



# **Shire of Pingelly**

## **Notice of Meeting**

Notice is given that a meeting of the Council will be held in the Council Chambers, 17 Queen Street, Pingelly on 19 May 2021, commencing at 2.00pm.

Your attendance is respectfully requested.

## **Disclaimer**

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 black ink, appearing to read 'Julie Burton', written over a horizontal line.

**Julie Burton**  
**Chief Executive Officer**

# PUBLIC QUESTION TIME INFORMATION

The Shire of Pingelly welcomes community participation during public question time. This document is to be read in conjunction with the *Shire of Pingelly Standing Orders Local Law 2017* and the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

1. A member of the public who raises a question during question time must:
  - a. be in attendance at the meeting;
  - b. first state their name and address;
  - c. direct the question to the Presiding Member;
  - d. ask the question briefly and concisely;
  - e. limit any preamble to matters directly relevant to the question; and
  - f. ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
2. Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
3. Where a member of the public seeks a written response to their questions to be tabled at a meeting, the member of the public must submit their questions to Council by no later than 12 noon on the day prior to the meeting date of which the response is to be tabled.
4. Where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member.
5. Where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting.
6. A member of the public may ask questions without notice at a meeting, provided they present a written copy of their questions to Council prior to the commencement of the meeting.

Questions may be submitted by e-mail to [admin@pingelly.wa.gov.au](mailto:admin@pingelly.wa.gov.au).

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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 past, present and emerging.

**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**

Nil

**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 – 21 April 2021**

**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

**Recommendation:**

**That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 21 April 2021 be confirmed.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

### **11. REPORTS OF COMMITTEES OF COUNCIL**

- Audit Committee Full Council
- Bushfire Advisory Committee Member – Cr Freebairn  
Deputy – Cr Hotham
- Chief Executive Officer Performance Review Committee Member – Shire President  
Member – Deputy President  
Member – Cr Camilleri

### **12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES**

- Central Country Zone of WALGA Delegate – Shire President  
Delegate – Deputy President  
Deputy – Cr Wood
- Pingelly Recreation & Cultural Centre Committee Member – Shire President  
Deputy – Deputy President
- 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 Mulroney  
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Shire President  
Deputy – Cr Freebairn
- Pingelly Youth Network Delegate – Cr Camilleri  
Deputy – Cr McBurney
- Pingelly Somerset Alliance Delegate – Shire President  
Deputy – Cr McBurney
- Pingelly Early Years Network Delegate – Cr Camilleri

### **13. REPORTS FROM COUNCILLORS**

#### **Cr William Mulronev (President)**

##### **APRIL**

- 22<sup>nd</sup> Pingelly Primary School ANZAC Day ceremony
- 23<sup>rd</sup> Central Country Zone Meeting Pingelly PRACC
- 26<sup>th</sup> Radio Interview 101.3 FM final interview with Keith Taylor Radio Announcer, (Retired)
- 28<sup>th</sup> Budget and Long Term Financial Plan Workshop
- 28<sup>th</sup> President and CEO meeting update on Council activities and appointment of acting CEO

##### **MAY**

- 12<sup>th</sup> President, Deputy President and CEO. Agenda briefing and discussion on Council activities.
- 12<sup>th</sup> May meeting of Pingelly Somerset Alliance.
- 12<sup>th</sup> May meeting of PRACC Board.
- 19<sup>th</sup> Ordinary Council meeting for May

## **14 OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **14.1 Adverse Events Plan**

**File Reference:** ADM00623  
**Location:** Not Applicable  
**Applicant:** Not Applicable  
**Author:** Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Attachments:** Adverse Events Plan  
**Previous Reference:** Nil

#### **Summary**

Council is requested to approve the draft Shire of Pingelly Adverse Events Plan, which has been prepared to meet the requirements of the Drought Communities Programme funding.

#### **Background**

In 2020, the Shire of Pingelly secured funding from the federal government through the Drought Communities Programme. In order to acquit the funding, it is a requirement for the Shire to develop an adverse event plan.

The development of this Plan has been carried out in-house, and includes the focus areas of natural resource management, economic diversification, community resilience and communication for the Pingelly community.

#### **Comment**

The Plan identifies a range of potential risks and the level of impact that may result. It was developed in consultation with internal staff experienced in emergency management and adverse events. This Plan provides a framework in the identification, reporting and management of adverse events, to create practices which value openness, continuous learning and improvement.

The development of an Adverse Events Plan emphasises the importance of preparation and risk management processes and offers a range of strategies to avoid reactive, often late, crisis responses. Council should consider the priorities outlined in this plan in preparation for future crises' and to assist recovery from the current drought and pandemic scenarios.

#### **Consultation**

The Adverse Events Plan has been prepared in consultation with the Shires Community Emergency Services Manager and Executive Manager Technical Services.

#### **Statutory Environment**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Goal 2	Community
Outcome 2.3	People feel that their community is safe for all, free of nuisance and protected from risk of damage
Strategy 2.3.1	Protect public health and amenity

### Risk Implications

Risk	No significant risks are expected to arise from the development of the Plan.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational / 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

Simple Majority

### Recommendation

**That Council endorses the Shire of Pingelly Adverse Event Plan 2021.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_





# **Shire of Pingelly**

# **Adverse Events Plan**

# **2021**

The Shire of Pingelly Adverse Events Plan  
has been prepared in response to the requirements of the Federal Government's  
Drought Communities Programme.

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## Purpose

The purpose of the Shire of Pingelly Adverse Events Plan is to provide detailed guidance for Council and the community to prepare for, and manage, adverse events that directly and indirectly affect the Pingelly Shire. Local Government plays a critical role in community planning, capacity and resilience building.

## Objectives

The objectives of this Plan are to:

- Build community leadership capability, community resilience and capacity to adapt and cope with chronic stresses and acute shocks caused by adverse events
- Identify the roles and responsibilities of Local Government as they relate to adverse event management
- Identify key strategies and actions to be undertaken by Council and other relevant stakeholders, in order to prepare for and manage adverse events that affect Pingelly Shire
- Standardise the approach of the Shire of Pingelly to meet the needs of the community in dealing with adverse events

## Scope

An adverse event is an event or incident that has a negative impact on the wellbeing of the community. Generally, such events cause serious disruption of the functioning of a community by creating widespread human, material, economic or environmental losses which exceed the ability of the community to cope using its own resources.

Adverse events include (but are not limited to):

- Extreme weather: heat wave, storms, drought
- Natural: floods, bushfire, earthquake
- Man-made: utility supply disruption, chemical spill
- Biological: pandemic, animal and plant disease, insect plague

The Plan describes the key strategies and actions at local level to prevent, prepare for, respond to and recover from adverse events. These events may be events for which Shire of Pingelly has full or partial responsibility or external events which are the responsibility of another agency, e.g. the Department of Fire and Emergency Services (DFES), Western Australian Country Health Service (WACHS), that may involve a commitment from Council.

This Plan does not replace the Shire's Emergency Management Plans which provide Council, Government agencies and emergency services with important information. The intention is to provide an overarching document and direction for the Shire to work with the available resources, and recognise what the Shire can and cannot do for the community.

This Plan should be considered in conjunction with other relevant plans and policies, including:

- Shire of Pingelly Risk Management Policy
- Local Emergency Management Plan
- Local Recovery Plan
- Risk Management Framework and Procedures
- Strategic Community Plan
- Corporate Business Plan
- Business Continuity Plan

## **Definition**

An adverse event means an event or incident that has a negative impact on the wellbeing of the community.

## **Principles**

The following principles are applied in this Plan:

- a) Responsibility for preparation, response and recovery rests initially at a local level. If local agencies and available resources are not sufficient, they are augmented by those at State and Federal level.
- b) Control of adverse event response and recovery operations is conducted at the lowest effective level.

## **Level of Response**

The response of the Shire will vary in relation to adverse events depending on the:

- Seriousness of the event
- Numbers of people involved
- Risk exposure
- Financial impacts
- Media interest
- Need to involve other stakeholders

Therefore, the response to each adverse event should be proportionate to its scale, scope and complexity.

## **Communication**

Communication in relation to any adverse events shall be in accordance with Council's

Communications and Social Media policy. The Shire will use a variety of communication media to provide the community with relevant information in relation to adverse events including print, online, radio and social media.

Communications should:

- Begin as early as possible in an emergency or adverse event
- Include an event-specific webpage (or other medium) that shows all available information and is updated regularly
- Specifically address the needs and concerns of local communities
- Be expressed in clear, consistent, plain English
- Be tailored to local communities and delivered to the various groups within communities
- Be provided in easy to understand formats with the aid of visual comparisons
- Include practical information and advice

(Australian Disaster Resilience Handbook 2, Community Recovery, 2018, p.46)

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## Review Process

The Pingelly Local Emergency Management Committee (LEMC) will review this Plan every five (5) years, or following any:

- activation of the Plan in response to an adverse event;
- legislative changes affecting the Plan; or
- exercises conducted to test all or part of the Plan.

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## Context

### Major Roads:

Great Southern Highway (Route 120)

Rail Routes: North South – (rail line follows Great Southern Hwy)

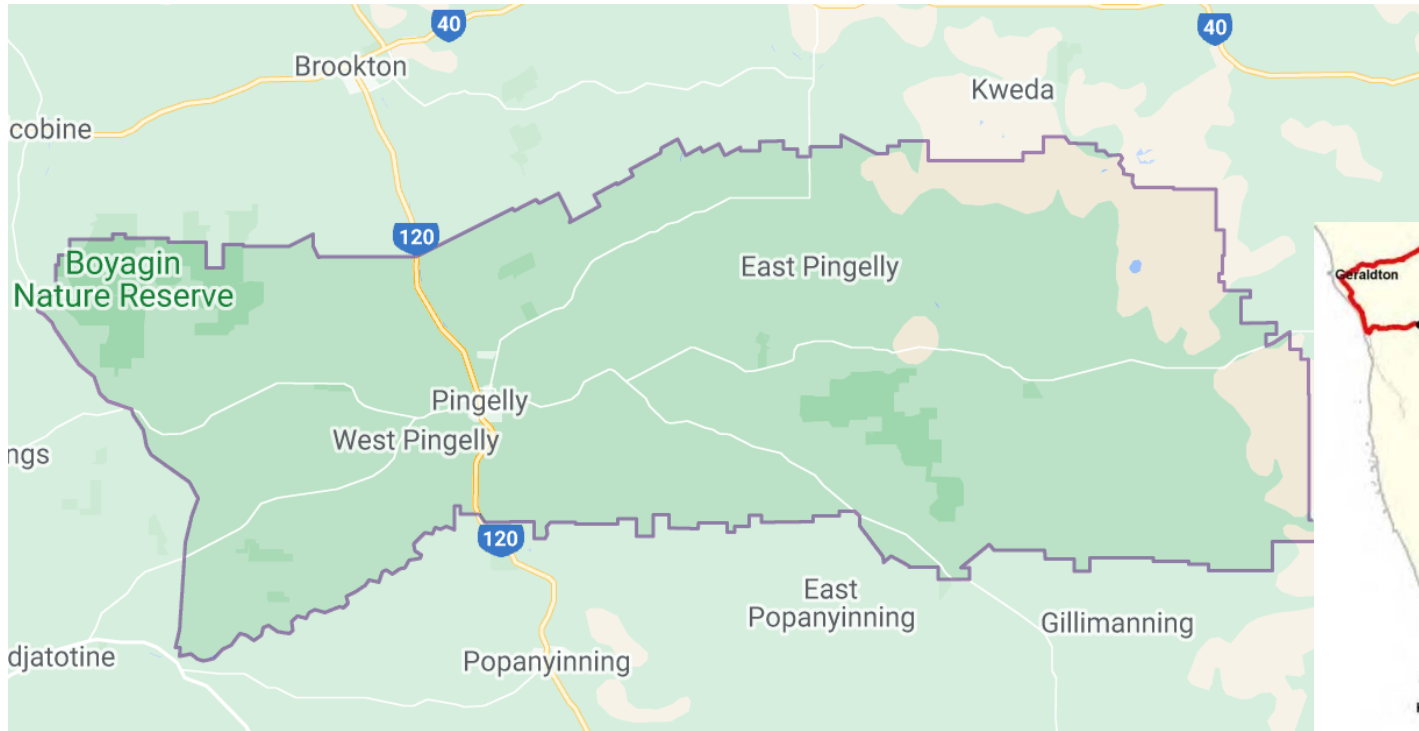
### Agricultural Land:

Land in Pingelly Shire is predominantly used for cropping and/or grazing, with a distinct urban area around the townsite. Approximately 99% of Pingelly Shire is zoned rural, reflecting the Shire's dependence on agriculture as the major area of employment and income.

### Economy and Industry

Principal employment within Pingelly Shire overwhelmingly revolves around agricultural and supporting industries. In addition to this, there exists growing employment in aged care and health services.

### Transport Routes (Road and Rail)



Shire of Pingelly Major Transport Routes (Road)



Shire of Pingelly Major Transport Routes (Rail)

## Hazards and Risks Summary

The Shire of Pingelly Adverse Events Plan identifies the following hazards as having risk of causing loss of life, property, utilities, services and/or the community's ability to function within its normal capacity. These hazards have been identified as having the potential to create an emergency.

Hazard	Risk Description	Likelihood Rating	Consequence Rating	Risk Priority	Combat / Responsible Agency
Agricultural Disease (Animal/Animal)	An agriculture/horticulture incident that results, or has potential to result, in the spread of a communicable disease or infestation.	Possible	Major	High	Department of Primary Industries
Communicable Disease (Human)	Pandemic illness that affects, or has potential to affect, large portions of the human population	Possible	Major	High	Department of Health
Earthquake	Earthquake of significant strength that results in localised or widespread damage.	Rare	Major	Low	Department of Fire and Emergency Services
Drought	A prolonged serious or severe rainfall deficiency.	Likely	Major	High	Department of Primary Industries
Fire (Bush or Grass)	Major fires in areas of bush or grasslands.	Likely	Major	High	Department of Fire and Emergency Services



Hazard	Risk Description	Likelihood Rating	Consequence Rating	Risk Priority	Combat / Responsible Agency
Fire (Urban & Residential)	Serious commercial fires in business area and adjoining residential housing, aged persons units and health centre.	Unlikely	Major	Medium	Department of Fire and Emergency Services
Hazardous Release	Hazardous material released as a result of an incident or accident, e.g. chlorine gas.	Unlikely	Moderate	Moderate	Department of Fire and Emergency Services
Heatwave	A sequence of abnormally hot conditions having the potential to affect a community adversely.	Possible	Moderate	Moderate	Department of Health
Explosion	Potential for explosion present in grain and / or fuel storage and imminent threat may cause community evacuations.	Unlikely	Major	Moderate	Department of Fire and Emergency Services
Storm	Severe storm with accompanying lightning, hail, wind, and/or rain that causes severe damage and/or localised flooding (includes cyclone).	Possible	Major	High	State Emergency Service
Transport Emergency (Air)	Aircraft crashes in LGA resulting in large number of fatalities, injuries and/or damage to property.	Rare	Catastrophic	Moderate	WA Police

Hazard	Risk Description	Likelihood Rating	Consequence Rating	Risk Priority	Combat / Responsible Agency
Transport Emergency (Rail)	A major accident that results in environmental damage and may close rail routes for up to a week.	Possible	Major	High	ARC Infrastructure
Transport Emergency (Road)	A major vehicle accident that disrupts one or more major transport routes that can result in risk to people trapped in traffic jams, restrict supply routes and/or protracted loss of access to or from the area.	Possible	Major	High	WA Police
Utilities Failure	Major failure of essential utilities for unreasonable periods of time as a result of a natural or man-made occurrence.	Possible	Major	High	Water Corporation, Western Power, Telstra, DFES.

