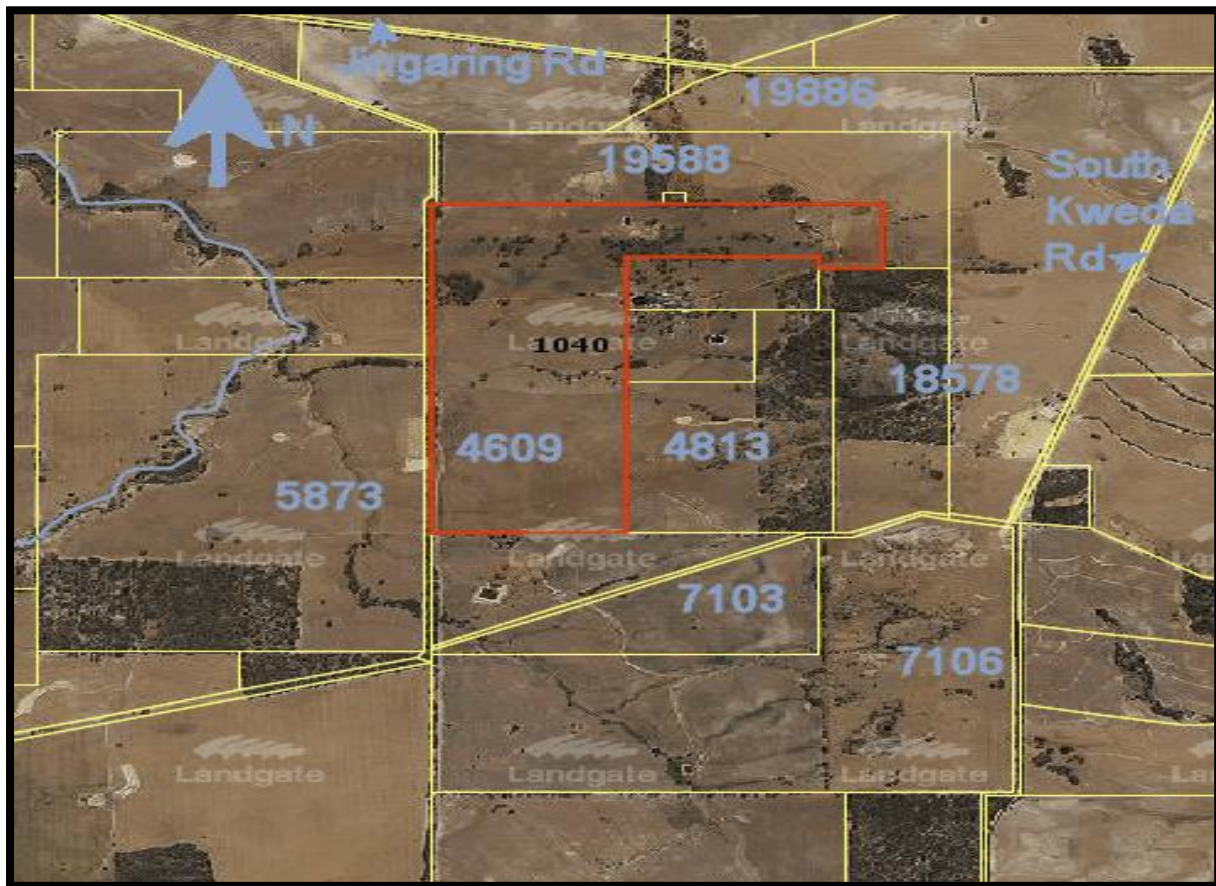
willie@williethomson.com
www.williethomson.com

ABN 90 063 103 560

Type of event:	Pony Express Motorcycle Event
Date of event:	03 & 04 September
Area Required:	TBA
Access Required:	Friday 02nd (10-20 people) to mark out track and set up area. Monday, Finish tidying up and Inspection by owner of farm.
Parking:	All parking will be within the property and controlled by voluntary marshalls.
Toilets:	A minimum of 6 portable toilets will be provided.
Animals:	No dogs or pets will be allowed.
Alcohol:	By Sale from the Pingelly Hockey Club
Food Catering:	By Sale from the Pingelly Hockey Club
Event Guidelines:	The event will be run under permit from Motorcycling Australia and run in accordance with the Australian Rules of Competition.
Event Promotion:	Local Community news & Peel Region Sept Sport will be advised. The event will be promoted through local businesses and motorcycle shops between Perth and Bunbury.
Event Sponsorship:	Main Sponsors are TBA.
Public Liability Cover:	\$50,000,000 AON Insurance & Motorcycling Australia







