

Notice of Meeting



17 Queen Street, Pingelly
Western Australia 6308
Telephone: 9887 1066
Facsimile: 9887 1453
admin@pingelly.wa.gov.au

Dear Elected Member

The next Ordinary meeting of the Shire of Pingelly will be held on 18 October 2017 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

The Pingelly Community Craft Centre will be providing dinner.

Schedule

2pm Council Meeting

A handwritten signature in black ink, appearing to read 'G. Pollock'.

Gavin Pollock
Chief Executive Officer

13 October 2017

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Pingelly for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Pingelly disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Pingelly during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Pingelly. The Shire of Pingelly warns that anyone who has an application lodged with the Shire of Pingelly must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Pingelly in respect of the application.

AGENDA

Shire of Pingelly
Ordinary Council Meeting
18 October 2017

MISSION STATEMENT

To enhance the quality of life for the people of Pingelly through the provision of leadership, services and infrastructure.

DISCLAIMER


INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

A handwritten signature in blue ink, appearing to be 'G. Pollock', written in a cursive style.

**GAVIN POLLOCK
CHIEF EXECUTIVE OFFICER**

COUNCIL MEETING INFORMATION NOTES

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available in the Shire of Pingelly Office, on the website and the Pingelly Library seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).

Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of Pingelly Office and the Shire of Pingelly website within ten (10) working days after the Meeting.

NOTE:

Unopposed Business

Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.

If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.

A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.

If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

Question Time

This Policy provides guidance to the Presiding Member (noting the provisions of the *Local Government (Administration) Regulation 7*).

Question time is for the asking of questions. General comments, issues for debate etc. are to be progressed through the normal procedure for submitting Agenda items for Council's consideration. Tabled correspondence will not be accepted.

Unless the person is known to all other persons in the Chamber, the Questioner is to state their name and address prior to asking the question.

The Questioner is to stand to address the Presiding Member, unless illness or a physical or other disability prevents him/her from doing so. All questions are to be addressed to the Presiding Member.

The question must be immediately put and may be followed by a brief statement related to the question.

The Presiding Member may respond to the question or may nominate a Councillor or an Officer to respond.

Debate between the Questioner or public and a Councillor or Officer is not permitted.

Questions may not be put by Councillors to the Questioner or other members of the public except for the purpose of clarification.

If the Presiding Member determines that a full and complete answer is unable to be given at that time, the question may be taken on notice. In that case, an answer will be given in writing to the Questioner within 7 days and the response tabled at the next Ordinary Council meeting.

A summary of the question and the response only is to be recorded in the minutes of the meeting.

QUESTION TIME FOR THE PUBLIC

(Please write clearly)

DATE: _____

NAME: _____

TELEPHONE : _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT:

GENERAL QUESTION / QUESTION RELATED TO THE AGENDA *(strike out which is not applicable)*

ITEM NO	PAGE NO	QUESTION

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 2.00 PM AT THE MEETING, OR BY 1.45PM ON THE DAY OF THE MEETING AT THE SHIRE OF PINGELLY OFFICE, 17 QUEEN STREET, PINGELLY.

Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at every ordinary meeting of a council; and

Such other meetings of councils or committees as may be prescribed.

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b) Local Government (Administration) Regulations 1996.

Reg 5 For the purpose of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

every special meeting of a council; and

every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

Reg 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:

by the person presiding at the meeting; or

in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members, having regard to the requirements of sub regulations (2) and (3).

The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.

Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

Nothing in sub regulation (3) requires:

A council to answer a question that does not relate to a matter affecting the local government;

A council at a special meeting to answer a question that does not relate to the purpose of the meeting;

or

A committee to answer a question that does not relate to a function of the committee.

