



Shire of Pingelly

Minutes

Ordinary Council Meeting
19 August 2020

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.08pm.

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 past and present and emerging.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

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

MEMBERS PRESENT

Cr J McBurney (Deputy President – Presiding Member)
Cr K Hastings
Cr B Hotham
Cr P Narducci
Cr A Oliveri
Cr P Wood
Cr D Freebairn

STAFF IN ATTENDANCE

Ms J Burton Chief Executive Officer
Mrs D Sweeney Executive Manager Corporate Services
Mrs L Boddy Executive Assistant

VISITORS

Steven Barker

APOLOGIES

Cr W Mulrone (President)
Mr D Watkins Executive Manager Technical Services

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

No questions from the public.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. DISCLOSURES OF INTEREST

Cr Peter Wood declared an interest in Item 14.2 - Construction of Shed – Pingelly Bowling Club.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 15 July 2020

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are 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

12880 Moved: Cr Hastings Seconded: Cr Oliveri

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 15 July 2020 be confirmed.

Carried 7:0

9.2 Special Meeting – 23 July 2020

(Community Emergency Services Manager Partnership Opportunity)

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are 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

12881 Moved: Cr Narducci Seconded: Cr Hotham

Recommendation and Council Decision:

That the Minutes of the Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 23 July 2020 be confirmed.

Carried 7:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil.

11. REPORTS OF COMMITTEES OF COUNCIL

- Audit Committee Full Council
- Pingelly Recreation & Cultural Committee Member – Shire President
Deputy – Deputy President
- Bushfire Advisory Committee Member – Cr Freebairn
Deputy – Cr Hotham
- Chief Executive Officer Performance Review Committee Member – Shire President
Member – Deputy President
Member – Cr Hastings

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

- Central Country Zone of WALGA Delegate – Shire President
Delegate – Deputy President
Deputy – Cr Wood
- Hotham-Dale Regional Road Sub-Group Delegate – Shire President
Deputy – Cr Oliveri
- Development Assessment Panel Delegate – Shire President
Delegate – Cr Wood
Deputy – Cr McBurney
Deputy – Cr Hotham
- Pingelly Tourism Group Delegate – Cr Hotham
Deputy – Cr Oliveri
- Regional Waste Group Delegate – Cr Mulronev
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Shire President
Deputy – Cr Freebairn
- Youth Focus Group Delegate – Cr Hastings
Deputy – Cr McBurney
- Pingelly Somerset Alliance Delegate – Shire President
Deputy – Cr McBurney
- Pingelly Early Years Network Delegate – Cr Hastings

13. REPORTS FROM COUNCILLORS

Cr William Mulronev (President)

Meetings attended July

- 16th Pingelly Somerset Alliance meeting
- 21st President, Deputy President and CEO's meeting - update on Council business
- 23rd Travel to Brookton with Councillors and CEO and view early mode of transport collected by N Gill
- 23rd Special council Meeting - Community Emergency Services Manger Partnership
- 24th Sundowner farewell Stuart and Bec Billingham
- 27th Strategic Planning Workshop at Northam accompanied by CEO
- 28th PRACC AGM - Election of New Board Members and Executive Team
- 29th Town Hall Community Consultation - 10am
- 29th Town Hall Community Consultation - 5.30pm

Meetings attended August

- 4th President and CEO meeting- update on Council business
- 10th Radio Interview ABC Albany- weather and rain benefits to district
- 11th Agenda Briefing Ordinary Council Meeting August
- 13th CEO Performance Committee meeting and review with J Phillip Consulting
- 19th August Ordinary Council Meeting

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 WALGA Annual General Meeting – Voting Delegates

File Reference:	ADM0088
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Notice of Meeting – WALGA AGM 2020
Previous Reference:	Nil

Summary

Council is requested to nominate two (2) Council voting delegates for the 2020 Western Australian Local Government Association Annual General Meeting, to be held in Perth on Friday 25 September 2020 commencing at 1.30pm.