Consultation:

Trevor Moran – Planner Landvision
Barry Gibbs – Director of Technical Services

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority

12067 Moved: Cr Mulroney Seconded: Cr Marshall

Recommendation and Council Decision:

That Council grant planning consent for the proposed Motorcycle Event at the following locations 19588, 18578, 7103, 4813, 4609 & 5873, off Jingaring Road, subject to the following conditions:

- 1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.**
- 2. This approval is for activities occurring between and including 2 – 5 September 2016, as described in the application.**
- 3. Ablution facilities that comply with the Shire of Pingelly's Environmental Health requirements shall be available on site at all times during the event.**
- 4. Motorcycle activity shall occur only between the hours of 9.00am and 4.00pm on the 3 & 4 September 2016.**
- 5. The risk mitigation, control and responsibilities as prescribed in an Emergency and Risk Management Plan (ERMP) to be provided to the Shire of Pingelly, to be complied with at all times during the event.**
- 6. Appropriately qualified in first aid persons shall be on site at all times during the event.**
- 7. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the event.**

Carried 7:0

16.2 Pingelly Recreation & Cultural Centre – Road Naming

File Reference: 00025
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Jacky Jurmann – Consultant Planner
Authorising Officer Craig McLennan – Project Manager
Date: 10 August 2016
Disclosure of Interest: Nil
Attachments: Nil

Summary:

The purpose of this Report is for Council to consider the naming of the new road. The option is that Council could invite the community to propose road names and then Council vote on the preferred road names before being submitted to the Geographic Names Committee for approval.

Background:

This Report relates to the dedication and naming of one of the new internal access road to service the Pingelly Recreation and Cultural Centre Precinct and Pingelly Health Centre. Report Council considered at its Ordinary Meeting in July 2016. This Report is presented for Council consideration in accordance with Item 2 of the Resolution.

Comment:

The Geographic Names Committee are able to hold on record a list of approved road names for the Shire for the purposes of naming new roads. Once the list is created, Council can then choose the most appropriate road name for the situation from the list and does not need to revisit the approval and consultation process each time a new road is created. It is recommended that Council create a list of approved road names to expedite any future road naming processes.

Consultation:

- Preliminary consultation has occurred with an officer from the Geographic Names Committee regarding road naming who has advised:
 - *"I refer to your enquiries below and advise that commercial names / business names are not permitted as road names for either public or private roads. Road names do not necessarily require a local connection though it is always an opportunity to utilise local indigenous names and recognise early history. Roads cannot be named after living persons.*
 - *We have an online road name form that will help you test proposed names (though at this stage the form is set to a 10km radius, a 50km radius applied to your LGA). That said; the form will help determine if a name is already in use or is over used.*
 - *For origin purposes we require a spreadsheet showing the proposed road name, details about the name and the source of the name which could include an extract from a history book or a web address or taken from honour boards etc. if from a book / publication - please quote book title / author / page number or the web address if from a web site."*
- Extensive consultation has been carried out with the community during the development of this project.

Statutory Environment:

Policies and Standards for Geographical Naming in Western Australia

The Policies and Standards for Geographical Naming in Western Australia includes a number of fundamental requirements for the naming of roads, administrative boundaries, cultural and topographical features.

Applications for road names must be submitted by the LGA, not developers and cannot be commercial names. For origin purposes the Committee requires a spreadsheet detailing the proposed road name, details about the name and the source of the name.

The Geographic Names Committee has developed a program where Council can 'test' the appropriateness of new road names. It is recommended that this program be utilised prior to making a submission to the Committee.

Policy Implications:

There are no policy implications associated with this proposal.

Financial Implications:

There are no major financial implications associated with this proposal. Minor financial expense may be incurred if Council resolves to undertake advertising associated with community consultation.

Strategic Implications:

The goals of the Pingelly Strategic Community Plan are:

- A Healthy and Cohesive Community
- Enhanced Natural and Built Environment
- Prosperous and Sustainable Local Economy
- Effective Governance and Organisation

There are no strategic implications associated with this proposal.