SHIRE OF PINGELLY

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

18 October 2017

(Print Name)

(Signature)

(Date)

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9887 1066 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM NO	PAGE NO	TYPE	REASON

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Chief Executive Officer, Shire of Pingelly

In accordance with Section 5.60-5.65 of the *Local Government Act* and Regulation 34(B) and 34(C) of the *Local Government (Administration) Regulations* and Regulation 11 of the *Local Government (Rules of Conduct) Regulations*, I advise you that I declare a appropriate box):

financial interest (Section 5.60A)

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —
(a) change to a planning scheme affecting land that adjoins the person's land;
(b) change to the zoning or use of land that adjoins the person's land; or
(c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

interest affecting impartiality (Regulation 11). I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association but does not include a financial or proximity interest as referred to in section 5.60.

SHIRE OF PINGELLY

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 18 October 2017 – commencing at 2.00pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people and past and present.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Council Agenda Reports

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today's Agenda and the Officer Recommendations are based on Council Policy and or State Acts and Legislation.

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

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 20 September 2017

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

Recommendation:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 20 September 2017 be confirmed.

Moved: _____ Seconded: _____

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

- 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

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
- Development Assessment Panel
Delegate – Cr Mulroney
Delegate – Cr Freebairn
Deputy – Cr Hodges
Deputy – Cr Wood
- 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 Focus Group
Delegate – Cr Steel
Delegate – Cr Walton-Hassell
Deputy – Recreation & Cultural
Committee
- Pingelly Recreation and Cultural Centre Committee
Delegate – Cr Lange
Delegate – Cr Walton-Hassell
Deputy – Cr Hodges
- Pingelly Somerset Alliance
Delegate – Cr Lange
Delegate – Cr Mulroney
Deputy – Cr Walton-Hassell
Deputy – Cr Wood

13. REPORTS FROM COUNCILLORS

Cr Shirley Lange (President)

September:

20th CEO Performance Review
20th Corporate Discussion
20th “Turning the Sod” at the Age Appropriate Accommodation site
20th Lunch with attendees, Councillors etc.
20th Council Meeting
21st PAAA
21st PRACC with Peter Kenyon
28th CEO and Deputy President meeting
29th CCZ Working Party – Review of LG Act – Brookton

October:

2nd Meeting CEO and Bryan Hotham
2nd BBP Meeting – Beverley
3rd Pingelly Development Association
4th Corporate Discussion
4th PRACC with Kim Buttfeld –SES
9th Bryan Hotham – Declarations of Interest
10th CEO and Deputy President meeting
12th Agenda Review with CEO and Exec Staff
13th Mental Health seminar – Chambers
13th Farewell afternoon tea with staff
16th Golden Outback tourism board meeting – Kalgoorlie
18th CCZ Teleconference at 8.30am - Chambers
18th Corporate Discussion and Council Meeting
19th PAAA – VC –Chambers
19th Somerset Alliance with Peter Kenyon
19th PRACC with Peter Kenyon – SES
20th Avon Radio, York - interview

Cr William Mulroney (Deputy President)

September:

20th Council Meeting and Corporate Discussion
21st Peter Kenyon Bank of Ideas re PRAAC Management Committee board formulation
28th Meeting with President and CEO

October:

4th Corporate Discussion - NBN Presentation by Rachael McIntyre
4th Kym Buttfeld formulation of PRAAC Management Board.
5th Breakfast with Minister for Transport Hyatt Hotel, Perth with Cr Walton-Hassell and CEO
10th Meeting with President and CEO
11th Sustainable Health Review, Northam with Cr Freebairn
12th Regional Waste Group, Cuballing with CEO

Cr David Freebairn

Nil

Cr Evan Hodges

Nil

Cr Ray Marshall

Nil

Cr Lee Steel

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Early Payment Rate Incentive Draw 2017

File Reference: ADM0312
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Gavin Pollock, Chief Executive Officer
Date: 12 October 2017
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

To ratify the early rate payment incentive draw process for 2017.

Background:

As part of the rate collection process the Shire of Pingelly makes available to property owners who pay their rates in full by the due date for full payment the opportunity to win prizes provided by sponsoring organisations.

Comment:

In the last few years sponsors of the prize have been Bendigo Bank and Matthews Real Estate. As part of the sponsorship agreement material from the sponsors is enclosed with the rate notice. Staff have confirmed with the Department of Local Government that there is no legislation that prevents this happening and it is common practice in most local governments.