Background

The Western Australian Local Government Association (WALGA) will hold its Annual General Meeting (AGM), to discuss and consider local government industry issues. The WALGA AGM has traditionally been held as part of the annual WA Local Government Convention in August. This year however, due to the COVID-19 emergency, WALGA decided to cancel the Convention and hold the AGM as a stand-alone event at Crown Perth.

Each member Council of WALGA has the ability to elect two (2) voting delegates to participate at the WALGA Annual General Meeting. Non-voting delegates are also able and encouraged to attend. Two proxy voting delegates may also be nominated. Only registered delegates and/or proxies are permitted to exercise voting entitlements on behalf of Shire of Pingelly.

Comment

Council is requested to nominate two delegates and, if desired, two proxy delegates who will be registered to vote at the WALGA AGM. In previous years, the Shire President and Deputy Shire President were the voting delegates.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There is no cost to attend the meeting unless delegates wish to stay overnight in Perth.

Strategic Implications

Goal 5	Innovation, Leadership and Governance
Outcome 5.2	The Shire is a successful advocate for resources and facilities which support the vision for the future

Risk Implications

Risk	Should Council not nominate voting delegates, there will be a lack of voting representation regarding the issues raised at the AGM.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Simple Majority

12882 Moved: Cr Oliveri Seconded: Cr Wood

Recommendation and Council Decision:

That Council nominate Crs Mulroney and Hastings as the Shire’s Voting Delegates for the WALGA Annual General Meeting to be held in Perth on 25 September 2020.

Carried 7:0

Prior to discussing Item 14.2 Cr Wood declared an interest as he is a member of the Pingelly Bowling Club. Cr Wood remained in the room and voted on the matter.

14.2 Construction of Shed – Pingelly Bowling Club

File Reference:	ADM0416
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

Council is requested to endorse the inclusion of the construction of a shed for the Pingelly Bowling Club within the existing Budget allocation for the bowling green shade structures.

Background

The Pingelly Bowling Club moved from their existing premise to the Pingelly Recreation and Cultural Centre in October 2019. As a part of their move, discussions were held with the Club to ensure the Shire provided shade structures and an equipment shed, in line with the level of service provided at the previous facility.

\$20,000 was allocated in the Budget for the Shire to finalise the shade structures, with this project now nearing completion. Due to a significant contribution of volunteer labour, the final cost for the shade structures is estimated to be approximately \$9,000. No specific provision was made in the 2019/20 Budget or the 2020/21 Budget for the construction of an equipment shed.

Comment

Discussions have occurred about the best location for the equipment shed, with the Bowling Club's preference being that this is located on the north east corner of the green, outside of the retaining wall, and constructed as a two storey shed with the potential for the Cricket Club to utilise the lower section. The upper section would be constructed at a level to allow the equipment to be pushed directly into the shed from the level of the bowling green.

The shed is to be clad with colourbond sheeting and constructed to specifications that will allow heavy equipment to be safely stored.

As specific discussions about the budget allocation for the shed have not occurred previously, Council is requested to endorse the total budget allocation for \$20,000 to be used for both the shade structures and the equipment shed.

Consultation

Pingelly Bowling Club

Statutory Environment

Not applicable

Policy Implications

Nil

Financial Implications

As the cost of the shed, together with the shade structures is not expected to exceed \$20,000, there is no impact on the 2020/21 Budget.

Strategic Implications

Goal 2	Community
Outcome 2.2	Community groups function well with strong volunteer effort and feel supported by the community
Strategy 2.2.2	Support the capacity of clubs and groups to develop

Risk Implications

Risk	<p>Failure to consult adequately with the Bowling Club regarding their needs would lead to the risk of a shed that is inadequate.</p> <p>Given the shed is a multi-storey structure, engineering certification is required to ensure safety is maintained.</p>
Risk Rating (Prior to Treatment or Control)	Medium (8)
Principal Risk Theme	Health, Reputational
Risk Action Plan (Controls or Treatment Proposed)	Engineering certification will be obtained to ensure the shed specifications are adequate for the equipment loads.