## Delivery

There are many roles that local governments may have in the recovery phase of an adverse event. The following are capabilities which should be considered.

<b>Communication</b>	<b>Built Environment &amp; Infrastructure Recovery</b>	<b>Social Recovery</b>
Situational awareness together with information must be coordinated into communications accessible and appropriate to the community.	The ability to restore and stabilise community infrastructure, utilities and services.	The ability to provide assistance to communities to achieve an effective level of functioning after a community event.
<b>Natural Environment Recovery</b>	<b>Business Continuity Planning</b>	<b>Community Planning</b>
The ability to return the natural environment back to an effective and safe level.	A plan, with supporting procedures and information that is developed to ensure that the Shire is able to resume critical business activities should an event occur.	The ability to collaboratively plan for response and recovery through partnering with the community, and building capacity for local plan implementation and recovery management. This encompasses empowerment of local leaders and stakeholders.

(Australian Disaster Preparedness Framework, 2018, pp/ 11-13)

The key strategies and actions within the Shire of Pingelly Adverse Events Plan respond to the objectives of the plan to build community leadership capability and community resilience and capacity to adapt and cope with chronic stresses and acute shocks caused by adverse events.

These adverse events affect businesses and communities, and impact upon the productivity and profitability of agricultural industries, which are the main source of employment within the Shire. When farming experiences a downturn, local services and businesses suffer, as less money is spent locally. This may lead to staff unemployment, some businesses closing, fewer new employment opportunities and some people leaving the community to access employment elsewhere.

Adverse events also have significant social and environmental impacts. Stress affects health and wellbeing of the whole community.

The Shire’s Adverse Event Plan is intended to assist the Council and the community to prepare for future impacts. The support of Federal and State Governments is essential to this process, as Local Governments do not have the capacity to respond to the full extent required to prepare their communities for significant adverse events.

The outcome of responding to the key strategies and objectives is a stronger rural community and stronger local economy.

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## Key Strategies and Actions

Shire of Pingelly has identified the following key strategies and actions, in order to prepare for and manage, adverse events that affect the Shire.

Priority Item	Key Strategies and Actions
Shire staff are trained and prepared to assist in managing the impacts of adverse events	<ul style="list-style-type: none"> <li>- Shire staff have received training relevant to their area of work to assist and protect the community in adverse events, such as clearing fallen trees from roads as a result of storms, and managing road access during flood events and traffic incidents.</li> </ul>
Shire owned resources are well maintained to manage the impacts of adverse events on facilities	<ul style="list-style-type: none"> <li>- Continue to maintain Shire facilities including roads and buildings in accordance with the Shire’s maintenance schedules to manage impacts of minor adverse events, including minor storm events through drainage work maintenance.</li> <li>- Respond to major repairs incidents in accordance with the Shire works procedures, including road and building repairs.</li> <li>- Continue to source funding for upgrading and maintaining Shire facilities including roads, buildings, and bridges, to manage impacts of minor adverse events.</li> </ul>
Incentives for good practice	<ul style="list-style-type: none"> <li>- Promote and advocate for local training opportunities to support the provision of additional skills for both on and off farm work opportunities.</li> </ul>
Stewardship of important natural resources	<ul style="list-style-type: none"> <li>- Continue to support the UWA Ridgefield ‘Future Farm’, delivering agricultural innovation to enhance knowledge of farmers and farm services professionals to deliver increased crop, pasture and livestock yields, which in turn benefits the economy.</li> <li>- Support and encourage workshops and seminars organised by Government agencies, including Local Land Services to assist farmer and farm businesses, including feed and pest management.</li> <li>- Actively manage water assets within Pingelly Shire, including use of recycled water for irrigation purposes.</li> </ul>

Priority Item	Key Strategies and Actions
Improving planning and decision making	<ul style="list-style-type: none"> <li>- Support awareness of, and encourage access to, the Rural Financial Counselling Service.</li> <li>- Connect local people to relevant services through the Pingelly Community Resource Centre, and provide contact details for relevant organisation and service details through Shire social media and website.</li> <li>- Support awareness of available Government assistance, including the farm household allowance.</li> <li>- Provision of Council policy that allows for deferral of Shire rates with no penalty for those landholders experiencing genuine hardship as a result of an adverse event.</li> </ul>
Building community resilience	<ul style="list-style-type: none"> <li>- Support continued advocacy by Councillors and the CEO towards Federal and State Government members of parliament in the interests of the Pingelly community.</li> <li>- Actively pursue new economic opportunities for Pingelly Shire that will strengthen the local economy.</li> <li>- Support capacity and resilience of individuals to support others through mental health training and counselling services.</li> <li>- Actively pursue grant opportunities that benefit the Pingelly community in the long term.</li> <li>- Support the buy local campaign to support local business.</li> </ul>
Build leadership capacity and skills	<ul style="list-style-type: none"> <li>- Support formal leadership training and education of Council and staff</li> </ul>
Strengthen regional relationships	<ul style="list-style-type: none"> <li>- Create formal MOU's with neighbouring and regional Shires for use during adverse events (e.g. sharing of plant and equipment, human resources)</li> </ul>
Maintain asset information	<ul style="list-style-type: none"> <li>- Review insurance levels on an annual basis</li> <li>- Undertake building facility audits</li> </ul>

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## Local Sub Plans, Supporting Plans and Policies

Responsibility for the preparation and maintenance of appropriate sub and supporting plans rest with the relevant Hazard Management Agency.

The plans listed below are supplementary to this Adverse Events Plan. The sub/supporting plans have been endorsed by the LEMC.

These plans are retained by the SEMC on behalf of the LEMC and public release versions are available on the Shire Website.

<b>Plan/Policy</b>	<b>Purpose</b>	<b>Responsible Agency</b>
<b>Pingelly Local Emergency Management Plan</b>	Details arrangements for, prevention of, preparation for, and response to emergencies	Pingelly Local Emergency Management Committee (LEMC)
<b>Pingelly Local Recovery Plan</b>	Details arrangements for, recovery from emergencies	Pingelly Local Emergency Management Committee (LEMC)
<b>Pingelly Bushfire Risk Management Plan</b>	A strategic document that identifies assets at risk from bushfire and their priority for treatment	Shire of Pingelly
<b>Pingelly Risk Management Policy and Framework</b>	Document Council's commitment to adopting risk management principles	Shire of Pingelly
<b>Pingelly Shire Disaster Workforce Recovery and Continuity Business Plan</b>	Provide a systematic approach for the management of a disaster to re-establish services and operations	Shire of Pingelly

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## Summary

Adverse events affect businesses and community wellbeing. In the Shire of Pingelly, this includes impacts to the productivity and profitability of agricultural industry and secondary employment.

Local Government is the level of government with the closest relationship to the community, and the strongest knowledge of the impacts and possible needs. The Shire of Pingelly Adverse Event Plan is intended to assist to build an event specific roadmap towards recovery.

The support of Federal and State Government is essential to this process, as local government does not have the capacity to respond to the full extent required to prepare their communities for future adverse events.

## **14.2 Register of Delegations Annual Review**

<b>File Reference:</b>	<b>ADM0086</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Delegation Register</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary**

Council is requested to approve the annual review of the Register of Delegations as attached.

### **Background**

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation. Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the Shire. The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

It is a requirement of the *Local Government Act 1995*, s.5.18 and s.5.46 (1) that a local government keep a register of its delegations and review this register once every financial year.

The last review of the Delegations Register occurred at the Ordinary Council Meeting held in June 2020. The current review of delegations forms part of the annual and constant review process to ensure that the internal procedures of the organisation reflect current, efficient and compliant practices.

### **Comment**

The delegations are based upon templates produced by WALGA and the relevant local government guideline on delegations. This model of delegation is steadily being adopted across the local government sector. These delegations reference the specific sections of legislation under which a delegation is made, and detail the express function and to what extent that function is delegated. In June 2020 significant amendments were made to the Delegation Register, and only minor changes are proposed in the 2020/21 Review.

There are two changes to delegations proposed.

1. In November 2020 legislation was enacted which removed the legal authority for Council to delegate to the CEO regarding the appointment of authorised persons under the *Local Government Act 1995*, the *Cat Act 2011*, *Cemeteries Act 1986*, *Caravan Parks and Camping Grounds Act 1995*, the *Control of Vehicles (Off-road Areas) Act 1978* and the *Dog Act 1976*. This is now a function of the CEO, and therefore, this delegation has been removed from the Register.
2. In February 2021, Council endorsed a delegation to the CEO to appoint persons to receive complaints and withdrawals of complaints in relation to the *Local Government (Model Code of Conduct) Regulations 2021*. This delegation has been included in the Register at item 1.20.

### **Consultation**

Nil

### **Statutory Environment**

Sections 5.18 and 5.46(1) of the *Local Government Act 1995*

### 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 5.8.1	Maintain strategic and corporate planning documents as outlined in the Integrated Planning and Reporting Framework
Action 5.8.1.4	Undertake the annual review of delegations

### Risk Implications

Risk	Failure to adequately review the Register of Delegations will result in non-compliance with the Local Government Act, and could also lead to inefficient practices.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Compliance
Risk Action Plan (Controls or Treatment Proposed)	No further action is required.

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

### Recommendation:

**That Council approves the amendments to the Register of Delegations as contained in the attached document.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_





# **SHIRE OF PINGELLY**

# **REGISTER OF DELEGATIONS**

**June 2020**

# Explanatory Notes

## General

Section 5.42 of the Local Government Act 1995 allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. The following areas are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- Accepting a tender which exceeds an amount determined by the local government;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an amount determined by the local government;
- Any of the local governments powers under Sections 5.98, 5.99 and 5.100 of the Act;
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in Section 9.5;
- Any power of duty that requires the approval of the Minister or Governor; or
- Such other duties or powers that may be prescribed by the Act.

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if desired. The powers cannot, however, be further sub delegated.

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer. The document also indicates delegations which the Chief Executive Officer intends to delegate to other staff, however this is for information/indication purposes only and may change from time to time at the discretion of the Chief Executive Officer. The register details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council.

## Transfer of Authority Due to Absence

Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of the authorisation.

## Register of, and Records Relevant to, Delegations - Section 5.46

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

## Decision to Delegate

The principle consideration for a local government when deciding if it should delegate a power or duty, is whether the delegation will improve the efficiency of the local governments operations while ensuring that its policies are consistently implemented.

**Standard Conditions of Delegations**

All delegations are subject to the following Standard Conditions:

- In exercising a delegation, the Chief Executive Officer is to comply with any and all laws and regulations in force in Western Australia and the requirements of any and all laws and policies of the Shire of Pingelly
- In exercising a delegation the Chief Executive Officer is to exercise the delegation in accordance with any budget authority where applicable
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident
- Pursuant to section 5.46 of the Local Government Act 1995 and Regulation 19 of the Local Government (Administration) Regulations 1996, the Office of the Chief Executive Officer is to keep records of exercising the delegation on any and all occasions that the delegation is exercised

<b>Document Control</b>			
<b>Shire of Pingelly Delegation of Authority Register 2020</b>			
<b>Revision #</b>	<b>Date</b>	<b>Revision Details</b>	<b>Authorised By</b>

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## Part 1 Local Government Act 1995

### 1.1 ~~Appoint Authorised Persons~~

<b>Delegator:-</b> Power / Duty assigned in legislation to	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<del>Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</del>
<b>Express Power or Duty Delegated:</b>	<del>Local Government Act 1995: s.3.24 Authorising persons under this subdivision s.9.10 Appointment of authorised persons</del>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<del>1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and the Shire of Pingelly Local Laws made under the Local Government Act 1995. (s.3.24 and s.9.10). 2. Authority to appoint authorised person for the purpose of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power (s.15 of the Graffiti Vandalism Act 2016).</del>
<b>Council Conditions on this Delegation:</b>	<del>Each person appointed as an Authorised Person is to be issued with a certificate confirming the authorisation.</del>
<b>Express Power to Sub-Delegate:</b>	<del>Local Government Act 1995:- s.5.44 CEO may delegate some powers and duties to other employees.</del>
<b>Sub-Delegate/s:</b>	Nil
<b>CEO Conditions on this Sub-Delegation:-</b>	Not Applicable
<b>Recordkeeping:</b>	<del>A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.</del>
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.12 Powers of Entry**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995: s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: 1. Exercise powers of entry to enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law (s.3.28). 2. Give notice of entry (s.3.32). 3. Seek and execute an entry under warrant (s.3.33). 4. Execute entry in an emergency, using such force as is reasonable (s.3.34(1) and (3)). 5. Give notice and effect entry by opening a fence (s.3.36).
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services Environmental Health Officer
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

## 1.23 Impounding abandoned vehicle wrecks and goods involved in certain contraventions

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.39 Power to remove and impound s.3.40A Abandoned vehicle wreck may be taken s.3.42 Impounded non-perishable goods s.3.44 Notice to collect goods if not confiscated s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: 1. Declare an impounded vehicle as an abandoned wreck 2. Remove and impound a vehicle that, in his or her opinion is an abandoned vehicle wreck. 3. Remove and impound any goods that are involved in a contravention that can lead to impounding. 4. Sell or otherwise dispose of confiscated or uncollected goods. 5. Recover the expenses incurred by removing and impounding the goods and disposing of them, if the goods were removed and impounded under s.3.39.
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	1. Conditions on the original delegation also apply to the sub-delegation. 2. Impound abandoned vehicle wrecks in accordance with s.3.40A (1), (4).
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852