Providing an incentive for early payment of rates can increase the cash flow that comes in during the early part of the year prior to other revenue streams coming in.

It is proposed that rules be set for the prize process, so that there is clarity about eligibility and promotion of sponsors. Rules are detailed below:

- That ineligible ratepayers are:
- Owners of property that is not fully rated (subject to exemptions), Shire of Pingelly Councillors or Staff (or partners of).
- That sponsors materials be included in the envelope sent to ratepayers with the rate notices.
- That mention of the sponsors is made in the newsletter accompanying the rate notices.
- Entry into the Early Payment of Rates competition be offered to eligible ratepayers who have paid in full all rates and charges (including arrears) within 35 days of issue and that the draw be conducted at the Ordinary Council meeting following the close of the competition.
- That the Presiding Person at the meeting conducts the draw.
- The program Random Prize Draw be used to draw the winners.
- Staff to confirm the eligibility of the winners prior to the announcement of the winners.
- Should the assessment drawn be ineligible, then another draw will be done until eligible winners have been selected.
- When a winner is determined the name of the winners will be published in the Shire News via the Pingelly Times as well as an acknowledgement of the provision of prizes by the sponsors.

Consultation:

Director Corporate and Community Services – Stuart Billingham
Department of Local Government

Statutory Environment:

N/A

Policy Implications:

Nil

Financial Implications:

Nil – The prizes are supplied by sponsors and included in the 2017/18 adopted budget.

Strategic Implications:

N/A

Voting Requirements:

Simple Majority

Recommendation:

That Council

1. adopt the rules for the Early Payment Rate Incentive Draw:

- That ineligible ratepayers are:
- Owners of property that is not fully rated (subject to exemptions), Shire of Pingelly Councillors or Staff (or partners of)
- That sponsors materials be included in the envelope sent to ratepayers with the rate notices.
- That mention of the sponsors is made in the newsletter accompanying the rate notices.
- Entry into the Early Payment of Rates competition be offered to eligible ratepayers who have paid in full all rates and charges (including arrears) within 35 days of issue and that the draw be conducted at the Ordinary Council meeting following the close of the competition.
- That the Presiding Person at the meeting conducts the draw.
- The program Random Prize Draw be used to draw the winners.
- Staff to confirm the eligibility of the winners prior to the announcement of the winners.
- Should the assessment drawn be ineligible, then another draw will be done until eligible winners have been selected.
- When a winner is determined the name of the winners will be published in the Shire News via the Pingelly Times as well as an acknowledgement of the provision of prizes by the sponsors.

Moved: _____ Seconded: _____

2. endorse the Presiding Person at the meeting to conduct the early rate payment incentive draw.

Moved: _____ Seconded: _____

3. endorse _____ as the first drawn eligible winner and _____ as the second drawn eligible winner.

Moved: _____ Seconded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity - September 2017

File Reference: ADM0075
Location: N/A
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 12 October 2017
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2017 to 30 September 2017 (Attachment 1 behind green sheet)
Previous Reference: N/A

Summary:

In Accordance with the Local Government Act 1995 Section 5.25 (1) and Local Government (Financial Management) Regulations 1996, Monthly Financial Statements are required to be presented to Council, in order to ensure that income and expenditure is in keeping with budget forecasts.

The Monthly Statements of Financial Activity for the month of September 2017 is attached for Council consideration and adoption.

Background:

In order to prepare the monthly statements, the following reconciliations have been completed and verified:

- Reconciliation of assets, payroll and taxation services;
- Reconciliation of all shire's bank accounts, including term deposits;
- Reconciliation of Rates, including outstanding debtors;
- Reconciliation of Sundry Creditors and Debtors;

Consultation:

Chief Executive Officer

Statutory Environment:

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -

- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
- (b) Budget estimates to the end of the month to which the statement relates;
- (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) Material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) The net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing -

- (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) An explanation of each of the material variances referred to in sub regulation (1) (d); and
- (c) Such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown -

- (a) According to nature and type classification;
- (b) By program; or
- (c) By business unit.