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Simple Majority

12883 Moved: Cr Narducci Seconded: Cr Hotham

Recommendation and Council Decision:

That Council endorses the inclusion of the Bowling Club equipment shed project within the scope of the 2020/21 budget allocation of \$20,000 for the bowling green shade structures.

Carried 7:0

14.3 Local Roads and Community Infrastructure Program – Project Nomination

File Reference:	ADM0636
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

Council is requested to endorse the Pingelly Recreation and Cultural Centre carpark and landscaping project as the Shire of Pingelly's funding submission under the Local Roads and Community Infrastructure Program.

Background

From 1 July 2020, local governments across Australia are able to access funding under the Local Roads and Community Infrastructure (LRCI) Program. This program has been established by the Federal Government to support the delivery of priority local road and community infrastructure projects and was announced as part of the Australian Government's wider economic response to COVID-19. It aims to assist a community-led recovery from COVID-19 by supporting local businesses and creating jobs.

The scope of the LRCI Program includes a broad range of eligible projects so communities can fund the infrastructure they need. Local governments need to be able to demonstrate that the projects are additional to their pre-COVID-19 work program for 2020/21. It can be a project brought forward from the future works program beyond the 2020/21 financial year.

Funding is available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public. Projects will need to deliver benefits to the community, such as improved accessibility, visual amenity and safety.

The Shire of Pingelly is eligible for \$267,597 in funding through the LRCI. All project works must be completed by 30 June 2021 to receive the full allocation of funding.

Comment

To access funding under the LRCI Program, local governments are able to select the projects to be funded in their community according to priorities at the local level. If these projects are eligible local road or community infrastructure projects, they will receive funding.

Eligible local road projects can include works involving any of the following associated with a road:

- Traffic signs; traffic control equipment; street lighting equipment; a bridge or tunnel; a facility off the road used by heavy vehicles in connection with travel on the road; facilities off the road that support the visitor economy; and road and sidewalk maintenance, where additional to normal capital works schedules.

Eligible community infrastructure projects can include works involving:

- Closed Circuit TV (CCTV); bicycle and walking paths; painting or improvements to community facilities; repairing and replacing fencing; improved accessibility of community facilities and areas; landscaping improvements, such as tree planting and beautification of roundabouts; picnic shelters or barbeque facilities at community parks; playgrounds and skateparks (including all ability playgrounds); noise and vibration mitigation measures; and off-road car parks (such as those at sporting grounds or parks).

Based on informal discussions, and in consideration that the project needs to be delivered by 30 June 2021, the Pingelly Recreation and Cultural Centre (PRACC) carpark is an excellent fit for the

Program and the needs of Pingelly. The carpark is shovel ready allowing immediate commencement upon approval, with a clear need already established for the completion of the project.

The PRACC carpark and associated landscaping works are proposed to include:

- Asphalt sealing of the carpark from the southernmost boundary of the existing carpark to the end of the bowling green
- Overlay of gravel on the northern carpark – to the north of the bowling green
- Line marking to all sealed carparking areas including compliant accessible bays
- Associated drainage and kerbing works
- Pathway access from Somerset Street to the PRACC carpark
- Basic landscaping to the old tennis courts to improve the visual amenity of the area

The draft costings for the project indicate that this will fit within the allocation of \$267,597, with the extent of the landscaping being dependent on the final costs of the main component, being the carpark.

Consultation

While no specific consultation has occurred with regard to the PRACC carpark, a number of comments were received through the Memorial Park consultation that the PRACC needs to be ‘finished’.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

As the LRCI Program does not require a co-contribution, there is no impact on the 2020/21 Budget.