**1.34 Disposing of Confiscated or Uncollected Goods and Sick or Injured Animals**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.47 Confiscated or uncollected goods, disposal of s.3.47A Sick or injured animals, disposal of
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: 1. Sell or otherwise dispose of confiscated or uncollected goods 2. Humanely destroy the animal and dispose of the carcass, if an impounded animal is ill or injured to such an extent that treating it is not practicable.
<b>Council Conditions on this Delegation:</b>	1. Delegation to destroy and dispose of sick or injured animals is only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. 2. Delegation applies to property with an estimated market value of less than \$20,000. 3. Disposal of confiscated or uncollected goods is to be undertaken by offering them for public sale by any fair means, or to an appropriate not-for-profit community group.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.45 Close Thoroughfares to Vehicles**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks.</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to: <ol style="list-style-type: none"> <li>a) give public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>b) consider submissions relevant to the road closure/s proposed.</li> </ol> </li> <li>3. Authority to revoke an order to close a thoroughfare.</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare.</li> <li>5. Before doing anything to which section 3.51 applies, the Chief Executive Officer is delegated authority to take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land.</li> </ol>
<b>Council Conditions on this Delegation:</b>	If a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.56 Reserves under control of Local Government**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.54(1) Reserves under control of local government
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the <a href="#">Parks and Reserves Act 1895</a> . (s.3.54(1)).
<b>Council Conditions on this Delegation:</b>	Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.67 Certain Provisions about Land**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.3.25 – Notices requiring certain things to be done by owner or occupier of land s.3.26 – Additional powers when notices given s.3.27 – Particular things local governments can do on land that is not local government property
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to give an owner or occupier of land notice requiring them to do anything as prescribed in Schedule 3.1, Division 1 of the Local Government Act 1995.  Following a failure to comply with the above notice, authority to take action that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given.  Authority to recover cost of the above action as a debt due from the person who failed to comply.  Authority to do any of the things prescribed in Schedule 3.2 to non-local government property, without consent, in the Local Government's capacity to undertake its general functions as outlined in s.3.27.
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.78 Crossing – Construction, Repair and Removal**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land.</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government.</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulation 1996</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.89 Private Works on, over or under Public Places**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To authorise the construction of anything on, over or under a public thoroughfare or other public place that is local government property in accordance with Regulation 17(2) Local Government (Uniform Local Provisions) Regulations 1996.
<b>Council Conditions on this Delegation:</b>	The exercise of this delegation is subject to: <ul style="list-style-type: none"> <li>a. written application being made;</li> <li>b. the applicant accepts all liability for every part and aspect of the works/infrastructure;</li> <li>c. conditions, which may be imposed including, such as: building permit, structural engineering certification, environmental assessment etc, where appropriate; any damage or interference to public assets to be made good to the satisfaction of CEO (roadway, fence, other structure etc), traffic management plan to be approved;</li> <li>d. where deemed appropriate, an insurance certificate indemnifying the Shire while works are underway, or for any structure, being provided.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.910 Tenders for Goods and Services**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b>	<p>Authority to determine:</p> <ol style="list-style-type: none"> <li>1. to call tenders for any items included in the Annual Budget (F&amp;G Reg. 11);</li> <li>2. to invite tenders though not required to do so (F&amp;G Reg. 13);</li> <li>3. the selection criteria for deciding which tender should be accepted (F&amp;G Reg. 14(2a));</li> <li>4. the information to be disclosed to those interested in submitting a tender (F&amp;G Reg. 14(4)(a));</li> <li>5. to vary tender information after public notice of invitation to tender and before the close of tenders (F&amp;G Reg. 14(5));</li> <li>6. to seek clarification from tenderers in relation to information contained in their tender submission (F&amp;G Reg. 18(4a));</li> <li>7. to evaluate tenders and decide which is the most advantageous (F&amp;G Reg. 18(4));</li> <li>8. to accept or reject tenders (F&amp;G Reg. 18(2) and (4));</li> <li>9. to decline any tender (F&amp;G Reg. 18(5));</li> <li>10. minor variations before entering into a contract (F&amp;G Reg. 20);</li> <li>11. to accept the next most advantageous tender where within 6 months of accepting a tender a contract has not been entered into, or the successful tenderer agrees to terminate the contract (F&amp;G Reg. 18 (6) and (7));</li> <li>12. appropriate circumstances for seeking and inviting expressions of interest for the supply of goods or services (F&amp;G Reg. 21);</li> <li>13. to consider expressions of interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers (F&amp;G Reg. 23).</li> </ol> <p>Authority to establish a panel of pre-qualified suppliers to supply particular goods or services in accordance with Part 4 Division 3 of the F&amp;G Regs.</p>

<b>Council Conditions on this Delegation:</b>	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidences rationale for why the supply is unique and cannot be sourced through other suppliers.</p> <p>b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> <li>• proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government,</li> <li>• current supply contract expiry is imminent,</li> <li>• value of the proposed new contract has been included in the draft Annual Budget proposed for adoption.</li> </ul> <p>c. In accordance with s.5.43, tenders may only be accepted, and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</p> <p>d. Authority to enter into a variation F&amp;G r.20(1), r.20(2) subject to:</p> <ul style="list-style-type: none"> <li>• That the variation is minor having regard to the total goods or services that tenderers were invited to supply and shall be consistent with the intended purpose of the contract.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

<b>Sub-Delegate/s:</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Not Applicable
<b>Recordkeeping:</b>	<p>A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.</p> <p>Entry in the Tender Register in accordance with regulation 17 <i>Local Government (Functions and General) Regulations 1996</i>. Documentation to be recorded to the relevant Tender file in the ECMS.</p>
<b>Version Control:</b>	<i>17 June 2020 Council Resolution No: 12852</i>



**1.104 Disposing of Property**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.58(2) (3) Disposing of Property
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to dispose of property to: <ol style="list-style-type: none"> <li>1. the highest bidder at public auction.</li> <li>2. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender.</li> <li>3. dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice.</li> <li>4. Authority to dispose of property under regulation 30(3) (a) of the Local Government (Functions and General) Regulations 1996.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</li> <li>2. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$150,000 or less.</li> <li>3. When determining the method of disposal: <ol style="list-style-type: none"> <li>i. Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>• Reserve price has been set by independent valuation to be carried out not more than 6 months before the proposed disposition.</li> <li>• Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>ii. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>iii. Where a private treaty is determined (s.3.58(3)) as the method of disposal, authority to: <ul style="list-style-type: none"> <li>• Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>• Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.</li> </ul> </li> </ol> </li> <li>4. Where the market value of the property is determined as being less than \$10,000 (F&amp;G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the method of disposal must be undertaken in a manner which minimises environmental impact as far as practical.</li> </ul> <p>5. Renewal of leases and licences may only be undertaken providing the circumstances of the original lease or licence has not substantially altered.</p>
<b>Express Power to Sub- Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	<p>Director Corporate and Community Services</p> <p>Director Technical Services</p> <p>Executive Manager Corporate Services</p> <p>Executive Manager Technical Services</p>
<b>CEO Conditions on this Sub-Delegation:</b>	<ol style="list-style-type: none"> <li>Conditions on the original delegation also apply to the sub-delegation.</li> <li>Sub delegation is restricted to materials, plant and equipment with a market value of less than \$5,000.</li> </ol>
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.112 Payments from the Municipal or Trust Funds**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	The Chief Executive Officer is delegated authority to make payments from the municipal or trust funds (r.12(1)(a)).
<b>Council Conditions on this Delegation:</b>	A list of accounts paid for the month being presented to the next ordinary meeting of the Council (in accordance with Financial Management Regulation 13(2)).
<b>Express Power to Sub- Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Corporate and Community Services Director Technical Services Executive Manager Corporate Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	Records of decisions are retained in minutes of Council meetings.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.123 Defer, Grant Discounts, Waive or Write off Debts**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, waive or write off debts
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire (s.6.12(1)(b)).</li> <li>2. Grant a concession in relation to money which is owed to the Shire (s.6.12(1)(b)).</li> <li>3. Write off an amount of money which is owed to the Shire (s.6.12(1)(c))</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge.</li> <li>2. A debt may only be written off where all necessary measures have been taken to locate or contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire.</li> <li>3. Limited to individual debts below \$500.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Corporate and Community Services Executive Manager Corporate Services
<b>CEO Conditions on this Sub-Delegation:</b>	<ol style="list-style-type: none"> <li>1. Conditions on the original delegation also apply to the sub delegation.</li> <li>2. Sub delegation is limited to individual debts valued below \$50.</li> </ol>
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.134 Investments**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose (s.6.14(1)).
<b>Council Conditions on this Delegation:</b>	This delegation must be exercised in accordance with Council Policies, and comply with Financial Management Regulation 19C.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Corporate and Community Services Executive Manager Corporate Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.145 Agreement as to Payment of Rates and Service Charges**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to make an agreement with a person for the payment of rates or service charges (s.6.49).
<b>Council Conditions on this Delegation:</b>	Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
<b>Express Power to Sub- Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Corporate and Community Services Executive Manager Corporate Services Senior Finance Officer
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.156 Recovery of Rates or Service Charges**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction.
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Corporate and Community Services Executive Manager Corporate Services Senior Finance Officer
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.167 Recovery of Rates Debts - Actions to Take Possession of the Land**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land re-vested in Crown if rates in arrears 3 years
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to take possession of land and hold the land as against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years (s.6.64(1)), including: <ol style="list-style-type: none"> <li>a) lease the land, or</li> <li>b) sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>i. cause the land to be transferred to the Crown (s.6.71 and s.6.74); or</li> <li>ii. cause the land to be transferred to the Shire (s.6.71).</li> </ol> </li> </ol> </li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears (s.6.64(3)).</li> <li>3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, services charges and costs within 7 days of and prior to the proposed sale (s.6.69(2)).</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous three years attempted to recover the outstanding rates/charges through a court, under s.6.56.</li> <li>2. Council approval must be obtained prior to the commencement of proceedings to take possession of land where rates and services charges have remained unpaid for at least three years.</li> </ol>
<b>Express Power to Sub- Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Corporate and Community Services Executive Manager Corporate Services



<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.178 Common Seal and Execution of Documents**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.9.49A(2) Affixing the common seal s.9.49A(3) Execution of documents
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authorise the affixing of the common seal of the Shire to any document that requires the Shire's Common Seal to be legally effective.  Authorise the Chief Executive Officer to sign documents on behalf of the local government in accordance with Section 9.49A (4) (5) of the Local Government Act 1995.
<b>Council Conditions on this Delegation:</b>	Where the common seal is affixed, this is to be done in accordance with s.9.49A(3) and the details are to be recorded in the common seal register.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Corporate and Community Services Executive Manager Corporate Services Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.  Where a document is executed by a sub-delegate, the Chief Executive Officer is to be provided with due notice and opportunity to sight the original document, prior to execution.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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**1.189 Administer Local Laws**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995 s. 3.18 Performing Executive Functions
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to exercise the powers and duties and to administer and do all things necessary to enact the Shire of Pingelly Local Laws.
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. All prosecutions are to be authorised by the Chief Executive Officer.</li> <li>2. Council is to be advised when the CEO issues instructions for the commencement of legal proceedings.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
<b>Version Control:</b>	17 June 2020 Council Resolution No: 12852

**1.1920 Appointment of Acting CEO**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	Local Government Act 1995: s 5.52 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995 s. 5.36 (1) (a) Local government employees
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to appoint an Acting Chief Executive Officer.
<b>Council Conditions on this Delegation:</b>	Appointment to be made in accordance with Council Policy on this matter.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Not Applicable
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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## 1.20 Appointment of Person to receive complaints and withdrawals

<b>Delegator:</b> Power / Duty assigned in legislation to:	<u>Local Government</u>
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<u>Local Government Act 1995:</u> <u>s 5.52 Delegation of some powers or duties to the CEO</u> <u>s 5.43 Limitations on delegations to the CEO</u>
<b>Express Power or Duty Delegated:</b>	<u>Schedule 1, Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021.</u>
<b>Delegate:</b>	<u>Chief Executive Officer</u>
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<u>Authority to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with Schedule 1, Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021.</u>
<b>Council Conditions on this Delegation:</b>	<u>Nil</u>
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> <u>s.5.44 CEO may delegate some powers and duties to other employees</u>
<b>Sub-Delegate/s:</b>	<u>Nil</u>
<b>CEO Conditions on this Sub-Delegation:</b>	<u>Not Applicable</u>
<b>Recordkeeping:</b>	<u>A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.</u>
<b>Version Control:</b>	

## Part 2 Building Act 2011

### 2.1 Appointment of Authorised Persons

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011</i> s.96 - Authorised Person s.99 - Limitation on powers of authorised person
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: <ol style="list-style-type: none"> <li>1. Designate an employee as an authorised person under the Building Act 2011; and</li> <li>2. Revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments

<b>Sub-Delegate/s:</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.

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## 2.2 Powers pursuant to the Building Act 2011

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	Building Act 2011
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To undertake the powers of the Local Government for the following sections of the Building Act 2011. <ol style="list-style-type: none"> <li>1. s.18 Further Information</li> <li>2. s.20 Grant of building permit</li> <li>3. s.21 Grant of demolition permit</li> <li>4. s.22 Further grounds for not granting an application</li> <li>5. s.27 (1)&amp;(3) Conditions imposed by permit authority</li> <li>6. s.32 Duration of building or demolition permit (consider application to extend time)</li> <li>7. s.55 Further information</li> <li>8. s.58 Grant of occupancy permit, building approval certificate</li> <li>9. s.62(1)&amp;(3) Conditions imposed by permit authority</li> <li>10. s.65 Extension of period of duration</li> <li>11. s.88(3) Finishes of walls close to boundaries</li> <li>12. s.110 Building Orders</li> <li>13. s.111(1) Notice of proposed building order other than a building order (emergency)</li> <li>14. s.117 Revocation of building order</li> <li>15. s.118 Permit authority may give effect to building order if non-compliance s.131(2) Inspection, copies of building records</li> <li>16. s.131 Inspection, copies of building records</li> <li>17. s.133 (1) commence a prosecution for an offence</li> <li>18. s.145A Local Government functions</li> </ol>
<b>Council Conditions on this Delegation:</b>	In making any determinations under delegated authority the CEO must consider any advice and recommendations provided by external expert persons or bodies.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments

<b>Sub-Delegate/s:</b>	Building Surveyor
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.

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## Part 3 Bush Fires Act 1954

### 3.1 Variation of Prohibited and Restricted Burning Times

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Delegate:</b>	Shire President and Chief Bush Fire Control Officer (jointly)
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer (s.17(7)).
<b>Council Conditions on this Delegation:</b>	Decisions under s.17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
<b>Express Power to Sub-Delegate:</b>	Nil – Sub-delegation is prohibited by s.48(3)

<b>Sub-Delegate/s:</b>	Not permitted
<b>CEO Conditions on this Sub-Delegation:</b>	Not applicable
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.

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### 3.2 Appoint Bush Fire Control Officer/s

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954.
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. An appointment made under s.38(1) shall cause a local public notice to be published.</li> <li>2. Records of names, addresses and usual occupations are to be maintained for all Bush Fire Control Officers appointed.</li> <li>3. This delegation does not extend to the appointment of Chief or Deputy Bush Fire Control Officers.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil – Sub-delegation is prohibited by s.48(3)

<b>Sub-Delegate/s:</b>	Not permitted
<b>CEO Conditions on this Sub-Delegation:</b>	Not applicable
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.

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### 3.3 Institute a Prosecution or Issue an Infringement

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954</i> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act (s.59). 2. Authority to serve an infringement notice for an offence against this Act (s.59A(2)).
<b>Delegate:</b>	Chief Executive Officer Executive Manager Technical Services Director Technical Services Rangers
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: 1. Institute and carry on proceedings against a person for an offence alleged to be committed. 2. Serve an infringement notice for an offence. 3. Withdraw an infringement notice for an offence.
<b>Council Conditions on this Delegation:</b>	Any withdrawal of an infringement notice for an offence must be authorised by the Chief Executive Officer.
<b>Express Power to Sub-Delegate:</b>	Nil – Sub-delegation is prohibited by s.48(3)

<b>Sub-Delegate/s:</b>	Not permitted
<b>CEO Conditions on this Sub-Delegation:</b>	Not applicable
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.

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### 3.4 Fire Break Maintenance

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.33 Local Government may require occupier of land to plough or clear fire-break
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to: <ol style="list-style-type: none"> <li>1. Give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire: <ol style="list-style-type: none"> <li>a) clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b) act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c) as a separate or coordinated action with any other person carry out similar actions.</li> </ol> </li> <li>2. Direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with.</li> <li>3. Recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil – Sub-delegation is prohibited by s.48(3)

<b>Sub-Delegate/s:</b>	Not permitted
<b>CEO Conditions on this Sub-Delegation:</b>	Not applicable
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.