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), is to be -

- (a) Presented to the council -
 - (i) At the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
- (b) Recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

Policy Implications:

There are no policy implications.

Financial Implications:

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council's adopted Budget 2017/2018.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority

Recommendation:

That with respect to the Monthly Statements of Financial Activity for the month ending 30 September 2017 be accepted and material variances be noted.

Moved: _____ Seconded: _____

15.2 Accounts Paid by Authority

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 12 October 2017
Disclosure of Interest: Nil
Attachments: List of Accounts (Attachment 2 behind yellow sheet)
Previous Reference: N/A

Summary:

Council endorsement is required for accounts made by authority for the month of September 2017.

Comment:

Unless otherwise identified, all payments have been made in accordance with Council's 2017/18 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:

Simple Majority

Recommendation:

That Council endorse the Accounts for Payments for September 2017 as presented:

SEPTEMBER 2017	
MUNI - 117984856	
EFT 4032 - 4074	\$752,884.22
CHEQUE 24480 - 24486	\$ 22,531.68
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD9219.1- DD9282.1	\$ 25,802.70
TRUST FUND – 1901	\$ 540.00
DIRECT DEBIT -	
DD9215.1 – DD9257.10, EFT4033 to 4077 – Pay and Super	\$ 23,876.06
CREDIT CARD	
DD9246.1	\$ 699.53
GRAND TOTAL	\$826,334.19

Notification	Explanation
Nil	

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Application for an Exemption for Four Dogs

File Reference: A4799
Location: Lot 525 – 4 Sharow Street
Applicant: Mr J Rutty
Author: Sheryl Squiers, Administration Officer Technical
Date: 3 October 2017
Disclosure of Interest: Nil
Attachments: Report from Ranger - Attachment 3 behind red sheet

Summary:

Council to consider an application for an exemption to keep four dogs at Lot 525 – 4 Sharow Street, Pingelly.

Background:

The applicant has written to Council requesting an exemption to keep four dogs at Lot 525 – 4 Sharow Street, Pingelly. Two of the four dogs belonged to the applicant's late father and the applicant for this reason would like to keep the two extra dogs.

Comment:

It is a requirement of the Shire of Pingelly's Dogs Local Law (2003) the maximum number of dogs that can be kept on a premise within a town site is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as amended).

Council has approved similar applications in the past where all adjoining neighbours have agreed to the request and the Shire Ranger or other Authorised Council Officer has considered that there are no valid reasons for withholding such approval (see Shire Ranger Report in Attachment Relating).

The following conditions to be stipulated on the approval:

- That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption, and
- That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.
- That the exemption applies only to the dogs nominated by the applicant.
- Each dog on the property must be micro chipped and registered with the Shire of Pingelly if not already completed.
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.
- That the property has adequate fencing to ensure it is suitable for keeping dogs within the property boundary.

Public comment was sort on the matter from the residents living in close proximatey to the above property. Written of emailed submissions were requested to be submitted by 15 September 2017.

Letters were sent to nine property owners in the vicinity of Lot 525 – 4 Sharow Street, with two responses from the neighbours with the following replies:

- One who had no issues with the four dogs being located at the premises; and

- The other response indicated they were not happy with the idea of four dogs on the premises but would not like the applicant to make a choice of which two dogs to retain so are happy for the four dogs to be located at 4 Sharow Street and when two were sold or passed away that only two dogs be the maximum number for the premises.

The two existing dogs are English Blue Staffies which are a small dog breed growing to a maximum height of 450mm. These two of the dogs are currently registered with the Shire of Pingelly and named Bella and Arman.

The two dogs which the owner is applying for an exemption did belong to the applicant's late father, and are Blue American Staffies. The female dog is named Tazar and the other a male dog named Tapout, both dogs are 7½ years old, sterilized and microchipped.