Strategic Implications

Goal 1	Economy
Outcome 1.1	The Shire experience significant new business growth and employment and is known widely as an innovative and collaborative community which is attracting new population and investment
Strategy 1.1.1	Work with community groups, local businesses and other partners to explore and leverage opportunities for business development around the PRACC
Action 1.1.1.2	Finalise the PRACC carparking spaces

Risk Implications

Risk	The key risk arises due to the limited time to plan and scope the second stage of the project, which increases the likelihood of cost and time issues.
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Financial and Reputational
Risk Action Plan (Controls or Treatment Proposed)	Staff involved in the project are highly experienced in project planning and delivery. A contingency factor has been built into the project planning to mitigate the risk of financial impact.

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Simple Majority

12884 Moved: Cr Freebairn

Seconded: Cr Hastings

Recommendation and Council Decision:

That Council endorse the Pingelly Recreation and Cultural Centre car park project for submission under the Local Roads and Community Infrastructure Program.

Carried 7:0

14.4 Shire of Pingelly Local Laws Review

File Reference:	ADM0103
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Item 15.3 – 15 April 2020

Summary

The purpose of this report is to consider and adopt the report of the outcome of the process of reviewing the Shire of Pingelly's (Shire) Local Laws as per section 3.16 of the *Local Government Act 1995* (the Act).

Background

The Act requires that a local government must every eight years, after adoption of any local law, or the last review, conduct a review of the local law to ensure that it still retains currency.

The Shire completed its last review of its local laws in February 2012. The Shire appointed BHW Consulting to assist with the conduct of the current review.

The Council at its meeting on 15 April 2020 resolved as follows:

12831 Moved: Cr Wood Seconded: Cr Hotham

Recommendation and Council Decision

That Council proceed with and advertise in accordance with s3.16(2) of the Local Government Act 1995 the review of the following local laws:

- ***Activities in Thoroughfares and Trading in Public Places Local Law;***
- ***By-law Relating to Fire Control Matters;***
- ***Cemeteries Local Laws 2003;***
- ***Dogs Local Law 2003;***
- ***Health Local Law 2003;***
- ***Local Government Property Local Law 2003; and***
- ***Pest Plants Local Law 2003.***

Carried 8:0

Following the above resolution community advertising was undertaken inviting comments on the current local laws.

Comment

Following the resolution to review the local laws, local public notice was given in the Pingelly Times on 29 April 2020 of the Shire's intention to review the following local laws:

- Activities in Thoroughfares and Public Places and Trading Local Law;
- By-law Relating to Fire Control Matters;
- Cemeteries Local Laws 2003;
- Dogs Local Law 2003;
- Health Local Law 2003;
- Local Government Property Local Law 2003; and
- Pest Plants Local Law 2003.

The closing date for submissions to be received was Friday 19 June 2020. At the closing date no submissions had been received. As a result of the review of the local laws undertaken, the outcomes outlined below are proposed in respect of each of the Shire's local laws.

Activities in Thoroughfares and Public Places and Trading Local Law

The Activities in Thoroughfares and Public Places and Trading Local Law was adopted by the Council on 22 May 2003 and advertised in the *Government Gazette* on 22 July 2003. The local law was adopted by reference to the Shire of Kojonup Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law.

The local law was previously reviewed in 2011/2012 with the report on the outcome of the review proposing no changes be made.

The Consultant has undertaken a review of the Activities in Thoroughfares and Public Places and Trading Local Law and the following amendments are suggested:

Clause 1.2 - Definitions

- Amend the legislative description for *Liquor Control Act 1988* wherever it appears in the local laws; and
- Amend the legislative description for *Town Planning and Development Act 1928* wherever it appears in the local law.

Clause 2.1 - General Prohibitions

Amend subclause (a) to take account of wording acceptable to the Joint Standing Committee on Delegated Legislation.

Clause 5.1 – Interpretation

Amend the definition of Roadside Conservation Committee.