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## Part 4 Cat Act 2011

### 4.1 Cat Act 2011

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011</i> <i>Cat Act Regulations 2012</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	The exercise of any powers and duties of a local government pursuant to the Cat Act 2011.
<b>Council Conditions on this Delegation:</b>	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.

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## Part 5 Dog Act 1976

### 5.1 Dog Act 1976

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to exercise all powers and duties conferred by s10AA the Dog Act 1976.  Chief Executive Officer is specifically authorised to sub delegate any powers or duties delegated pursuant to s.10AA(3) Delegation of local government powers and duties Dog Act 1976:
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer cannot subdelegate: <ol style="list-style-type: none"> <li>1. authority to declare an individual dog to be a dangerous dog [s.33E(1)],</li> <li>2. authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]</li> <li>3. authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]</li> <li>4. authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (Note: sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management

	system.
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## Part 6 Food Act 2008

### 6.1 Food Act 2008

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.65 Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67 Request for re-inspection s.110 Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses s.122 Appointment of authorised officers s.125 Institution of proceedings s.126 Infringement Officers
<b>Delegate:</b>	Chief Executive Officer Environmental Health Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Chief Executive Officer is delegated: <ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 (s.65(1)).</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices (s.66).</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection (s.67(4)).</li> <li>4. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration (s.110(1) and (5)).</li> <li>5. Authority to vary the conditions or cancel the registration of a food business (s.112).</li> <li>6. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 (s.122(1)).</li> <li>7. Authority to appoint a person to be an authorised officer as a meat inspector (s.122(1)).</li> <li>8. Authority to institute proceedings for an offence under the Food Act (s.125)</li> <li>9. Authority to appoint an Authorised Officer appointed under s.122(1) of this Act or s.24 (1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 (s.126(13)).</li> <li>10. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending</li> </ol>

	<p>the time for payment of modified penalties (s.126(6)) and determining withdrawal of an infringement notice (s.126(7)).</p> <p>The Environmental Health Officer is delegated:</p> <ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 (s.65(1)).</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices (s.66).</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection (s.67(4)).</li> <li>4. Authority to grant, apply conditions, refuse, vary or cancel registration of a food business (s.110(1) and (5), s.112).</li> </ol>
<b>Council Conditions on this Delegation:</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express Power to Sub-Delegate:</b>	Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation.

<b>Sub-Delegate/s:</b>	Not permitted
<b>CEO Conditions on this Sub-Delegation:</b>	Not applicable
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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## Part 7 Graffiti Vandalism Act 2016

### 7.1 Graffiti Vandalism Act 2016

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>The Graffiti Vandalism Act 2016</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	All powers and duties of a local government pursuant to the Graffiti Vandalism Act 2016
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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## Part 8 Public Health Act 2016

### 8.1 Designation of Authorised Officers

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Public Health Act 2016 s21 Enforcement agency may delegate</i>
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016 s24(1) and (3) Designation of authorised officers Health (Miscellaneous Provisions) Act 1911</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to designate a person or class of persons as authorised officers under the Public Health Act 2016.
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. The appointment of an Environmental Health Officer must be in accordance with Section 17 (3) of the Public Health Act 2016.</li> <li>2. The delegate (CEO) will issue to each person who is an authorised person a Certificate of Authority in accordance with Section 30 and 31 of the Public Health Act 2016.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Public Health Act 2016 s21 Enforcement agency may delegate</i>
<b>Sub-Delegate/s:</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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## Part 9 Planning and Development Act 2005

### 9.1 Directions regarding unauthorised/illegal development

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <i>s.5.42(1)(b) Delegation of some powers and duties to CEO</i>
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i> <i>s.214 (2), (3) and (5). Illegal development</i> <i>Shire of Pingelly Town Planning Scheme No. 3</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control are requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development; <ol style="list-style-type: none"> <li>a) To remove, pull down, take up, or alter the development; and</li> <li>b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil

<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995 s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Technical Services Executive Manager Technical Services
<b>CEO Conditions on this Sub-Delegation:</b>	<ol style="list-style-type: none"> <li>1. Conditions on the original delegation also apply to the sub delegation.</li> <li>2. A certificate of authority as an authorised officer must be issued.</li> <li>3. All prosecutions are to be authorised by the Chief Executive Officer.</li> </ol>
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.
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## 9.2 Determination of Development Applications

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Planning and Development Act 2005</i> s.162 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
<b>Express Power or Duty Delegated:</b>	<ul style="list-style-type: none"> <li>• <i>Planning and Development Act 2005</i></li> <li>• Clause 82, Schedule 2, Part 10 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Schedule 2 Deemed Provisions for Local Planning Schemes.</li> <li>• <i>Town Planning Scheme No. 3</i></li> <li>• <i>Strata Titles Act 1985</i> s 25</li> </ul>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to exercise any of the local government's powers or the discharge of any of the local government's duties under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, and <i>Town Planning Scheme No. 3</i>.</li> <li>2. Authority to make recommendations to the Western Australian Planning Commission on subdivision applications, including the imposition of subdivision conditions or the clearance of subdivision conditions including the bonding of conditions (Part 10, <i>Planning and Development Act 2005</i>).</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Specific Land uses This power of delegation does not extend to determining applications for development approval relating to the following land uses:</p> <ul style="list-style-type: none"> <li>• Industry - Extractive</li> <li>• Uses of land not listed in the zoning table</li> </ul> <p>Exclusions to Delegated Authority This power of delegation does not extend to approving applications for development approval in the following categories:</p> <ol style="list-style-type: none"> <li>a) Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the Shire;</li> <li>b) Applications where objections have been received on valid planning grounds which cannot be reasonably addressed by negotiated minor variations to the application and/or conditions of approval.</li> <li>c) Applications that are not consistent with the <i>Shire of Pingelly Town Planning Scheme No. 3</i>.</li> <li>d) Applications for change of non-conforming use.</li> <li>e) Development not of the kind referred to in item a) and/or b) above, which, in the opinion of the delegated officer, is contentious.</li> <li>f) The determination of an amendment to a previous development approval that was approved by resolution of Council (including an extension to the term of the development approval, except where the variation is of a minor nature, would not substantially change the</li> </ol>

	<p>approved development, and for which no objection has been received during the advertising period of the application (where applicable).</p> <p>g) Reconsiderations of applications in accordance with Section 31 of the State Administrative Tribunal Act 2004.</p>
<b>Express Power to Sub-Delegate:</b>	Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Clause 83

<b>Sub-Delegate/s:</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub delegation.
<b>Recordkeeping:</b>	A record containing the requirements in accordance with Local Government Administration Regulations (1996) Regulation 19, is to be retained within the Shire's approved electronic content management system.

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### **14.3 Creation of a Tutanning Nature Reserve Financial Reserve Account**

<b>File Reference:</b>	<b>ADM0647</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Draft Memorandum of Understanding</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary**

Council is requested to approve the creation of a Financial Reserve Account to manage the Tutanning Nature Reserve Accommodation income and expenditure on behalf of the Pingelly Tourism Group, Department of Biodiversity Conservation and Attractions, and the Shire of Pingelly.

#### **Background**

In 2020 the Pingelly Tourism Group (PTG), the Department of Biodiversity Conservation and Attractions (DBCA), as well as the Shire of Pingelly (SoP), met to discuss the prospect of utilising the Percy Marshall Research Centre (PMRC) at the Tutanning Reserve for the purposes of accommodation and tourism. This opportunity was discussed several years earlier, however, was not progressed to a significant extent.

The 2020 season was agreed as being a 'test' scenario, and there was informal agreement that the Shire would take bookings, the Pingelly Tourism Group would manage queries following the booking confirmation, and the DBCA would continue to maintain the facility and provide all of the utilities (fuel, water, power).

#### **Comment**

Following the 2020 test season, the Group re-convened and discussed a draft Memorandum of Understanding (attached) to formalise the arrangement into the future. Each Party to the agreement has confirmed their in-principle agreement of the proposed arrangement. The Shire of Pingelly's role is to continue taking the bookings, and after confirmation, hand the remainder of the process throughout a visitor's stay, to the PTG.

Profits from the venture were agreed to be re-invested into the promotion, maintenance and operational costs of the PMRC. In order to provide a mechanism for the safe-keeping and proper accounting of the income and expenditure, the Shire of Pingelly was requested to create a financial reserve account. This would allow any net income to be placed into the Reserve, and allow the group to determine the allocation of any profit on at least an annual basis.

The creation of a financial reserve account is a minimal impost on the Shire, and is seen as an efficient way of assisting in this initiative.

#### **Consultation**

Nil

#### **Statutory Environment**

Sections 6.2(4)(e) and 6.11 of the Local Government Act 1995

#### **Policy Implications**

Nil

#### **Financial Implications**

There are no financial implications arising from the recommendation, as the Shire will only be holding the accommodation income, and disbursing it in accordance with the direction of the PTG, DBCA and SoP (jointly).

### Strategic Implications

Goal 1	Economy
Outcome 1.1	The Shire experiences significant new business growth and employment and is known widely as an innovative and collaborative community which is attracting new population and investment
Strategy 1.1.4	Support business and community tourism promotion initiatives

### Risk Implications

Risk	Failure to create a Reserve account may result in the absorption of income from the accommodation bookings into general revenue. Specific legislation covers the use and accounting for funds allocated to Reserves, which results in a compliance risk.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Compliance
Risk Action Plan (Controls or Treatment Proposed)	No further action proposed.

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

### Recommendation

That Council:

1. Approves the establishment of a new financial reserve account being the Tutanning Reserve.
2. Approves the purpose of the Reserve account as being “for the operations, improvements and promotion of the Tutanning Nature Reserve.”
3. Notes the Memorandum of Understanding, as attached, to the extent that it relates to the Shire of Pingelly.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **Memorandum of Understanding**

Between the following Parties

**Department of Biodiversity Conservation and Attractions (DBCA)  
Shire of Pingelly (SoP)  
Pingelly Tourism Group (PTG)**

### **1. Purpose of this document**

- 1.1. This Memorandum of Understanding (MOU) outlines the relative intentions of the Parties to develop links under the principles of mutual understanding, mutual benefits, common interest, shared goals and mutually complementary activities.
- 1.2. This MOU is not a legal agreement; however, all parties commit to using their best endeavours to achieve its purpose.
- 1.3. Each Party pledges to cooperate in a spirit of mutual understanding and to develop a closer relationship of goodwill and for the betterment of the Pingelly community.

### **2. Period of arrangement**

- 2.1. This MOU shall commence on the date of its execution by the last to sign of the Parties and shall remain in force for a period of up to three (3) years (with a review to be undertaken every 12 months).
- 2.2. The MOU may be renegotiated at any time during the period of the arrangement.
- 2.3. Any changes to the MOU must be documented with copies of the changes provided to all parties.

### **3. Agreement between parties**

- 3.1. Nothing in this MOU shall be construed as creating any legal relationship between the Parties; its provisions do not create rights, obligations or duties for any Party. This MOU is a statement of intent to foster genuine and mutually beneficial cooperation.
- 3.2. Revenue from the Tutanning Accommodation shall be reinvested into the Tutanning Facility.
  - 3.2.1. The SoP will collect and hold the revenue within a Financial Reserve Account, for the purpose of “operations, improvements and promotion of the Tutanning Nature Reserve” (known as the ‘Tutanning Fund’).
  - 3.2.2. The Parties to this agreement will determine the allocation of the Tutanning Fund on a minimum of an annual basis.
  - 3.2.3. The Parties agree that reasonable operational expenses incurred throughout the year, such as fuel, will be reimbursed from the ‘Tutanning Fund’.
- 3.3. The fees to be charged for accommodation are:
  - 3.3.1. Percy Marshall Research Centre
    - 3.3.1.1. Adult \$25 for the first adult, \$15 for additional adults.
    - 3.3.1.2. Child (as per adult pricing)
    - 3.3.1.3. Entire facility \$150 per night (3 nights or less)



- 3.3.1.4. Entire facility \$100 per night (> 3 nights)
- 3.3.2. Unpowered site (max 4 sites)
  - 3.3.2.1. Max 2 adults 4 children \$25 per night (must be self-contained – no use of PMRC)
- 3.4. Fees may be amended from time to time by agreement between the PTG and the SoP.
- 3.5. Standard fees are to be charged for DBCA use, other than requests from the DBCA's Wheatbelt Region Office that are for work related purposes, or as expressly authorised by the DBCA's Wheatbelt Region Office.
- 3.6. Accommodation at the Tutanning Reserve shall be available all year, noting the following:
  - 3.6.1. Fire restrictions and risks are to be communicated as a part of the booking process.
  - 3.6.2. Extreme weather, especially throughout December, January, and February should be noted on the booking information.
  - 3.6.3. Clear direction with regard to the use of camp fires should be clear both on the booking information and at the accommodation. No camp fires shall be permitted between 1 October and 31 March.
  - 3.6.4. All firewood should be removed from the site by 30 September of each year, and not reinstated until 1 April.

#### 4. Responsibilities of Parties

- 4.1. The utilisation of the Tutanning Nature Reserve, and specifically, the Percy Marshall Research Centre, creates a variety of responsibilities for the parties. The following table details the relevant responsibilities.

Item	Responsibility	Comments
Maintaining online booking site, and taking bookings.	SoP	SoP to provide booking confirmations to Pingelly Tourism Group nominated representatives.
Provision of initial information about site, check-in, directions.	SoP	
Marketing	SoP	
Maintaining up to date information about the site, including instructions for operation of equipment, directions, etc.	PTG	Clear operating instructions to be developed and laminated for placement at the PMRC.
Contact point for guests after booking and throughout stay	PTG	PTG to nominate contact points on an annual basis.
Repair to building and other infrastructure	DBCA	For 12 months, to be reviewed in 2022 based on capacity of the facility being self sustaining.
Repairs to equipment e.g. fridge, generator, pump.	DBCA	For 12 months, to be reviewed in 2022 based on capacity of the facility being self sustaining.
Insurance (property, public liability and other relevant insurances)	DBCA	
Supplies, including; fuel, gas, water, toilet paper.	DBCA	For 12 months, to be reviewed in 2022 based on capacity of the facility being self sustaining.

Cleaning / check (following guest departure)	PTG	Note: DBCA undertake a monthly visit / check. Checks to be undertaken between visits, according to the booking calendar distributed by the Shire.
Provision of firewood	PTG	BYO firewood will be promoted.

## 5. Meetings

The Pingelly Tourism Group is to convene a meeting at least annually to be held in March, to discuss and decide matters relating to the MOU, including, but not limited to: allocation of the Tutanning Fund, accommodation fees, and undertake a review of the Responsibilities of Parties.

## 6. Signatories

This Memorandum of Understanding was agreed between:

<b>Department of Biodiversity Conservation and Attractions</b>
Signature:
Date:
Name:
Position:
<b>Shire of Pingelly</b>
Signature:
Date:
Name:
Position:
<b>Pingelly Tourism Group</b>
Signature:
Date:
Name:
Position:

#### **14.4 Appointment of Acting Chief Executive Officer**

<b>File Reference:</b>	<b>ADM0672</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Confidential   Resume Mr Paul Sheedy</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary**

Council is requested to consider the appointment of Mr Paul Sheedy, to act in the position of Chief Executive Officer from 21 June 2021 until a new Chief Executive Officer commences.