Voting Requirements:

Simple Majority

12068 Moved: Cr Hodges Seconded: Cr Steel

Recommendation and Council Decision:

That Council:

- 1. Invite the community to submit potential road names, including details about the name and the source of the name.**
- 2. A further Report be received by Council to consider the submissions before being submitted to the Geographic Names Committee for approval.**

Carried 7:0

16.3 Planning Consent for the Proposed Location of Temporary Sea Containers

File Reference: 00661
Location: Lot 492, Somerset Street, Pingelly
Applicant: Shire of Pingelly
Author: Claire Buckley, Project Administration Officer
Date: 11 August 2016
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for planning consent for the proposed temporary location of four (4) sea containers in order to store building equipment and supplies during the construction stage of the Pingelly Recreation and Cultural Centre (PRACC) Project.

Background:

An application for Planning Consent has been received from The Shire of Pingelly for the proposed temporary location of three sea containers, at Lot 492 – Somerset Street.

Comment:

This application is to seek planning consent to place four temporary sea containers in order to store building equipment and supplies during the construction stage of the PRACC Project.

These will be 40ft second hand sea containers. These will be located at the Pingelly Sportsground to be used as part of the construction site for items to be stored for the PRACC.

Consultation:

Craig McLennan, Project Manager
Gavin Pollock, Chief Executive Officer
Barry Gibbs, Director Technical Services

Statutory Environment:

Nil

Policy Implications:

It is Council's objective to regulate the use of sea containers within the Shire of Pingelly so as to ensure that they do not detract from the amenity of the area.

The purpose of this Policy is to outline the Shire of Pingelly's development standards in regards to the location and use of sea containers within the Shire and to support the provisions of the Shire of Pingelly Town Planning Scheme No 3 specifically 5.10.2.

The Policy does not address the placement of transportable dwellings, relocated dwellings, railway carriages, or transportable offices, or the type of building commonly referred to as "Dongas".

For the purpose of this Policy, a sea container is a metal transportable structure designed for the storage and transport of goods from one location to another by road and sea, but can be used generally in 4 different ways:

- a) Road and Sea Transport: Used by transport and shipping companies to transport and store goods or are temporarily used for storage on private or public property.
- b) Temporary storage of owner's furniture or personal items whilst a house is being built.
- c) Temporary storage of building materials or tools on a building site.
- d) Conversion to a building for personal or commercial storage on a property.

Only one sea container up to 30m² in area will be permitted on properties within the town site boundaries (zoned Residential).

An application is required prior to siting a sea container on a property within the townsite or rural residential zoned properties and the following details shall be submitted:

1. A completed Application for Planning Consent and payment of the appropriate fee, if the sea container is to be located on a permanent basis. If approval is granted then a building license will need to be obtained.
2. A neatly drawn and scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, access ways, watercourses and vegetation on the property.
3. The proposed size and use of the sea container and if approval is being sought for a temporary period (state time period) or on a permanent basis.
4. The CEO is delegated the authority to issue temporary permits without the need for such applications to go to Council.
5. Evidence by photos that the sea container is structurally sound and can be upgraded externally to a standard acceptable to Council if it is to be relocated on a permanent basis.

Sea containers are permitted in General Agriculture zoned properties subject to the issuing of a Building License. Sea containers are defined as “Outbuildings” i.e. an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.

1. The Building Surveyor may approve the temporary use of a sea container for a period of 12 months to enable an owner to store furniture or other personal items whilst a dwelling is being erected. Such approval will only be considered if a building license has been issued for the dwelling.

Upon application approval may be extended for a further period subject to satisfactory building progress being made on the dwelling.

2. In all zones, a sea container may be placed on a property to store building materials while construction of a dwelling or commercial building is being carried out on the property, without requiring town planning approval or a building license. A sea container must not be placed on the property prior to the issue of a building license for the above structures and must be removed immediately upon completion of construction or expiry of the building license.
3. An application to permanently place a sea container on a property will not be supported unless the following criteria are met:
 - i. planning approval and a building license will need to be obtained and the sea container will be assessed as though it was an “out building”.
 - ii. the sea container must not be used for habitable purposes.
 - iii. the sea container must be located and set back from boundaries as per the requirements of the Residential Design Codes and/or Town Planning Scheme 3. (also see (vi) below).
 - iv. all sea containers within the town boundaries are required to be externally re clad with new colorbond sheeting so that the unit has the appearance of a new shed. (see below (b)).
 - v. a maximum of one sea container per property shall be permitted.
 - v. a sea container must not be located forward of a dwelling in the town centre.