Clause 6.5 – Relevant considerations in determining application for permit

Delete subclauses 2(c), 2(d) and 2(e) as they could offend the Joint Standing Committee requirements.

Clause 6.8 - Conduct of stallholders and traders

- Amend subclause 1(c) to change the description of the legislation; and
- Delete subclause 2(a) as it offends the Joint Standing Committee requirements.

Clause 7.7 Renewal of permit

Amend clause to delete “*mutatis mutandis*” and insert plain English.

Clause 8.1 – Application of Part 9 Division 1 of Act

Delete reference to regulation 34.

Schedule 1 – Prescribed Offences

Amend the description of the offences where changes have been made within the local law. It is also appropriate to review the modified penalty for each offence to take account of current standards. In broad terms current penalty of \$100 will increase to \$125, \$200 to \$250 and \$300 to \$400.

Conclusion

It is proposed that the Activities in Thoroughfares and Public Places and Trading Local Law be amended as outlined above.

By-law Relating to Fire Control Matters

The By-law Relating to Fire Control Matters was adopted by the Council on 18 May 1995 and advertised in the *Government Gazette* on 7 November 1995.

The local law was previously reviewed in 2011/2012 when it was proposed to repeal the local law as it was considered at that time the matters covered in the By-law Relating to Fire Control Matters are dealt with by the *Bush Fires Act 1954* and the *Bush Fires Regulations 1954*, with any remainder being procedural matters that can be more efficiently dealt with by Council resolution or the CEO.

Whilst advertising was undertaken to repeal the local law the then Fire and Emergency Services Authority (FESA) responded. FESA pointed out that sections 41(3) and 43 of the *Bush Fires Act 1954* make it obligatory for those local governments who have a bush fire brigade to also have a local law dealing with its internal activities relating to election of office bearers and the like.

S43 of the *Bush Fires Act 1954* reads:

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

Conclusion

As there is a need for a local law covering bushfire activities to be retained it may be appropriate to consider repealing the current By-law Relating to Fire Control Matters and adopting a more modern local law.

Cemeteries Local Laws 2003

The Cemeteries Local Laws 2003 was adopted by the Council on 22 May 2003 and advertised in the *Government Gazette* on 22 July 2003. The local laws are based on the Model Cemeteries Local Laws published in the *Government Gazette* on 12 May 1998.

The local law was previously reviewed in 2011/2012 with the report on the outcome of the review proposing no changes be made.

The Consultant has undertaken a review of the Cemeteries Local Laws 2003 and the following amendments are suggested:

Clause 1.3 - Interpretations

A new interpretation for “Act” will be included.

Current drafting standards and the view of the Joint Standing Committee on Delegated Legislation is that the term “Board” should be deleted and the words “local government” inserted in its place, wherever it appears in the local law.

There is also need for other definitions relating to “animal” and “assistance animal” to be included.

Clause 3.4 – Minimum Notice Required

This clause requires that booking for a funeral must be made at least 24 hours before the proposed time of burial. This is a very short period and it is suggested that this time period be 48 hours or two business days.

Clause 5.3 - Vehicle entry restricted

The subclause should be rewritten to meet current drafting standards, the requirements of the Joint Standing Committee on Delegated Legislation and include details currently outlined in clause 5.4.

Clause 5.4 - Vehicle access and speed limitations

Delete this clause as it will be covered by clause 5.3.

Clause 5.5 - Offender may be expelled

The clause should be deleted to meet current drafting standards and the requirements of the Joint Standing Committee on Delegated Legislation.

Clause 7.8 – Use of Wood

Amend to make it clear that prior approval is required. Also examine whether there is an opportunity to incorporate requirements to ensure that any wood or brick structure is adequately maintained.

Clause 7.17 – Cancellation of a monumental mason's licence

Subclause (3) is to be deleted as there is no power for the local court to hear an appeal against the termination of the licence.