#### **Background**

Due to the resignation of the current Chief Executive Officer (CEO), a Council decision is required around the appointment of a temporary Chief Executive Officer, for an estimated period of approximately 8 – 10 weeks.

For short periods of Chief Executive Officer leave, typically an Executive Manager is appointed Acting CEO by the CEO under delegated authority in accordance with Council Policy. Given the likely length of this acting period, it is not recommended in this case to appoint an existing staff member to the position.

#### **Comment**

Section 5.36 of the Act requires a local government to employ a CEO and such other persons as the Council believes are necessary to enable the functions of the local government and the functions of the Council to be performed. There are special constraints under s5.36(2) of the Act which apply to the employment of a person as CEO, and it is considered those provisions apply also to the appointment of a person Acting in this role, in that a person is not to be employed in the position of CEO unless the Council believes that the person is suitably qualified for the position.

Section 5.39(1a) of the Act states that an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting.

Mr Paul Sheedy has been identified as a person that is suitably qualified to undertake the Acting position. As this appointment is beyond the authority of the CEO, it is necessary for Council to make the decision of the appointment of Mr Sheedy to the position of Acting CEO.

Council will need to determine an appropriate remuneration level for the position of Acting CEO. Section 5.39(7) of the Act states that a CEO is to be paid such remuneration as is determined by the SAT. The band levels set by the SAT are considered to apply to all CEO's irrespective of whether they are permanent or acting. In accordance with the SAT, the Shire of Pingelly is a Band 4 Local Government with a Total Reward Package range applicable to the position of CEO of between \$128,226 to \$200,192. The Total Reward Package is made up of a number of components including – base salary, associated FBT accrued, association membership fees, clothing allowance, vehicle provision, superannuation, etc.

#### **Consultation**

Nil

#### **Statutory Environment**

Local Government Act 1995 s. 5.36 Local Government employees

(1) A local government is to employ —

(a) a person to be the CEO of the local government; and

(b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed

(2) A person is not to be employed in the position of CEO unless the council —

(a) believes that the person is suitably qualified for the position; and

(b) is satisfied\* with the provisions of the proposed employment contract.

\* Absolute majority required.

### Policy Implications

Policy 10.3 Senior Staff Designation and Appointment of Acting Chief Executive Officer

### Financial Implications

It is likely that the additional cash impact of the Acting CEO will be approximately \$3,850. This will be spread over both the 2021/22 and 2022/23 financial years.

### Strategic Implications

Goal 5	Innovation, Leadership and Governance
Outcome 5.8	A strong corporate governance framework is maintained
Strategy 5.8.1	Maintain strategic and corporate planning documents as outlines in the Integrated Planning and Reporting Framework

### Risk Implications

Risk	The risks associated with this item include non-compliance with legislation and Council Policy, as well as failing to secure someone suitable for the position.
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

### Recommendation

That Council:

1. Appoint Mr Paul Sheedy to be Acting Chief Executive Officer from 18 June 2021, until the new Chief Executive Officer commences.
2. Confirms that Council believe that Mr Paul Sheedy is suitably qualified for the position.
3. Provide authority for the Shire President to negotiate and authorise a remuneration package with Mr Paul Sheedy, within the Band 4 Salaries and Allowances Tribunal current determination.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **14.5 Pingelly Tourism Group – Proposed Lease**

<b>File Reference:</b>	<b>ADM0667</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Proposed Lease Area</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary**

Council is requested to endorse the lease of various parcels of land to the Pingelly Tourism Group.

### **Background**

In early 2021, the Pingelly Tourism Group (PTG) (the Group) requested consideration be given to the Group leasing the following parcels of land from the Shire of Pingelly, to facilitate its ongoing growth and success in the delivery of tourism and community initiatives.

- Lot 657 Aldersyde Pingelly Road
- Lot 658 Aldersyde Pingelly Road
- Lot 659 Aldersyde Pingelly Road
- A portion of Reserve 23983

A diagram of the relevant lots and portion of Reserve 23983 is attached.

### **Comment**

The PTG have been functioning for many years, becoming incorporated in 2014. The Group have delivered and supported a number of events over the last 12 months, including the Tutanning Wildflower Tour, Pingelly Ute Muster, Katherine Outback Experience, Astrofest, Market Days, and the Country Collective.

The Group are seeking a facility to base their operations from, to allow storage and meeting space, as well as double as an option to hold events and ancillary activities such as overflow camping. The proposed land has remained largely unused for a number of years, and currently does not have an allocated strategic purpose. It would appear to be of mutual benefit to enter into a lease.

The key conditions of the lease are proposed as follows:

1. The lease is to have a term of 3 years, with a 3 year renewal option;
2. The annual lease amount payable is \$1 per annum plus GST, payable on demand;
3. The Lessor is to be responsible for:
  - i. Building insurance of existing structure
  - ii. Payment of Emergency Services Levy
  - iii. Pest inspections
4. The Lessee is to be responsible for:
  - i. Contents insurance (where applicable)
  - ii. Public liability insurance (minimum of \$10 million)
  - iii. Compliance with Health (Public Building) Regulations 1992
  - iv. Building alterations, additions and upgrades
  - v. Maintenance and cleaning
  - vi. Payment of utility charges
  - vii. Grounds maintenance
5. The Pingelly Tourism Group is required to allow use of the facility by other groups, for community and tourism purposes, and this use shall not be unreasonably be withheld.
6. The Premise is provided in an 'as is' condition. The Shire of Pingelly is not obliged to undertake any capital or renewal works during the term of the lease,

which includes repairing or replacing any fixtures or fittings at the end of their life.

7. The PTG is responsible for minor repairs and maintenance of the Premise.
8. The Shire of Pingelly may undertake, at its discretion, structural repairs to the Premise.
9. Where the Premise is damaged so it is unfit for use, the Shire may, at its discretion, terminate the lease.
10. Termination by either party, subject to three (3) months notice.
11. The PTG is to obtain relevant building and development approvals prior to undertaking any building or development works at the Premise.

### Consultation

The proposed lease conditions have been developed in liaison with the Pingelly Tourism Group.

Correspondence was sent to the Pingelly Pony Club (pre-existing occupier) requesting feedback on the proposed lease, and confirmation that the grounds were no longer required by the Club. Subsequently, a conversation was held with a Pony Club representative, who advised that the Club has no concerns with the change, however, would like to be able to leave their equipment in the shed, and have occasional use of the ground should the need arise.

Correspondence was sent to the Pingelly Golf Club to determine if there were any concerns or comment with regard to the proposal, with a response requested by 30 April 2021. No feedback has been received.

### Statutory Environment

Under Section 3.58 of the Local Government Act 1995 (the Act), a disposition of land includes leasing of local government property. If a local government does not dispose of property via a public auction or the public tender method, the proposal must be advertised for public comment – unless the proposal is an ‘exempt’ disposition.

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes. As the Pingelly Tourism Group is an incorporated Association and is seeking use of local government property for ‘community services’ purposes, the intended use of the land is exempt from section 3.58 of the Act.

### Policy Implications

Nil

### Financial Implications

There is a minor positive impact for the Shire, as the lease will require the PTG to pay for utilities. Currently the cost to the Shire is predominantly the service charge that is paid to maintain power at the site.

The PTG will also be responsible for grounds maintenance, which will decrease the impact on the workforce to undertake minor works.

### Strategic Implications

Goal 2	Community
Outcome 2.2	Community groups function well with strong volunteer effort and feel supported by the community

**Risk Implications**

Risk	The land may be required for an alternative purpose in the future. This is mitigated by a termination clause (3 months). Other community groups may wish to utilise to the land. This risk is mitigated by a specific clause requiring the PTG to allow use by other groups.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
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**

Simple Majority

**Recommendation**

That Council:

1. Lease Lots 657-659 Aldersyde Pingelly Road and portions of Reserve 23983, as detailed in the Attachment, to the Pingelly Tourism Group subject to the following conditions:
  - a. The lease is to have a term of 3 years, with a 3 year renewal option;
  - b. The annual lease amount payable is \$1 per annum plus GST, payable on demand;
  - c. The Lessor is to be responsible for:
    - i. Building insurance of existing structure
    - ii. Payment of Emergency Services Levy
    - iii. Pest inspections
  - d. The Lessee is to be responsible for:
    - i. Contents insurance (where applicable)
    - ii. Public liability insurance (minimum of \$10 million)
    - iii. Compliance with Health (Public Building) Regulations 1992
    - iv. Building alterations, additions and upgrades
    - v. Maintenance and cleaning
    - vi. Payment of utility charges
    - vii. Grounds maintenance
  - e. The Pingelly Tourism Group is required to allow use of the facility by other groups, for community and tourism purposes, and this use shall not be unreasonably be withheld.
  - f. The Premise is provided in an 'as is' condition. The Shire of Pingelly is not obliged undertake any capital or renewal works during the term of the lease, which includes repairing or replacing any fixtures or fittings at the end of their life.
  - g. The PTG is responsible for minor repairs and maintenance of the Premise.
  - h. The Shire of Pingelly may undertake, at its discretion, structural repairs to the Premise.
  - i. Where the Premise is damaged so it is unfit for use, the Shire may, at its discretion, terminate the lease.
  - j. Termination by either party, subject to three (3) months notice.
  - k. The PTG is to obtain relevant building and development approvals prior to undertaking any building or development works at the Premise.

- 2. Subject to final satisfactory negotiations being carried out between the Pingelly Tourism Group and the Chief Executive Officer, authorises the Shire President and Chief Executive Officer to execute the lease, in accordance with Recommendation 1., above.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_



## Proposed Lease Area – Pingelly Tourism Group



## **14.6 Central Country Zone Feedback – South West Native Title Settlement**

<b>File Reference:</b>	<b>ADM0290</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary**

Council is requested to provide comments to the Central Country Zone for inclusion at its June 2021 meeting in relation to the South West Native Title Settlement and the associated implications and requirements for local governments.

### **Background**

The South West Native Title Settlement (Settlement) is the most comprehensive Native Title agreement negotiated in Australian history. It involves around 30,000 Noongar people and covers approximately 200,000 square kilometres of the South-West region. While the effects of the Settlement, the enactment of new Aboriginal Heritage legislation, and any recommendations arising from the Juukan Gorge inquiry won't be apparent for some time, Councils need to be aware of the issues and the potential each of these factors may have on both themselves and their communities.

At the Central Country Zone Executive Committee Meeting held 4 November 2020 both the Template Noongar Heritage Agreement for Local Government and the Aboriginal Cultural Heritage Bill 2020 (Draft) were discussed, with the Zone resolving that:

*Mr Marcus Holmes of Land Equity Legal and representatives of the Department of Premier and Cabinet and Department of Planning, Land and Heritage be invited to the February 2021 Zone Meeting to provide comments on the likely impact on Member Councils of the Draft Noongar Heritage Agreement for Local Government and the South West Native Title Settlement.*

The Zone's consideration of this issue arises from its uncertainty about the potential impact of the Draft Noongar Heritage Agreement for Local Government on Member Councils. Neither the Department of Premier and Cabinet (DPC) nor the Department of Planning, Land and Heritage were able to attend either the February or April Meetings of the Central Country Zone.

Mr Marcus Holmes presented to the CCZ at the April 2021 meeting, with the recommendation initially considered for the meeting on Friday 23 April, being as follows:

*That the Central Country Zone:*

- 1. Notes the suggestion from guest speaker Marcus Holmes, Principal of lawyers Land Equity Legal, that local governments defer consideration of entry into a Local Government version Noongar Heritage Agreement until Noongar Regional Corporations have been established, the Federal joint committee on the Juukan Gorge inquiry has released its final report, and the State's proposed Aboriginal Cultural Heritage Bill has been enacted;*
- 2. Recommends to its members that they ensure interim compliance with the Aboriginal Heritage Act 1972 and any applicable Aboriginal heritage risk management policies and procedures through the Department of Planning, Lands and Heritage and Department of Premier and Cabinet;*
- 3. Seeks ongoing consultation with the State Government, WALGA and SWALSC about the management of, resourcing and implications for local government of the Noongar Native Title Settlement; and*
- 4. Endorses the offer of legal advice and assistance to the Zone and/or its members from Land Equity Legal regarding local government management of Aboriginal heritage and the Noongar Native Title Settlement, and instructs the Executive Officer*

*to confer with Mr Marcus Holmes regarding terms of any engagement of Land Equity Legal's services by the Zone and/or members and to then update the Zone by email as to such terms so that the Zone and/or its members (singly or collectively) can decide if they wish to take up a retainer.*

5. *That the Zone defer any decision on the recommendations relating to the Template Noongar Heritage Agreement for Local Government Aboriginal and the Cultural Heritage Bill (Draft) 2020 until the Zone meeting scheduled to be held Friday 25 June 2021 at which time the Executive Officer will have prepared a report for the Zone's consideration.*

Following consideration of the above recommendation the meeting resolved as follows:

*That the Zone defer any decision on the recommendations relating to the Template Noongar Heritage Agreement for Local Government Aboriginal and the Cultural Heritage Bill (Draft) 2020 until the Zone meeting scheduled to be held Friday 25 June 2021 at which time the Executive Officer will have prepared a report for the Zone's consideration.*

The Executive Officer of the Central Country Zone has requested that this matter be listed for consideration at May Council meetings, to allow any comments from member Councils to inform the subsequent report for the Zone meeting scheduled for Friday 25 June 2021. It has been recommended that discussion and commentary should in the first instance look at the issues covered within the initial recommendation to the Zone in April 2021.

### **Comment**

The following points were highlighted by Mr Marcus Holmes during his presentation and discussions with the Zone:

1. That the Template Noongar Heritage Agreement in its current form is a complicated document, and may not be suited to small local governments such as those within the Central Country Zone.
2. There is no requirement for local governments to consider entering into any agreements until:
  - All Noongar Regional Corporations have been established;
  - The State's proposed Aboriginal Cultural Heritage Bill has been enacted; and
  - The Federal Parliament's Joint Standing Committee on Northern Australia on the Juukan Gorge inquiry has released its final report.

Mr Holmes will present on this matter at the Council Agenda Briefing, to inform Councils comments (if any) to the Zone.

### **Consultation**

Central Country Zone  
Mr Marcus Holmes

### **Statutory Environment**

Local Government Aboriginal and the Cultural Heritage Bill (Draft) 2020

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Goal 5	Leadership, Innovation and Governance
Outcome 5.8	A strong corporate governance framework is maintained.

### Risk Implications

Risk	A lack of understanding of the implications of entering into agreements, may result in various legal, community and financial risks.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Presentation by Mr Marcus Holmes and ongoing advice through the CCZ.

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

### Recommendation

That Council consider the information and advice presented, with a view to providing any comments to the Executive Officer of the Central Country Zone, to inform the item for the June 2021 Zone meeting.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES**

### **15.1 Monthly Statement of Financial Activity – April 2021**

<b>File Reference:</b>	<b>ADM0075</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Executive Manager Corporate Services</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Monthly Statements of Financial Activity for the period 1 April 2021 to 30 April 2021</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **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 April 2021 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 30 April 2021.