Conditions of approval shall be applicable as deemed necessary by the Building Surveyor. Without limiting the generality of the foregoing, approvals are to contain the following conditions:

- a. The development is to occur in accordance with the plans and specifications as submitted and approved and these shall not be altered or modified without the prior written approval of Council.
- b. The exterior of the sea container shall be upgraded to blend with the surrounding development or landscape in terms of colour and finish within three months of being placed on site to the satisfaction of Town Planner.
- c. The sea container is permitted to be used for storage purposes only and shall not be used for habitable purposes.

- d. In the case of a permanent siting then if the sea container is not upgraded to the satisfaction of the Building Surveyor within the three month period then the unit is to be removed forthwith unless a further extension of time has been given.

Advice to Applicant

1. Planning approval and a building license is required prior to the placement of the sea container permanently on site and consideration needs to be given to how the sea container will be tied down structurally.
2. Approval will not be considered for sea containers to be located in the area zoned as “Town Centre” on a permanent basis.
3. Only one sea container will be allowed on residential properties within the “town site” boundaries and with the maximum size permitted being 30m².
4. Consideration will be given to more than one sea container being located on lots zoned “Industry”, “Mixed use” or “Development” within the town site boundary and lots zoned as “Rural Residential”, but such proposals will need to be submitted to Council for planning approval.

Financial Implications:

A budget item has been included in the 2016/17 financial budget for the purchase as part of the PRACC Project.

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12069 Moved: Cr Mulroney

Seconded: Cr Marshall

Recommendation and Council Decision:

That Council grant planning approval for the temporary location of four (4) Sea Containers, at lot 492 Somerset Street, Pingelly.

Carried 7:0

16.4 BYO Licence for Proposed Re-Establishment of Cafe

File Reference: A2608
Location: Lots 138 – 17 Parade Street
Applicant: Mr Craig McLennan
Author: Sheryl Squiers, Administration Officer Technical
Date: 9 August 2016
Disclosure of Interest: Nil
Attachments: Floor Plan and Site Plan (Attachment 3 after grey sheet in separate attachments book)

Summary:

Council to consider an application for planning approval for BYO Licence to allow patrons to bring their own alcohol at the proposed re-establishment of the previous food premises at 17 Parade Street.

Background:

The Liquor and Licensing Western Australia do not issue BYO licences, rather it is the prerogative of the local authority to grant or refuse such applications as part of the conditions imposed on such premises.

Comment:

The applicant has purchased the premises at Lot 138 – 17 Parade Street and proposes to re-establish the Café on the premises and has submitted an application for a BYO Licence.

Previous café and kitchen. As it currently stands, the applicant will be replacing the café to a professional, hygienic, and transparent standard. The area the previous owner had as a mini deli and the kitchen has been opened up and it is proposed to have that area as a seating area with lounges and tables for people to relax and eat the café food.

The applicant does not have any specific plans for the rest of the building or the rear yard. The large area (front right) is a lovely large area and could be used for events and banquets.

The applicant is considering an outdoor planted area which would be fantastic for an alfresco area for lunches in the sunshine. The part of the application referring to consent for alcohol on the footpath will now not be a part of the current application.

If alcohol is to be sold on a regular basis (as opposed to one off permits being obtained) the applicant will be applying to have sections of the premises formally licensed.

Previous BYO Licences were issued to premises located at 4 Parade Street and 19 Parade Street.

The Chief Executive Officer
Shire of Pingelly
17 Queen St
PINGELLY 6308

SHIRE OF PINGELLY	
FILE	A2608
DATE	05 AUG 2016
Officer	AOT/CEO
Copy to	

Dear Sir

APPLICATION FOR "BRING YOUR OWN" ALCOHOL APPROVAL: 17 Parade St Pingelly

Please find attached two part plans of my property. I wish to seek Shire approval to allow people to bring and consume their own alcohol on my entire site and also on the front footpath.

Kind regards



Craig McLennan

9A Webb St
PINGELLY 6308

0438 907 071

5 August 2016

Sheryl Squiers

From: cm_a@iinet.net.au
Sent: Tuesday, 9 August 2016 10:08 AM
To: Sheryl Squiers
Subject: BYO application. 17 Parade St PINGELLY

Hi Sheryl<?xml:namespace prefix = "o" ns = "urn:schemas-microsoft-com:office:office" />

Thank you for the discussion and proactive response to my application for a BYO approval at 17 Parade St.