Clause 8.1 – Animals

Rewrite the clause to take account of section 9(2) of the *Disability Discrimination Act 1992*.

Clause 8.2 – Guide Dogs

Delete the clause as it is now covered by clause 8.1.

First Schedule

Consider reviewing modified penalties.

Conclusion

It is proposed that the Cemeteries Local Laws 2003 be amended as outlined above.

Dogs Local Law 2003

The Dogs Local Law 2003 was adopted by the Council on 22 May 2003 and advertised in the *Government Gazette* on 22 July 2003. The local law was adopted by reference to the Shire of Moora Dogs Local Law.

The local law was previously reviewed in 2011/2012 with the report on the outcome of the review proposing no changes be made.

The Consultant has undertaken a review of the Dogs Local Law 2003 and the following amendments are suggested:

Clause 1.2 - Definitions

There are a number of definitions that will require inclusion, deletion or amendment to modernise the local law and reflect current legislation. These include but are not limited to the definition of town planning scheme, dangerous dog, children's playgrounds, district and food premises.

Clause 3.1 – Dogs to be confined

Amend the penalty from \$2,000 to \$4,000 for a dangerous dog and to \$2,000 for other dogs.

Clause 4.9 – Compliance with conditions of approval

Amend the penalty from \$2,000 to \$4,000 for a dangerous dog and to \$2,000 for other dogs.

Part 5 - Dogs in public places

This Part will be deleted following the 2013 amendments to the *Dog Act 1976*. Areas where a dog is prohibited, and dog exercise areas are now not included in a local law and can be implemented by way of a Council resolution after the requirements of s31 of the Dog Act are followed.

Schedule 3 - Offences

Review the Schedule of penalties to ensure they reflect current standards.

Conclusion

It is proposed that the Dogs Local Law be amended as outlined above.

Health Local Laws 2003

The Health Local Law 2003 was adopted by the Council on 22 May 2003 and advertised in the *Government Gazette* on 22 July 2003. The local law was adopted by reference to the Shire of Northam Health Local Laws.

The local law was previously reviewed in 2011/2012 with the report on the outcome of the review proposing no changes be made.

The Western Australian (WA) Parliament has passed the *Public Health Act 2016* which has introduced considerable changes to the management of public health in WA which in turn impacts on the Health Local Laws. It would be appropriate for the Shire to repeal the current local law and adopt a more relevant local law based on changes to the legislation.

Conclusion

It is proposed that the Health Local Laws 2003 be repealed and replaced with a more relevant local law.

Local Government Property Local Law

The Local Government Property Local Law was adopted by the Council on 22 May 2003 and advertised in the *Government Gazette* on 22 July 2003. The local law was adopted by reference to the Shire of Exmouth Local Government Property Local Law.

The local law was previously reviewed in 2011/2012 with the report on the outcome of the review proposing no changes be made.

The Consultant has undertaken a review of the Local Government Property Local Law and the following amendments are suggested:

Liquor Licensing Act 1988

Wherever this legislation appears in the local law amend to refer to the correct terminology of *Liquor Control Act 1988*.

Clause 2.7 – Activities which may be pursued on specified local government property

In subclause (c) delete “aeroplane” and insert “aircraft”. This will require an additional definition in clause 1.2.

Clause 2.8 – Activities which may be prohibited on specified local government property

In subclause 1(c) delete current wording and insert “(c) taking, riding or driving a vehicle or a particular class of vehicle on the property” to make it clear that a particular class of vehicle is also prohibited on a property.

Clause 3.9 – Renewal of permit

Delete mutatis mutandis and replace with “as though it were an application for a permit”.

Clause 5.1 – Swimming pool areas

Consider rewriting clause 5.1 to reflect reference to the Code which “means the Code of Practice for the Design, Operation, Management and Maintenance of Aquatic Facilities”. The definition of Code will also need to be included in clause 1.2.