#### **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 2020/21.

### Strategic Implications

Goal 5	Innovation Leadership and Governance
Outcome 5.6	Financial systems are effectively managed
Strategy 5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting) and long-term financial planning requirements

### 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 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

**Recommendation**

**That with respect to the Monthly Statements of Financial Activity for the month ending 30 April 2021 be accepted and material variances be noted.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_



**SHIRE OF PINGELLY**  
**MONTHLY STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021**

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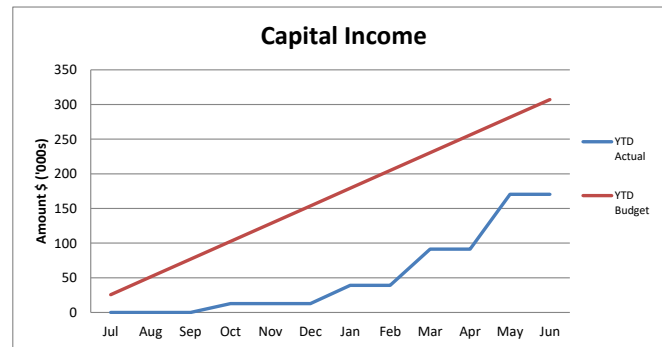
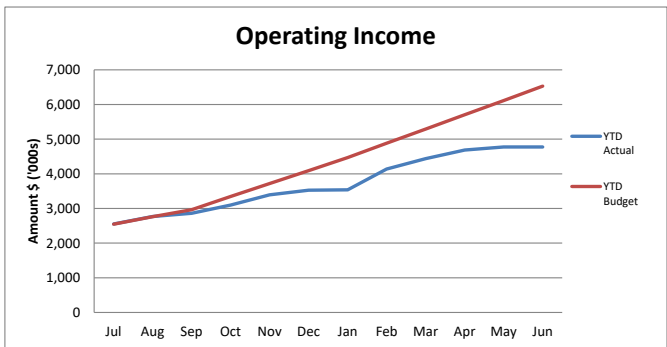
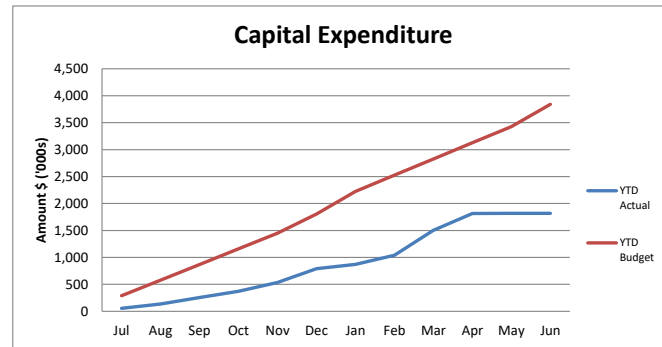
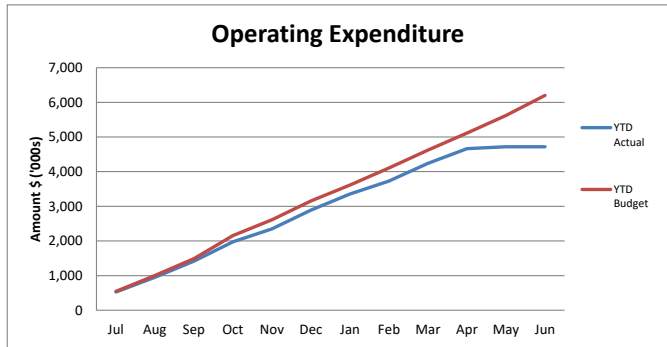
Report on Significant Variances

Notes to and Forming Part of the Statement

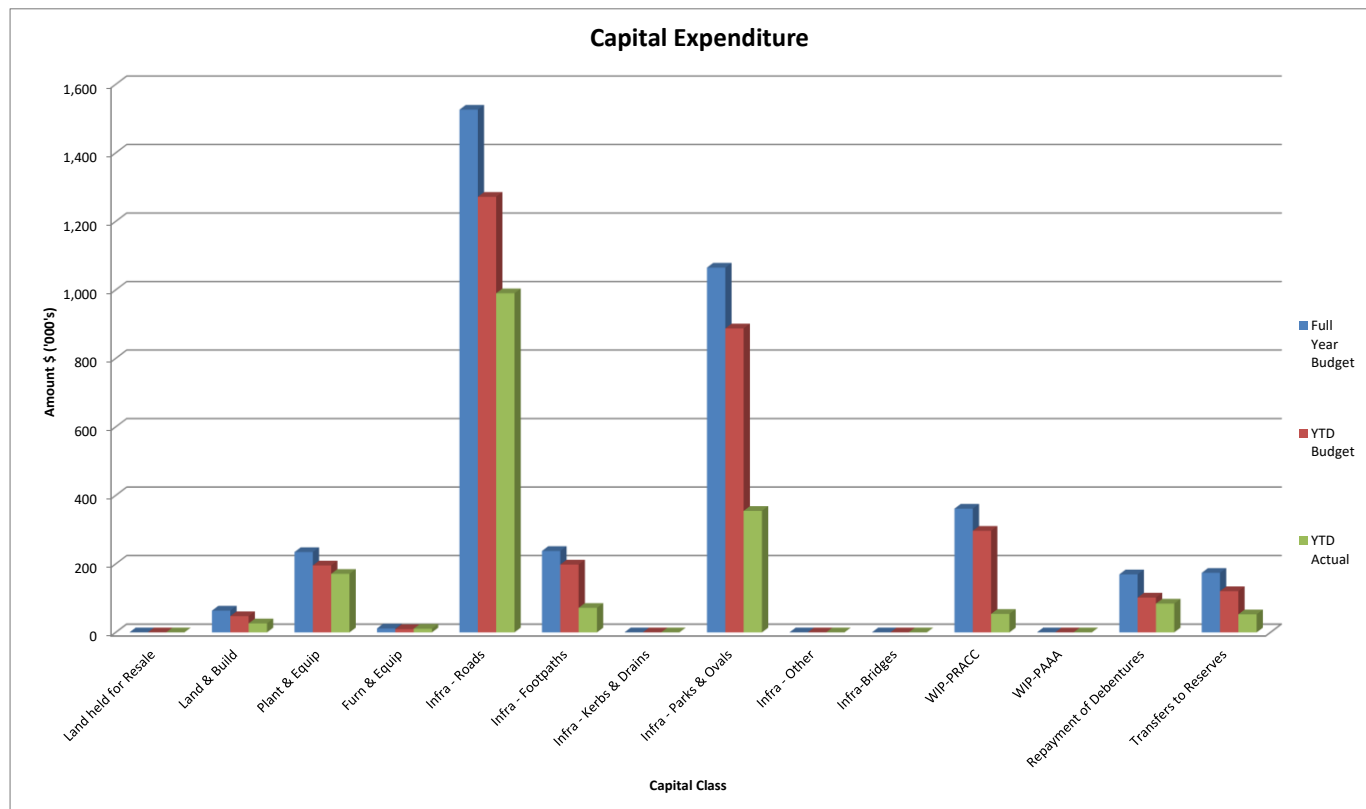
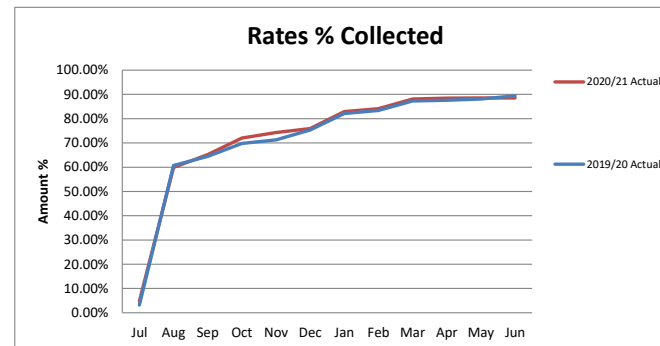
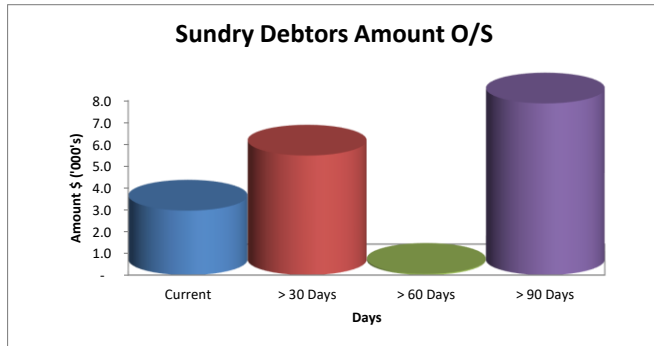
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### Income and Expenditure Graphs to 30 April 2021



Other Graphs to 30 April 2021



SHIRE OF PINGELLY  
Shire of Pingelly Ordinary Council Meeting Agenda 19 May 2021  
STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021

NOTE	2020/21 Adopted Budget \$	2020/21 Revised Budget \$	April 2021 Y-T-D Budget \$	April 2021 Actual \$	Variances Actuals to Budget \$	Variances Actual Budget to Y-T-D %		
<b>Operating</b>								
<b>Revenues/Sources</b>								
General Purpose Funding	639,371	648,269	542,148	503,395	(38,753)	-7%		
Governance	38,685	57,319	47,750	56,685	8,935	19%	▲	
Law, Order, Public Safety	59,829	67,129	54,429	76,267	21,838	40%	▲	
Health	1,636	1,636	1,350	1,697	347	26%		
Education and Welfare	13,713	22,813	18,559	17,629	(930)	-5%		
Housing	0	0	0	0	0	0%		
Community Amenities	199,740	199,740	193,510	197,158	3,648	2%		
Recreation and Culture	1,030,290	1,095,231	907,996	351,595	(556,401)	-61%	▼	
Transport	2,049,122	2,203,372	1,728,114	1,304,525	(423,589)	-25%	▼	
Economic Services	45,550	46,064	38,360	37,583	(777)	-2%		
Other Property and Services	40,227	95,427	79,490	49,451	(30,039)	-38%	▼	
	4,118,163	4,437,000	3,611,706	2,595,985	(1,015,721)	-28%		
<b>(Expenses)/(Applications)</b>								
General Purpose Funding	(149,696)	(154,596)	(126,340)	(137,292)	(10,952)	-9%		
Governance	(519,278)	(555,875)	(445,573)	(441,907)	3,666	1%		
Law, Order, Public Safety	(204,950)	(219,350)	(184,774)	(171,772)	13,002	7%		
Health	(144,759)	(142,809)	(110,938)	(116,103)	(5,165)	-5%		
Education and Welfare	(49,310)	(48,949)	(37,709)	(54,581)	(16,872)	-45%	▲	
Housing	0	0	0	0	0	0%		
Community Amenities	(379,875)	(393,650)	(323,639)	(295,161)	28,478	9%		
Recreation & Culture	(1,295,110)	(1,339,056)	(1,113,568)	(1,196,534)	(82,966)	-7%		
Transport	(2,870,996)	(3,051,377)	(2,506,876)	(2,034,445)	472,431	19%	▼	
Economic Services	(286,465)	(299,979)	(253,000)	(200,032)	52,968	21%	▼	
Other Property and Services	(17,446)	4,120	(10,621)	(17,429)	(6,808)	-64%	▲	
	(5,917,885)	(6,201,521)	(5,113,038)	(4,665,256)	447,782	-9%		
<b>Net Operating Result Excluding Rates</b>	<b>(1,799,722)</b>	<b>(1,764,521)</b>	<b>(1,501,332)</b>	<b>(2,069,271)</b>	<b>(567,939)</b>	<b>38%</b>		
<b>Adjustments for Non-Cash (Revenue) and Expenditure</b>								
(Profit)/Loss on Asset Disposals	2	(36,500)	904	750	3,297	2,547	-340%	
Movement in Deferred Pensioner Rates/ESL		0	0	0	0	0	0%	
Movement in Employee Benefit Provisions		0	0	0	0	0	0%	
Changes in Accounting Policy		0	0	0	0	0	0%	
Adjustments in Fixed Assets		0	0	0	0	0	0%	
Rounding		0	0	0	0	0	0%	
Depreciation on Assets		2,577,232	2,577,232	2,147,660	2,153,304	5,644	0%	
<b>Capital Revenue and (Expenditure)</b>								
Purchase Land Held for Resale	1	0	0	0	0	0	0%	
Purchase of Land and Buildings	1	(30,000)	(63,549)	(47,366)	(34,734)	12,632	27%	▼
Purchase of Furniture & Equipment	1	(34,081)	(11,400)	(9,500)	(10,603)	(1,103)	-12%	
Purchase of Right of Use Asset - Furniture & Equipment	1	(40,187)	(66,906)	(55,750)	(66,906)	(11,156)	-20%	▲
Purchase of Right of Use Asset - Plant & Equipment	1	(337,468)	(310,000)	(258,330)	(310,000)	(51,670)	-20%	▲
Purchase of Right of Use Asset - Buildings	1	(21,279)	(13,900)	(11,580)	(13,900)	(2,320)	-20%	
Purchase of Plant & Equipment	1	(294,500)	(234,436)	(195,340)	(170,844)	24,496	13%	▼
Purchase of WIP - PP & E	1	0	0	0	0	0	0%	
Purchase of Infrastructure Assets - Roads	1	(1,793,554)	(1,525,957)	(1,271,510)	(989,949)	281,561	22%	▼
Purchase of Infrastructure Assets - Footpaths	1	(237,673)	(237,673)	(198,040)	(71,524)	126,516	64%	▼
Purchase of Infrastructure Assets - Kerbs & Drains	1	0	0	0	0	0	0%	
Purchase of Infrastructure Assets - Parks & Ovals	1	(1,000,000)	(1,064,792)	(887,320)	(354,600)	532,720	60%	▼
Purchase of Infrastructure Assets - Bridges	1	0	0	0	0	0	0%	
Purchase of Infrastructure Assets - Other	1	0	0	0	0	0	0%	
Purchase of WIP Recreation and Culture	1	(88,443)	(361,140)	(296,530)	(53,902)	242,628	82%	▼
Purchase of WIP Aged Accommodation	1	0	0	0	0	0	0%	
Proceeds from Disposal of Assets	2	195,000	157,596	164,500	91,366	(73,134)	-44%	▼
Repayment of Debentures	3	(169,320)	(169,320)	(101,678)	(83,954)	17,724	17%	▼
Proceeds from New Debentures	3	0	0	0	0	0	0%	
Proceeds from new Lease Liabilities	3	398,934	390,806	325,660	390,806	65,146	20%	▲
Repayment of Leases	3	(96,540)	(58,532)	(48,433)	(33,620)	14,813	-31%	▼
Advances to Community Groups		0	0	0	0	0	0%	
Self-Supporting Loan Principal Income		17,539	17,539	8,769	8,630	(139)	-2%	
Transfer from Restricted Asset - Unspent Loans		0	0	0	0	0	0%	
Transfers to Restricted Assets (Reserves)	4	(173,803)	(172,500)	(120,250)	(52,651)	67,599	56%	▼
Transfers from Restricted Asset (Reserves)	4	152,200	149,505	124,580	0	(124,580)	-100%	▼
Transfers to Restricted Assets (Other)		0	0	0	0	0	0%	
Transfers from Restricted Asset (Other)		0	0	0	0	0	0%	
ADD Net Current Assets July 1 B/Fwd	5	718,736	718,860	718,736	718,736	0	0%	
Net Current Assets - Unspent Grants		0	0	0	0	0	0%	
LESS Net Current Assets Year to Date	5	0	51,245	581,345	1,141,866	560,521	-96%	▼
<b>Amount Raised from Rates</b>	<b>(2,093,429)</b>	<b>(2,093,429)</b>	<b>(2,093,649)</b>	<b>(2,092,186)</b>	<b>1,463</b>	<b>0%</b>		

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

**Material Variances Symbol**  
Above Budget Expectations  
Below Budget Expectations

Greater than 10% and \$5,000  
Less than 10% and \$5,000

▲  
▼

**Purpose**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date. The material variance adopted by Council for the current year is an Actual Variance exceeding 10% and a value greater than \$5,000.