Previous café and kitchen. As it currently stands, I will be replacing the café to a professional, hygienic, and transparent standard. The area the previous owner had as a mini deli and the kitchen has been opened up and it is proposed to have that area as a seating area with lounges and table for people to relax and eat the café food.

I do not have any specific plans (or money) for the rest of the building or the rear yard. The large area (front right) is a lovely large area and could be used for events and banquets. I am considering an outdoor planted area which would be fantastic for lunches in the sunshine.

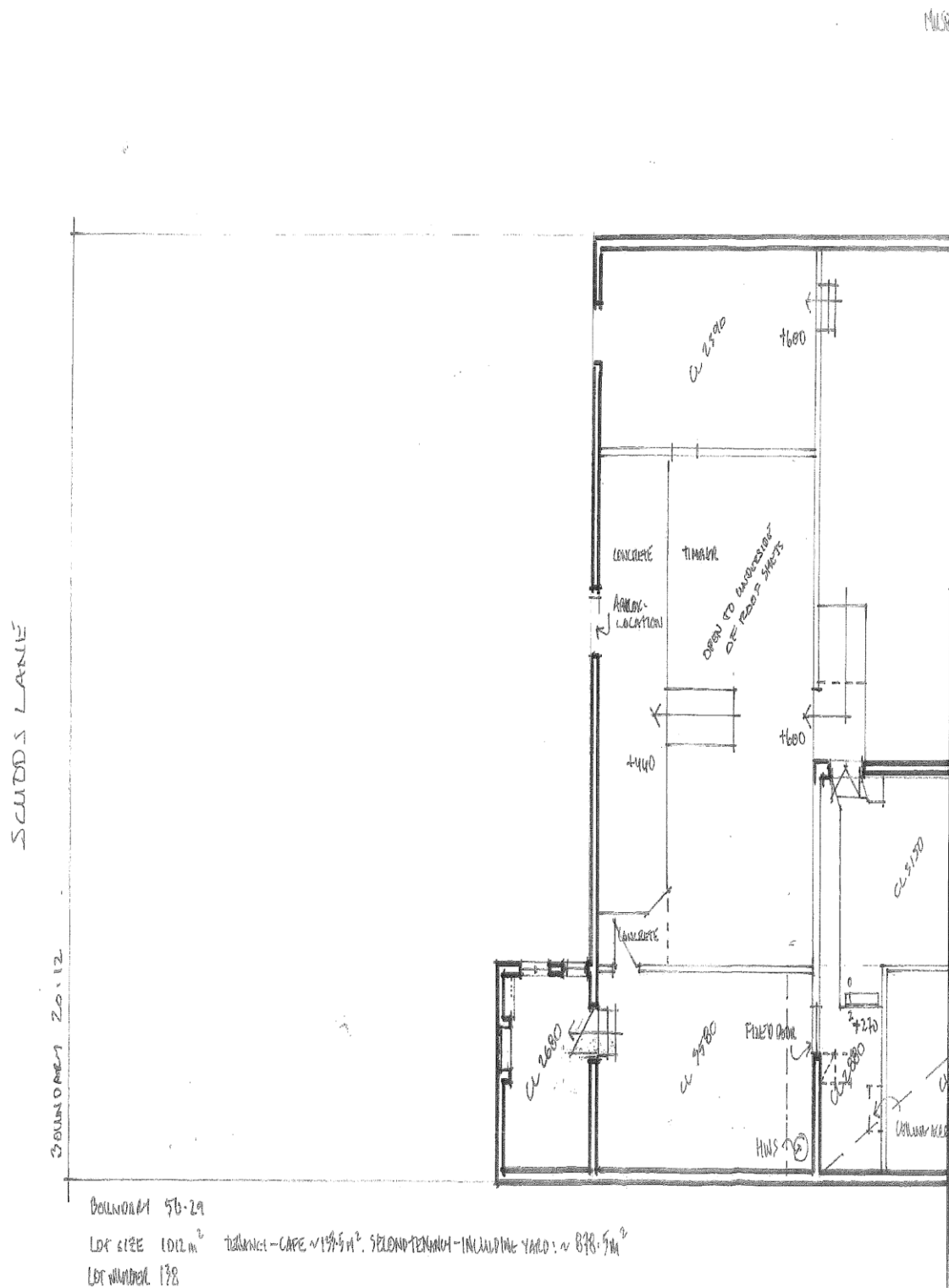
If alcohol is to be sold on a regular basis (as opposed to one off permits being obtained) I will be applying to have areas formally licensed.