Clause 5.6 - Only specified gender to use entry of toilet block or change room

Consider repealing and replacing clause 5.6 to allow clearer descriptions of access to toilets and change rooms to include families and allow access to toilets by children under 8 with a guardian.

Clause 7.1 - Application of Division 1, Part 9 of the Act

Delete reference to regulation 34 which has been repealed.

Schedule 1 – Prescribed offences

Consider deleting Schedule 1 and setting the penalty at a fixed amount of \$150 for every offence.

Conclusion

It is proposed that the Local Government Property Local Law be amended as outlined above.

Pest Plants Local Law 2003

The Pest Plants Local Law 2003 was adopted by the Council on 22 May 2003 and advertised in the *Government Gazette* on 22 July 2003.

The local law was previously reviewed in 2011/2012 with the report on the outcome of the review proposing no changes be made.

Changes have been made to managing pest plants following the introduction of the *Biosecurity and Agriculture Management Act 2007*. It is noted that the local law does not include Objections and Review rights or Offences and Penalties. Both these aspects should be incorporated into a local law particularly where a local government is issuing a notice for action to be taken.

Conclusion

It is proposed that the Pest Plants Local Law 2003 be repealed and replaced with a more contemporary local law.

With the review process now complete, and compliance being achieved, the recommendation is to progress with the identified amendments to the local laws next financial year. Based on an estimate received, an allocation of \$20,000 to \$25,000 would be required for this purpose.

Consultation

As required by the Act, the community was invited to comment on the review of the Shire’s local laws. The review was advertised by way of local public notice in the Pingelly Times on 29 April 2020. At the close, no submissions had been received.

Statutory Environment

S3.16 of the Act requires the Council to carry out a formal review of its local laws every 8 years.

S3.16 of the Act also provides the process to be followed for a review of local laws.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Goal 5	Innovation, Leadership and Governance
Outcome 5.8	A strong corporate governance framework is maintained
Strategy 5.8.2	Ensure compliance with legislative requirements and excellence in business performance

Risk Implications

Risk	The failure to complete the local law review would lead to non compliance with legislation, specifically the requirement to review local laws every eight years.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Compliance
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Absolute Majority

12885 Moved: Cr Hotham

Seconded: Cr Narducci

Recommendation and Council Decision:

That Council:

1. Adopt the report of the review of the local laws under s3.16 of the *Local Government Act 1995* and note that no community submissions were received in respect to the following local laws:

- Activities in Thoroughfares and Public Places and Trading Local Law;
- By-law Relating to Fire Control Matters;
- Cemeteries Local Laws 2003;
- Dogs Local Law 2003;
- Health Local Law 2003;
- Local Government Property Local Law 2003; and
- Pest Plants Local Law 2003.

2. Determine that the outcome in respect to each local law is as follows:

- a. Activities in Thoroughfares and Public Places and Trading Local Law be amended as outlined in the report;**
- b. By-law Relating to Fire Control Matters be repealed and replaced;**
- c. Cemeteries Local Laws 2003 be amended as outlined in the report;**
- d. Dogs Local Law 2003 be amended as outlined in the report;**
- e. Health Local Law 2003 be repealed and replaced;**
- f. Local Government Property Local Law 2003 be amended as outlined in the report; and**
- g. Pest Plants Local Law 2003 be repealed and replaced.**

3. Allocate \$25,000 in the 2021/22 draft Budget to progress the outcomes from the Local Law review process.

Carried 6:1

Steven Barker left the room at 2.30pm and did not return

14.5 Chief Executive Officer Performance Review

12886 Moved: Cr Hastings

Seconded: Cr Oliveri

That the order of business in the agenda be changed to allow Item 14.5 to be dealt with after Item 16.