**REPORTABLE OPERATING REVENUE VARIATIONS**

<b>Governance</b>	8,935	19% ▲
The variance relates to increased rental revenue webb street units		
<b>Law Order and Public Safety</b>	21,838	40% ▲
ESL SES and BFB grants YTD higher than budget due to timing difference		
<b>Recreation and Culture</b>	(556,401)	-61% ▼
There are a number of factors relating to the variance with the main drivers being the Community Development Grant - Memorial Park Redevelopment & Local Roads and Community Infrastructure Grant - Town Hall Project due to timing difference		
<b>Transport</b>	(423,589)	-25% ▼
There are a number of factors that relate to this variance with the main drivers being Grant funding timing difference - difference - LRCI PRACC Carpark , Country Pathway, R2R, RRG and Main Roads Special		
<b>Other Property and Services</b>	(30,039)	-38% ▼
The variance relates to reimbursement of Private Works - Pingelly Somerset Alliance		

**REPORTABLE OPERATING EXPENSE VARIATIONS**

<b>Education and Welfare</b>	(16,872)	-45% ▲
The variance relates to Depreciation for 2020/21 underallocated, to be reviewed		
<b>Transport</b>	472,431	19% ▼
There are a number of factors that relate to the variance with the main drivers being road maintenance program less than YTD budget due to budget profiling and loss on asset disposal less than budgeted		
<b>Economic Services</b>	52,968	21% ▼
Major variance relates to the Boyagin development not yet commenced and Unallocated Community Grants due to timing issue		
<b>Other Property and Services</b>	( 6,808)	-64% ▲
There are a number of factors which relate to this variance with the main drivers being Plant Operating Costs and Public Works Overheads, which are currently being monitored		

**REPORTABLE CAPITAL EXPENDITURE VARIATIONS**

<b>Purchase of Land &amp; Buildings</b>	12,632	27% ▼
The variance relates to budget profiling on the Town Hall Project		
<b>Purchase of Right of Use Asset - Furniture &amp; Equipment</b>	-11156	-20% ▲
Variance relates to purchase of ROU Plant & Equipment and budget profiling		
<b>Purchase of Right of Use Asset - Plant &amp; Equipment</b>	-51670	-20% ▲
Variance relates to purchase of ROU Plant & Equipment and budget profiling		
<b>Purchase of Plant &amp; Equipment</b>	24,496	13% ▼
Variance relates to purchase of Plant & Equipment Budget Profiling		
<b>Purchase of Road Infrastructure Assets</b>	281,561	22% ▼
Infrastructure - Roads YTD Actuals less than YTD Budget due to budget profiling		
<b>Purchase of Infrastructure Assets - Footpaths</b>	126,516	64% ▼
Infrastructure - Footpaths YTD Actuals less than YTD Budget due to budget profiling		
<b>Purchase of Infrastructure Assets - Parks &amp; Ovals</b>	532,720	60% ▼
Infrastructure - Parks & Ovals YTD Actuals less than YTD Budget due to budget profiling - Memorial Park Re-Development		
<b>Purchase of WIP Recreation and Culture</b>	242,628	82% ▼
The variance relates to the budget profiling for the PRACC carpark		
<b>Proceeds from Disposal of Assets</b>	-73,134	-44% ▼
The variance relates to a budget profiling on the disposal of plant		
<b>Repayment of Debentures</b>	17,724	17% ▼
The variation relates to budget profiling for borrowings		
<b>Proceeds from new Lease Liabilities</b>	65145.78	20% ▲
The variance relates to budget profiling for the Servers , Solar System and grader lease		
<b>Repayment of Leases</b>	14,813	-31% ▼
The variance relates to budget profiling for leases		

**REPORTABLE CAPITAL REVENUE VARIATIONS**

<b>Transfers to Restricted Assets (Reserves)</b>	67,599	56% ▼
A portion of reserves was transferred at the TDA maturity (31/12/20) with the remainder to occur at the end of the year		
<b>Transfers from Restricted Assets (Reserves)</b>	(124,580)	-100% ▼
Transfers to occur at TDA maturity - 30th June 2021		

SHIRE OF PINGELLY  
 Shire of Pingelly Ordinary Council Meeting Agenda 19 May 2021  
**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY  
 FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021**

	2020/21 Adopted Budget \$	2020/21 Revised Budget \$	2020/21 YTD Budget \$	April 2021 YTD Actual \$
<b>1. ACQUISITION OF ASSETS</b>				
The following assets have been acquired during the period under review:				
<b><u>By Program</u></b>				
<b>Governance</b>				
<u>Members</u>				
Furniture & Equipment - Schedule 4 Members	25,381	0	0	0
<u>Administration</u>				
Furniture And Equipment	8,700	11,400	9,500	10603
Right Of Use Asset - F & E	40,187	45,749	38,120	45749
Right Of Use Asset - F & E	0	21,157	17,630	21157
Right Of Use Asset - Buildings	21,279	13,900	11,580	13900
Capex - Admin Plant Purchases	90,000	81,000	67,500	80499
<b>Law, Order &amp; Public Safety</b>				
<u>Fire Prevention</u>				
Plant Purchase - Schedule 5 Bfb	0	5,800	4,830	5800
<u>Other Recreation &amp; Sport</u>				
Capex - Infra Parks & Ovals	1,000,000	1,064,792	887,320	354600
Capex - Gardener Vehicle	33,500	30,698	25,580	30699
<u>Works in Progress - Recreation Centre</u>				
Capex - Praac Building Construction	14,500	14,500	11,600	14300
Capex - Pracc Landscaping Soft & Hard	0	5,100	4,250	5093
Capex - Pracc Bowling Green	20,000	20,000	16,660	18902

**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**

**FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021**

1. ACQUISITION OF ASSETS (Continued)	2020/21 Adopted Budget \$	2020/21 Revised Budget \$	2020/21 YTD Budget \$	April 2021 Actual \$
<b>Recreation &amp; Culture</b>				
<i>Public Halls Civic Centres</i>				
Town Hall Refurbishment	0	33,549	22,366	8459
<b>Transport</b>				
<i>Construction - Roads, Bridges, Depots</i>				
<b>Roads Construction</b>				
Various Road Resheeting	267,597	0	0	0
York - Williams Road - Rtr	89,320	89,320	74,420	51800
Pasture Street - Council Constr	30,624	30,624	25,500	1560
Bullaring Road	158,611	158,611	132,160	115479
Capex - Milton Road	263,069	263,069	219,190	264002
Capex - Rrg Wickepin Pingelly Slk 7.9-9.0	229,221	229,221	191,000	94472
Capex - Wickepin Pingelly Road - Crsf Funding	708,956	708,956	590,790	462636
Review Street - Rtr	46,156	46,156	38,450	0
<b>Footpath Construction</b>				
Footpaths - Construction	237,673	237,673	198,040	71524
<i>Road Plant Purchases</i>				
8Kva Genset	8,500	6,800	5,660	6800
Capex - Pt15 Upgrade Truck Tip Tray	45,000	46,426	38,680	47046
Capex - Light Truck	115,000	61,212	51,010	0
Capex - Fuel Pods	2,500	2,500	2,080	0
Right Of Use Asset - P & E	337,468	310,000	258,330	310000
<b>Economic Services</b>				
<i>Other Economic Services</i>				
Capex - Purchase Of Land	30,000	30,000	25,000	26275
	<u>3,877,185</u>	<u>3,889,753</u>	<u>3,231,266</u>	<u>2076960</u>
<b>By Class</b>				
Land	30,000	30,000	25,000	26275
Buildings	0	33,549	22,366	8459
Furniture & Equipment	34,081	11,400	9,500	10603
Right of Use Asset - F & E	40,187	66,906	55,750	66906
Right of Use Asset - P & E	337,468	310,000	258,330	310000
Right of Use Asset - Buildings	21,279	13,900	11,580	13900
Plant & Equipment	294,500	234,436	195,340	170844
Infrastructure - Roads	1,793,554	1,525,957	1,271,510	989949
Infrastructure - Footpaths	237,673	237,673	198,040	71524
Infrastructure - Parks & Ovals	1,000,000	1,064,792	887,320	354600
Works in Progress - Recreation Centre	88,443	361,140	296,530	53902
	<u>3,877,185</u>	<u>3,889,753</u>	<u>3,231,266</u>	<u>2076960</u>

SHIRE OF PINGELLY

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021

2. DISPOSALS OF ASSETS

The following assets have been disposed of during the period under review:

Asset No	By Program	Written Down Value			Sale Proceeds			Profit(Loss)		
		2020/21		April 2021 Actual \$	2020/21		April 2021 Actual \$	2020/21		April 2021 Actual \$
		Budget \$	Revised Budget		Budget \$	Revised Budget		Budget \$	Revised Budget	
PDOC8	<b>Governance</b> DCCS Vehicle PN761	15,000	15,000	15,978	12,000	12,727	12,727	(3,000)	(2,273)	(3,251)
OE11	Admin Server - Zenien & Dell	0	0	100	0	0	0	0	0	(100)
PC13	<b>Recreation &amp; Culture</b> PC13 - Parks & Gardener Ute PN172	0	0	0	7,000	4,250		7,000	4,250	
PG6	<b>Transport</b> 2008 120M Motor Grader - PN398	60,000	60,000	0	110,000	79,000	0	50,000	19,000	0
PMOW12	2015 Mitsub Triton WS PN01	20,000	20,000	20,000	15,000	11,619	13,364	(5,000)	(8,381)	(6,636)
PT17	2010 Isuzu Crew Cab Tray Top PN483	19,000	19,000	18,709	14,000	4,500	14,727	(5,000)	(14,500)	(3,981)
PT15	2008 Isuzu Tip Truck PN66	14,500	14,500	13,602	7,000	15,500	24,273	(7,500)	1,000	10,671
	<b>Economic Services</b> Lot 856 (2) Stone Street Pingelly	30,000	30,000	26,275	30,000	30,000	26,275	0	0	0
		158,500	158,500	94,663	195,000	157,596	91,366	36,500	(904)	(3,297)

Asset No	By Class of Asset	Written Down Value			Sale Proceeds			Profit(Loss)		
		2020/21		April 2021 Actual \$	2020/21		April 2021 Actual \$	2020/21		April 2021 Actual \$
		Budget \$	Revised Budget		Budget \$	Revised Budget		Budget \$	Revised Budget	
PDOC8	<b>Plant &amp; Equipment</b> DCCS Vehicle PN761	15,000	15,000	15,978	12,000	12,727	12,727	(3,000)	(2,273)	(3,251)
PC13	PC13 - Parks & Gardener Ute PN172	0	0	0	7,000	4,250	0	7,000	4,250	0
PG6	2008 120M Motor Grader - PN398	60,000	60,000	0	110,000	79,000	0	50,000	19,000	0
PMOW12	2015 Mitsub Triton WS PN01	20,000	20,000	20,000	15,000	11,619	13,364	(5,000)	(8,381)	(6,636)
PT17	2010 Isuzu Crew Cab Tray Top PN483	19,000	19,000	18,709	14,000	4,500	14,727	(5,000)	(14,500)	(3,981)
PT15	2008 Isuzu Tip Truck PN66	14,500	14,500	13,601.70	7,000	15,500	24,273	(7,500)	1,000	10,671
OE11	<b>Furniture &amp; Equipment</b> Admin Server - Zenien & Dell	0	0	100	0	0	0	0	0	(100)
	<b>Land &amp; Buildings</b> Lot 856 (2) Stone Street Pingelly	30,000	30,000	26,275	30,000	30,000	26,275	0	0	0.00
		158,500	158,500	94,663	195,000	157,596	91,366	36,500	(904)	(3,297)

Summary

Profit on Asset Disposals  
Loss on Asset Disposals

2020/21		April 2021 Actual \$
Adopted Budget \$	Revised Budget \$	
57,000	24,250	10,671
(20,500)	(25,154)	(13,968)
36,500	(904)	(3,297)

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021

## 3. INFORMATION ON BORROWINGS

## (a) Debenture Repayments

Particulars	Principal 1-Jul-20	New Loans		Principal Repayments			Principal Outstanding			Interest Repayments		
		2020/21 Budget \$	2020/21 Actual \$	2020/21 Budget \$	2020/21 Revised Budget	2020/21 Actual \$	2020/21 Budget \$	2020/21 Revised Budget	2020/21 Actual \$	2020/21 Budget \$	2020/21 Revised Budget	2020/21 Actual \$
<b>Education &amp; Welfare</b>												
Loan 120 - SSL Pingelly Cottage Homes *	149,819	0	0	17,539	17,539	8,630	132,280	132,280	141,189	9,414	9,414	4,794
<b>Recreation &amp; Culture</b>												
Loan 123 - Recreation and Cultural Centre	2,054,890	0	0	100,699	100,699	49,825	1,954,191	1,954,191	2,005,065	85,462	85,462	43,020
Loan 124 - Recreation and Cultural Centre	1,200,000	0	0	51,082	51,082	25,499	1,148,918	1,148,918	1,174,501	7,757	7,757	3,792
	3,404,709	0	0	169,320	169,320	83,954	3,235,389	3,235,389	3,320,755	102,633	102,633	51,606

(\*) Self supporting loan financed by payments from third parties.  
All other loan repayments were financed by general purpose revenue.