Also, as discussed, in the first instance, please omit my request to allow BYO for the footpath.

Kind regards

Craig McLennan

0438 907 071



Consultation:

Barry Gibbs – Director Technical Services

Sgt Paul Thomas – Pingelly Police

Previous applications for BYO Licences

Statutory Environment:

Section 110 of the *Food Act 2008* (Registration of food businesses) provides:

- (1) The appropriate enforcement agency may register a food business in respect of any premises for the purposes of this Part.
- (2) The proprietor of a food business may apply, in the approved form, to the appropriate enforcement agency for the registration of the food business in respect of any premises under this Part.
- (3) The application must be accompanied by —
 - (a) if required by the appropriate enforcement agency — the design and fit-out specifications, in a form approved by the appropriate enforcement agency, of the premises, if food is to be handled in the course of conducting the food business at those premises;
 - (b) any other information that the appropriate enforcement agency requires to determine the priority classification of the food business; and
 - (c) subject to subsection (4), the fee, if any, prescribed by the regulations.
- (4) If the appropriate enforcement agency is a local government —
 - (a) any fee prescribed by the regulations for the purposes of subsection (3)(c) does not apply to an application to the agency under this section; and
 - (b) the fee for an application to the agency under this section may be imposed and recovered by the agency under the *Local Government Act 1995* Part 6 Division 5 Subdivision 2.
- (5) The appropriate enforcement agency may, after considering an application for registration
 - (a) grant the application, with or without conditions; or
 - (b) refuse the application.
- (6) If the appropriate enforcement agency grants an application for registration, the appropriate enforcement agency must issue the applicant with a certificate of registration, in the approved form, that specifies the premises in respect of which the registration is granted and sets out any conditions to which the registration is subject.
- (7) A condition to which the registration is subject may relate only to compliance with this Act.
- (8) If the appropriate enforcement agency refuses an application for the registration of a food business in respect of any premises, the appropriate enforcement agency must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12070 Moved: Cr Wood

Seconded: Cr Walton-Hassell

Recommendation:

That the application from Mr Craig McLennan for BYO alcohol consumption by in-house diners in the food business at 17 Parade Street, Pingelly be approved, subject to the following:

- **patrons are only permitted to consume alcohol when dining in house.**
- **alcohol is only permitted within the premises and proposed outdoor alfresco dining area at the rear of the premises.**
- **no alcohol to be sold on the premises.**
- **an application for a food business premises under the Food Act (2008) to be submitted.**

AMENDMENT

12071 Moved: Cr Steel Cr Hodges seconded

That the application from Mr Craig McLennan for BYO alcohol consumption by in-house diners in the food business at 17 Parade Street, Pingelly be approved, subject to the following:

- **patrons are only permitted to consume alcohol when dining in house.**
- **alcohol is only permitted within the premises.**
- **no alcohol to be sold on the premises.**
- **an application for a food business premises under the Food Act (2008) to be submitted and approved.**

Lost 0:7

COUNCIL DECISION

12072 Moved: Cr Marshall

Seconded: Cr Mulroney

To lay the item on the table until the September meeting to allow for Shire Officers to provide additional information.

Carried 7:0

17. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12073 Moved: Cr Steel Seconded: Cr Marshall

The Chairman declared the meeting suspended at 4.44pm.

Carried 7:0

The meeting recommenced at 5.08pm.

18. NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

12074 - Moved: Cr Steel

Seconded: Cr Mulroney

For Council to introduce new business to advocate the abolishment of the Development Assessment Panel (DAP) as requested by the City of Subiaco and by instructing the Chief Executive Officer to send a letter on Council's behalf that:

The Shire of Pingelly advocates for the abolition of Development Assessment Panels (DAP) on the basis that:

- 1.1 DAP by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;**
- 1.2 DAP represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions; and**
- 1.3 Some previous decisions made by the DAP have adversely affected communities and the Minister for Planning is powerless to overturn any decision which has gone well beyond the purpose, intent and application of relevant Local Planning Scheme and Policies adopted by a relevant council; and**
- 1.4 In the event that DAP remains in place, all Western Australian Councils be granted powers to opt out of the DAP system should they so wish to.**

Carried: 7:0

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 5.12pm

These minutes were confirmed by Council at the
Ordinary Meeting held on 21 September 2016

Signed.....
Presiding Person at the meeting at which the minutes
were confirmed.