Carried 7:0

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – July 2020

File Reference:	ADM0075
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Executive Manager Corporate Services
Disclosure of Interest:	Nil
Attachments:	Monthly Statements of Financial Activity for the period 1 July 2020 to 31 July 2020
Previous Reference:	Nil

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 July 2020 are attached for Council consideration and adoption. This report now incorporates new Australian Accounting Standards Board (AASB) requirements effective from 1 July 2019. AASB 15 Revenue from Contracts with Customers (IFRS 15), AASB 1058 Income for Not-for Profit Entities, AASB 16 Lease replaces AASB 117 (IFRS 16).

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;

Comment

The Monthly Financial Report has been prepared in accordance with statutory requirements and provides council with their financial position as at 31 July 2020.

Consultation

Nil

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 2020/2021.

Strategic Implications

There are no known significant strategic implications.

Risk Implications

Risk	Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position. As the monthly report is a legislative requirement, non-compliance may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Simple Majority

12887 Moved: Cr Wood Seconded: Cr Oliveri

Recommendation and Council Decision:

That with respect to the Monthly Statements of Financial Activity for the month ending 31 July 2020 be accepted and material variances be noted.

Carried 7:0

15.2 Accounts Paid by Authority – July 2020

File Reference:	ADM0066
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Finance Officer
Disclosure of Interest:	Nil
Attachments:	List of Accounts
Previous Reference:	Nil

Summary

Council endorsement is required for accounts made by authority for the month of July 2020.

Background

In accordance with *Local Government (Financial Management) Regulations 1996 Clause 13 (1)* schedules of all payments made through Council's bank accounts are presented to the Committee and to Council.

Comment

Unless otherwise identified, all payments have been made in accordance with Council's adopted 2020/21 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.

Risk Implications

Risk	Failure to present a detailed listing of payments in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Simple Majority

12888 Moved: Cr Narducci

Seconded: Cr Oliveri

Recommendation and Council Decision:

That Council endorse the Accounts for Payments for July 2020 as presented:

JULY 2020	
MUNI - 117984856	
EFT 7178 - 7235	\$264,178.00
CHEQUE 24782 - 24788	\$19,770.58
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD11409.1 – DD11465.1	\$30,016.55
TRUST FUND – NIL	\$0.00
DIRECT DEBIT -	
DD11402.1 – DD11434.5 & EFT7198 – EFT7220 – PAY & SUPER	\$17,885.91
CREDIT CARDS	
DD11419.1 – DD11419.1	\$1,850.65
GRAND TOTAL	\$333,701.69
NOTIFICATION	EXPLANATION

Carried 7:0

16. DIRECTORATE OF TECHNICAL SERVICES

Nil

CONFIDENTIAL ITEMS

12889 Moved: Cr Hastings Seconded: Cr Oliveri
THAT pursuant to Section 5.23 of the Local Government Act 1995 these items be dealt with, with the public excluded as the item deals with a matter affecting an employee.

Carried 7:0

Deanne Sweeney and Lisa Boddy left the room at 2.50pm and did not return.

14.5 Chief Executive Officer Performance Review

File Reference: ADM0000
Location: Not Applicable
Applicant: Not Applicable
Author: Chief Executive Officer
Disclosure of Interest: Chief Executive Officer
Attachments: Under Separate Cover
Previous Reference: Nil

Summary

Council to consider the recommendation from the Chief Executive Officer Performance Review Committee.

12890 Moved: Cr Narducci Seconded: Cr Hotham

Recommendation and Council Decision:

- 1. That the Minutes of the Chief Executive Officer Performance Review Committee Meeting of the Shire of Pingelly held in the Council Chambers on 13 August 2020 be confirmed.**
- 2. That Council That Council endorse the recommendation from the Chief Executive Officer Performance Review Committee, attached under confidential cover.**

Carried 7:0

12891 Moved: Cr Hotham Seconded: Cr Oliveri

Recommendation and Council Decision:
That the meeting be re-opened to the public.

Carried 7:0

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).

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 3.03pm

These minutes were confirmed by Council at the Ordinary Council Meeting held on 16 September 2020.

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