Ranger Services have not received any complaints of barking issues, dog attack reports or any other complaints and the fence provides adequate security to contain the dogs within the property and see no reason why Council approval should not be granted. See *Shire Rangers Report in Council Attachments*

The applicant had six dogs on moving to Pingelly but has since given two of the English Blue Staffies to his brother who also resides in Pingelly, these dogs are registered with the Shire of Pingelly.





Consultation:

Barry Gibbs – Director Technical Services

Dog Act (1976)

Matt Sharpe – WA Contract Ranger Services

Various Property Owners in the Vicinity of 4 Sharow Street

Statutory Environment:

DOG ACT 1976 - SECT 26

26 Limitation as to numbers

- (1) A local government may, by a local law under this Act —
- (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or
- (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.
- (2) A local law mentioned in subsection (1) —
- (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
- (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
- (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
- (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
- (b) cannot authorise the keeping in or at those premises of —
- (i) more than 6 dogs that have reached 3 months of age; or
- (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;
- and
- (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
- (i) a local law mentioned in subsection (1); or
- (ii) an exemption granted under subsection (3);
- or
- (b) more than —
- (i) 2 dangerous dogs (declared); or
- (ii) 2 dangerous dogs (restricted breed); or
- (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
- (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.

Penalty:

- (a) for an offence relating to a dangerous dog —
- (i) a fine of \$10,000, but the minimum penalty is a fine of \$500;
- (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;
- (b) for an offence relating to a dog other than a dangerous dog —
- (i) a fine of \$5,000;
- (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.

- (5) *Any person who is aggrieved —*
- (a) *by the conditions imposed in relation to any exemption under subsection (3); or*
- (b) *by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,*
may apply to the State Administrative Tribunal for a review of the decision.
- (6) *An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

[Section 26 amended by No. 23 of 1987 s. 22; No. 14 of 1996 s. 4; No. 24 of 1996 s. 16; No. 55 of 2004 s. 256 and 268; No. 18 of 2013 s. 22.]

Pingelly Shire Council Dogs Local Law (2000) Section 3.2

Limitation on the number of dogs

- 3.2 (1) *This clause does not apply to premises which have been—*
- (a) *licensed under Part 4 as an approved kennel establishment; or*
- (b) *granted an exemption under section 26 (3) of the Act.*
- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26 (4) of the Act—*
- (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or*
- (b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.*

Financial Implications:

Nil

Strategic Implications:

Dog Act 1976 (As Amended)

Shire of Pingelly's Dogs Local Law (2003)

Voting Requirements:

Simple Majority

Recommendation:

That Council grant an exemption for the keeping of four dogs at 4 Sharow Street subject to the following conditions:

- 1. That the exemption be reviewed in twelve months' time to ensure that no adverse problems have been experienced as a result of the exemption.**
- 2. That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.**
- 3. The exemption applies only to the dogs nominated by the applicant.**
- 4. Each dog must be microchipped and registered with the Shire of Pingelly within one month of Council approval.**
- 5. Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.**
- 6. That the property has adequate fencing to ensure it is suitable for keeping four dogs.**

Moved: _____ Seconded: _____

16.2 Proposed Garage

File Reference: A3281
Location: Lot 269 – 6 Stratford Street
Applicant: Ms F Stafford
Author: Sheryl Squiers, Administration Officer Technical
Date: 9 October 2017
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for a proposed garage over 60m² at Lot 269 – 6 Stratford Street, Pingelly.

Background:

Ms Frith Stafford has submitted an application for planning consent for a garage which will take the total outbuilding area for the property over the maximum 60m² as set out in the Residential Design Codes.

Comment:

The proposed garage will be located at Lot 269 – 6 Stratford Street, Pingelly, which is zoned residential with a total area of 2428m² consisting of amalgamated Lot 270 – 8 Stratford street.

The proposed garage will be located on the southern side of the property with a total area of 105m², a wall height of 3.1m with the gable height of 4.16m. There is an existing older shed at the rear of the property which has a total area of 61.25m², this gives a total proposed outbuilding area of 166.25m².

The setbacks comply with the Shire of Pingelly's Local Planning Scheme for outbuildings in residential zones, the proposed shed will be setback 26.270m from Stratford Street, 23.580m from Realm Street, 1.540m from southern boundary and 3.300m from rear of dwelling.

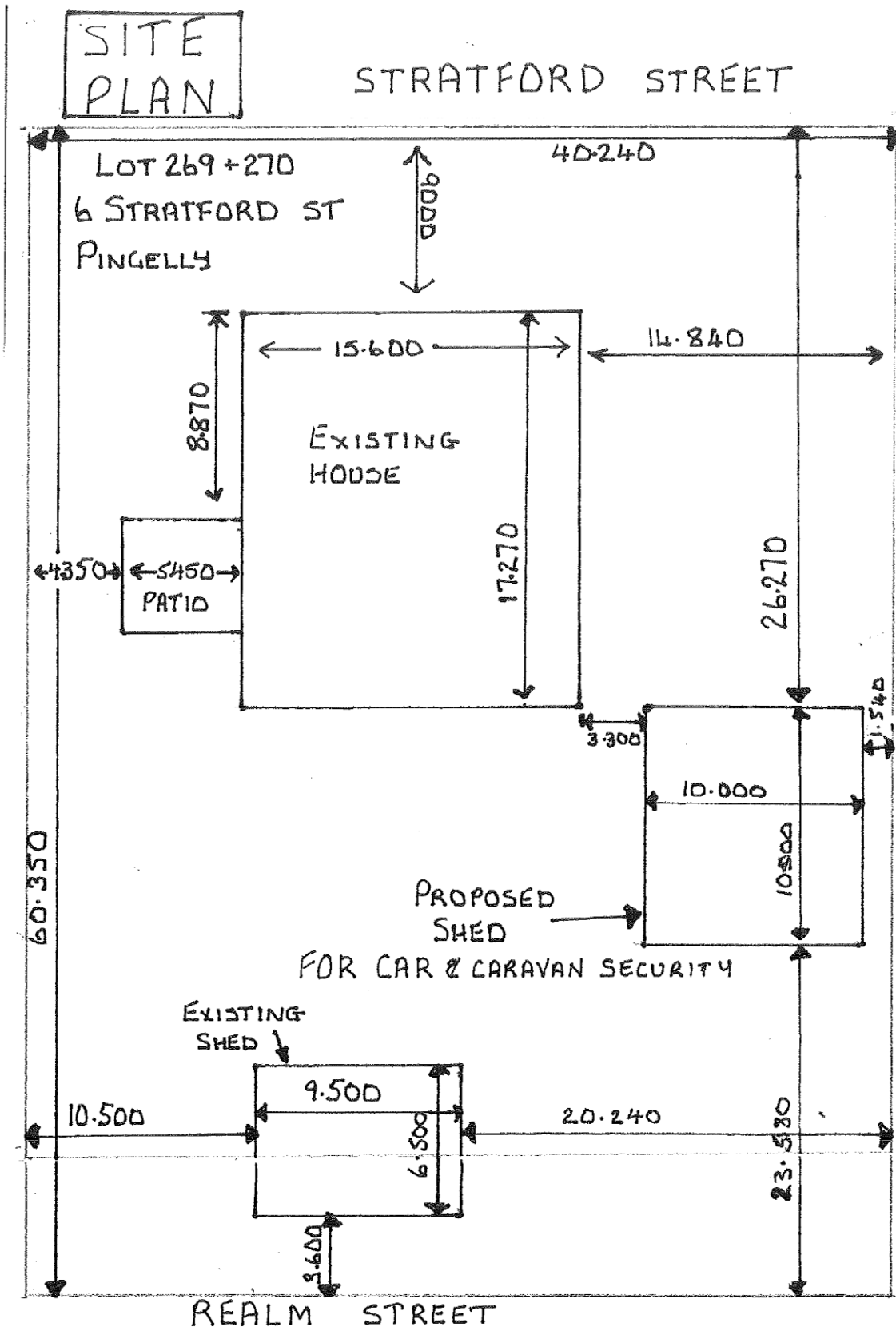
The applicant requires a larger garage as the existing shed is too small to accommodate the caravan and vehicles.

There will be no over shadowing issues with neighbouring properties as Lot 271 – 10 Stratford Street is currently vacant land and the rear of the property abuts Realm Street with Linear Park on the other side of Realm Street.

Council has approved similar applications previously for increased wall and gable heights.



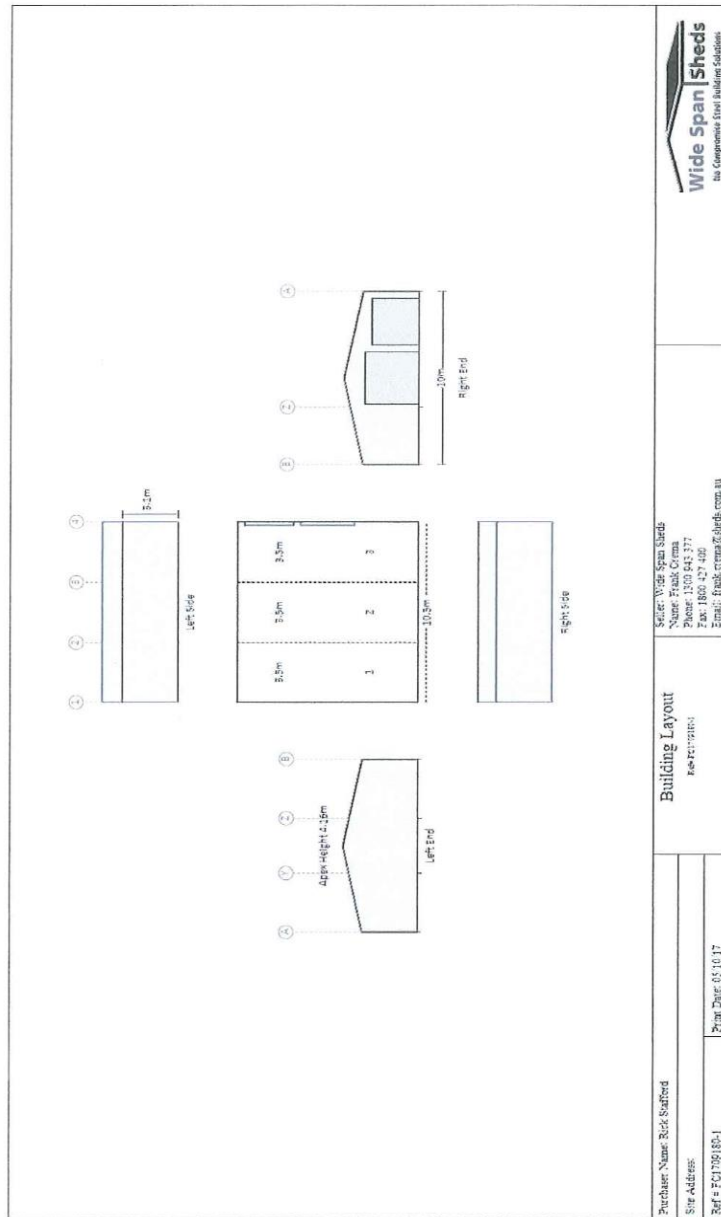
Landgate plan of Lot 269 – 6 Stratford Street.



Site plan for proposed garage.

6 STRATFORD ST, PINGELLY

Building Layout



Peace of mind Guarantees SHED SAFE ACCREDITED 10 YEAR WARRANTY GUARANTEE STEEL SUPPLIES 100% SPECIFIC BUSINESS ...we've got you covered! www.sheds.com.au

Plan of proposed garage.

Consultation:

Barry Gibbs – Director Technical Services
Residential Design Codes

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

Recommendation:

Council grant planning consent for the proposed garage at Lot 269 – 6 Stratford Street with increased outbuilding area for the lot.

Moved: _____ Seconded: _____

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

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).

18.1 Swearing in of Councillors Elect

19. CLOSURE OF MEETING

The Chairman to declare the meeting closed.