## 3. INFORMATION ON LEASES

## (b) Lease Repayments

Particulars	Principal 1-Jul-20	New Lease		Lease Principal Repayments			Lease Principal Outstanding			Lease Interest Repayments		
		2020/21 Budget \$	2020/21 Actual \$	2020/21 Budget \$	2020/21 Revised Budget	2020/21 Actual \$	2020/21 Budget \$	2020/21 Revised Budget	2020/21 Actual \$	2020/21 Budget \$	2020/21 Revised Budget	2020/21 Actual \$
<b>Administration</b>												
Photocopier Lease	57,502	0	0	20,366	20,366	16,929	37,136	37,136	40,573	1,442	1,442	1,419
Solar System-Admin Office	0	13,900	13900	5,084	2,600	1,743	8,816	11,300	12,157	580	580	154
Server Lease	0	45,749	45749	7,566	5,566	4,596	38,183	40,183	41,153	1,117	600	548
CCTV Server Lease	0	21,157	21157	0	2,000	0	21,157	19,157	21,157	0	517	0
Grader Lease	0	310,000	310000	63,524	28,000	10,353	246,476	282,000	299,647	9,224	9,224	713
	57,502	390,806	390806	96,540	58,532	33,620	351,768	389,776	414,687	12,363	12,363	2,834



## SHIRE OF PINGELLY

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021

	2020/21		April 2021 Actual \$
	Adopted Budget \$	Revised Budget \$	
<b>4. RESERVES</b>			
<b>Cash Backed Reserves</b>			
<b>(a) Leave Reserve</b>			
Opening Balance	36,061	36,061	36,061
Amount Set Aside / Transfer to Reserve	799	332	144
Amount Used / Transfer from Reserve	(10,000)	(10,000)	0
	<u>26,860</u>	<u>26,393</u>	<u>36,205</u>
<b>(b) Plant Reserve</b>			
Opening Balance	48,977	48,977	48,977
Amount Set Aside / Transfer to Reserve	120,085	119,451	196
Amount Used / Transfer from Reserve	(133,500)	(133,500)	0
	<u>35,562</u>	<u>34,928</u>	<u>49,173</u>
<b>(c) Building and Recreation Reserve</b>			
Opening Balance	23,808	23,808	23,808
Amount Set Aside / Transfer to Reserve	348	219	95
Amount Used / Transfer from Reserve	0	0	0
	<u>24,156</u>	<u>24,027</u>	<u>23,903</u>
<b>(d) Electronic Equipment Reserve</b>			
Opening Balance	3,242	3,242	3,242
Amount Set Aside / Transfer to Reserve	35,006	35,030	35,013
Amount Used / Transfer from Reserve	(8,700)	(6,005)	0
	<u>29,548</u>	<u>32,267</u>	<u>38,255</u>
<b>(e) Community Bus Reserve</b>			
Opening Balance	11,807	11,807	11,807
Amount Set Aside / Transfer to Reserve	12,086	12,109	12,047
Amount Used / Transfer from Reserve	0	0	0
	<u>23,893</u>	<u>23,916</u>	<u>23,854</u>
<b>(f) Swimming Pool Reserve</b>			
Opening Balance	22,835	22,835	22,835
Amount Set Aside / Transfer to Reserve	5,320	5,210	5,091
Amount Used / Transfer from Reserve	0	0	0
	<u>28,155</u>	<u>28,045</u>	<u>27,926</u>
<b>(g) Refuse Site Rehab/Closure Reserve</b>			
Opening Balance	16,086	16,086	16,086
Amount Set Aside / Transfer to Reserve	159	149	64
Amount Used / Transfer from Reserve	0	0	0
	<u>16,245</u>	<u>16,235</u>	<u>16,150</u>
<b>Total Cash Backed Reserves</b>	<b><u>184,419</u></b>	<b><u>185,811</u></b>	<b><u>215,466</u></b>

All of the above reserve accounts are to be supported by money held in financial institutions.

## SHIRE OF PINGELLY

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021

	2020/21		April 2021 Actual
	Adopted Budget \$	Revised Budget \$	\$
<b>4. RESERVES (Continued)</b>			
<b>Cash Backed Reserves (Continued)</b>			
<b>Summary of Transfers To Cash Backed Reserves</b>			
<b>Transfers to Reserves</b>			
Leave Reserve	799	332	144
Plant Reserve	120,085	119,451	196
Building and Recreation Reserve	348	219	95
Electronic Equipment Reserve	35,006	35,030	35,013
Community Bus Reserve	12,086	12,109	12,047
Swimming Pool Reserve	5,320	5,210	5,091
Refuse Site Rehab/Closure Reserve	159	149	64
	<u>173,803</u>	<u>172,500</u>	<u>52,650</u>
<b>Transfers from Reserves</b>			
Leave Reserve	(10,000)	(10,000)	0
Plant Reserve	(133,500)	(133,500)	0
Building Reserve	0	0	0
Electronic Equipment Reserve	(8,700)	(6,005)	0
Community Bus Reserve	0	0	0
Swimming Pool Reserve	0	0	0
Refuse Site Rehab/Closure Reserve	0	0	0
	<u>(152,200)</u>	<u>(149,505)</u>	<u>0</u>
<b>Total Transfer to/(from) Reserves</b>	<u>21,603</u>	<u>22,995</u>	<u>52,650</u>

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

**Leave Reserve**

- to be used to fund annual and long service leave requirements.

**Plant Reserve**

- to be used for the purchase of major plant.

**Building and Recreation Reserve**

- to be used to fund the renovation/purchase of Shire of Pingelly buildings and Recreation Infrastructure.

**Electronic Equipment Reserve**

- to be used to fund the purchase of administration computer system equipment.

**Community Bus Reserve**

- to be used to fund the change-over of the community bus.

**Swimming Pool Reserve**

- to be used to fund the upgrading of the swimming pool complex

**Joint Venture Housing Reserve**

- to be used for the future maintenance of the Joint Venture units

**Refuse Site Rehab/Closure Reserve**

- to be used to facilitate the rehabilitation/closure of the town refuse site.

## SHIRE OF PINGELLY

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021

	2019/20 B/Fwd Per 2020/21 Budget \$	2019/20 B/Fwd Per Financial Report \$	April 2021 Actual \$
<b>5. NET CURRENT ASSETS</b>			
<b>Composition of Estimated Net Current Asset Position</b>			
<b>CURRENT ASSETS</b>			
Cash - Unrestricted	698,429	698,429	925,826
Cash - Restricted Unspent Grants			1,037,310
Cash - Restricted Unspent Loans	0	0	(0)
Cash - Restricted Bonds & Deposits	6,692	6,692	13,632
Cash - Restricted Reserves	162,817	162,817	215,468
Receivables (Budget Purposes Only)	0	0	0
Rates Outstanding	203,378	203,378	229,795
Sundry Debtors	66,182	66,182	16,870
Provision for Doubtful Debts	(990)	(990)	(990)
Gst Receivable	24,008	24,008	33,781
Contract Asset	180,445	180,445	0
Loans - clubs/institutions	17,538	17,538	8,909
Accrued Income/Payments In Advance	11,489	11,489	0
Investments	5,000	5,000	5,000
Inventories	3,704	3,704	1,558
	<u>1,378,691</u>	<u>1,378,691</u>	<u>2,487,157</u>
<b>LESS: CURRENT LIABILITIES</b>			
Payables and Provisions (Budget Purposes Only)	0	0	-
Sundry Creditors	(31,246)	(31,246)	(8,676)
Accrued Interest On Loans	(417)	(417)	-
Accrued Salaries & Wages	(15,193)	(15,193)	-
Bonds & Deposits Held	(6,692)	(6,692)	(13,632)
Income In Advance	0	0	(150,006)
Gst Payable	(5,656)	(5,656)	(1,908)
Payroll Creditors	0	0	-
Contract Liabilities	0	0	-
Performance Obligation Liability	(331,831)	(331,831)	(887,504)
Prepaid Rates Liability	(29,830)	(29,830)	(25,870)
Current Lease Liability	(20,366)	(20,366)	(14,257)
Accrued Expenses	(20,772)	(20,772)	-
PAYG Liability	(29,082)	(29,082)	(27,462)
Other Payables	(3,881)	(3,881)	(857)
Current Employee Benefits Provision	(374,554)	(374,554)	(374,554)
Current Loan Liability	(169,320)	(169,320)	(85,365)
	<u>(1,038,840)</u>	<u>(1,038,840)</u>	<u>(1,590,092)</u>
<b>NET CURRENT ASSET POSITION</b>	<b>339,851</b>	<b>339,851</b>	<b>897,066</b>
Less: Cash - Reserves - Restricted	(162,817)	(162,817)	(215,468)
Less: Cash - Unspent Grants/Loans - Fully Restricted	0	0	0
Less: Current Loans - Clubs / Institutions	(17,538)	(17,538)	(8,909)
Less: Investments	(5,000)	(5,000)	(5,000)
Add Back : Component of Leave Liability not Required to be Funded	374,554	374,554	374,554
Add Back : Current Loan Liability	169,320	169,320	85,365
Add Back : Current Lease Liability	20,366	20,366	14,257
Adjustment in Accounting policies	0	0 *	0
Adjustment for Trust Transactions Within Muni	0	0	0
<b>ESTIMATED SURPLUS/(DEFICIENCY) C/FWD</b>	<b><u>718,736</u></b>	<b><u>718,736</u></b>	<b><u>1,141,866</u></b>

**SHIRE OF PINGELLY**

Shire of Pingelly Ordinary Council Meeting Agenda 19 May 2021

**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**

**FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021**

**6. RATING INFORMATION**

<b>RATE TYPE</b>	<b>Rate in \$</b>	<b>Number of Properties</b>	<b>Rateable Value \$</b>	<b>2020/21 Rate Revenue \$</b>	<b>2020/21 Interim Rates \$</b>	<b>2020/21 Back Rates \$</b>	<b>2020/21 Total Revenue \$</b>	<b>2020/21 Budget \$</b>
<b>General Rate</b>								
GRV - Residential	0.121390	316	3,592,992	436,153	1,332	5	437,490	438,868
GRV - Rural Residential	0.121390	66	817,596	99,248	1,709	0	100,957	99,248
GRV - Commercial/Industrial	0.121390	29	412,252	50,043	(572)	(723)	48,747	50,043
GRV - Townsites	0.121390	12	144,560	17,548	0	0	17,548	17,548
UV - Broadacre Rural	0.009704	244	138,100,000	1,340,122	(345)	(154)	1,339,623	1,340,122
Non Rateable								
<b>Sub-Totals</b>		667	143,067,400	1,943,114	2,124	(872)	1,944,366	1,945,829
<b>Minimum Rates</b>	<b>Minimum \$</b>							
GRV - Residential	900	62	96,900	55,800	0	0	55,800	55,800
GRV - Rural Residential	900	24	52,909	21,600	0	0	21,600	21,600
GRV - Commercial/Industrial	900	11	36,200	9,900	0	0	9,900	9,900
GRV - Townsites	900	8	44,160	7,200	0	0	7,200	7,200
UV - Broadacre Rural	900	59	2,753,000	53,100	0	0	53,100	53,100
<b>Sub-Totals</b>		164	2,983,169	147,600	0	0	147,600	147,600
Ex Gratia Rates							2,091,966	2,093,429
Movement in Excess Rates							217	0
							0	0
<b>Total Amount of General Rates</b>							2,092,183	2,093,429
Specified Area Rates							0	0
Ex Gratia Rates							0	220
<b>Total Rates</b>							2,092,183	2,093,649

All land except exempt land in the Shire of Pingelly is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2020/21 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

## SHIRE OF PINGELLY

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021

## 7. OPERATING STATEMENT

	April 2021 Actual \$	2020/21 Revised Budget \$	2020/21 Adopted Budget \$	2019/20 Actual \$
<b>OPERATING REVENUES</b>				
Governance	56,685	57,319	38,685	90,759
General Purpose Funding	2,595,578	2,741,698	2,732,800	3,462,673
Law, Order, Public Safety	76,267	67,129	59,829	42,604
Health	1,697	1,636	1,636	1,776
Education and Welfare	17,629	22,813	13,713	22,338
Housing	0	0	0	0
Community Amenities	197,158	199,740	199,740	197,523
Recreation and Culture	351,595	1,095,231	1,030,290	50,563
Transport	1,304,525	2,203,372	2,049,122	1,326,421
Economic Services	37,583	46,064	45,550	52,250
Other Property and Services	49,451	95,427	40,227	38,383
<b>TOTAL OPERATING REVENUE</b>	<b>4,688,168</b>	<b>6,530,429</b>	<b>6,211,592</b>	<b>5,285,289</b>
<b>OPERATING EXPENSES</b>				
Governance	441,907	555,875	519,278	639,695
General Purpose Funding	137,292	154,596	149,696	196,491
Law, Order, Public Safety	171,772	219,350	204,950	236,514
Health	116,103	142,809	144,759	141,730
Education and Welfare	54,581	48,949	49,310	133,366
Housing	0	0	0	0
Community Amenities	295,161	393,650	379,875	392,607
Recreation & Culture	1,196,534	1,339,056	1,295,110	1,480,401
Transport	2,034,445	3,051,377	2,870,996	2,764,104
Economic Services	200,032	299,979	286,465	301,461
Other Property and Services	17,429	(4,120)	17,446	26,851
<b>TOTAL OPERATING EXPENSE</b>	<b>4,665,256</b>	<b>6,201,521</b>	<b>5,917,885</b>	<b>6,313,219</b>
<b>CHANGE IN NET ASSETS RESULTING FROM OPERATIONS</b>	<b>22,912</b>	<b>328,908</b>	<b>293,707</b>	<b>(1,027,930)</b>

## SHIRE OF PINGELLY

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021

## 8. STATEMENT OF FINANCIAL POSITION

	April 2021 Actual \$	2019/20 Actual \$
<b>CURRENT ASSETS</b>		
Cash and Cash Equivalents	2,178,604	861,246
Investments Current	5,000	5,000
Trade and Other Receivables	288,364	502,050
Inventories	1,558	3,704
Restricted Cash - Bonds & Deposits	13,632	6,692
<b>TOTAL CURRENT ASSETS</b>	<b>2,487,158</b>	<b>1,378,692</b>
<b>NON-CURRENT ASSETS</b>		
Other Receivables	198,513	198,513
Inventories	0	0
Property, Plant and Equipment	19,454,314	19,375,392
Infrastructure	66,442,666	66,692,594
Investments Non Current	53,416	53,416
<b>TOTAL NON-CURRENT ASSETS</b>	<b>86,148,909</b>	<b>86,319,915</b>
<b>TOTAL ASSETS</b>	<b>88,636,067</b>	<b>87,698,607</b>
<b>CURRENT LIABILITIES</b>		
Trade and Other Payables	1,116,540	488,274
Long Term Borrowings	85,365	169,320
Provisions	374,554	374,554
Bonds & Deposits Liability	13,632	6,692
<b>TOTAL CURRENT LIABILITIES</b>	<b>1,590,091</b>	<b>1,038,840</b>
<b>NON-CURRENT LIABILITIES</b>		
Trade and Other Payables	400,430	37,137
Long Term Borrowings	3,235,390	3,235,390
Provisions	82,901	82,901
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>3,718,721</b>	<b>3,355,428</b>
<b>TOTAL LIABILITIES</b>	<b>5,308,812</b>	<b>4,394,268</b>
<b>NET ASSETS</b>	<b>83,327,255</b>	<b>83,304,339</b>
<b>EQUITY</b>		
Retained Surplus	31,493,979	31,523,716
Reserves - Cash Backed	215,468	162,817
Revaluation Surplus	51,617,806	51,617,806
<b>TOTAL EQUITY</b>	<b>83,327,253</b>	<b>83,304,339</b>

## SHIRE OF PINGELLY

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 APRIL 2021 TO 30 APRIL 2021

## 9. FINANCIAL RATIOS

	2021 YTD	2020
Current Ratio	1.02	0.24
Operating Surplus Ratio	(0.59)	(0.86)

The above ratios are calculated as follows:

**Current Ratio**

$$\frac{(\text{Current Assets MINUS Restricted Assets})}{(\text{Current Liabilities MINUS Liabilities Associated with Restricted Assets})}$$

Purpose:

This is a modified commercial ratio designed to focus on the liquidity position of a local government that has arisen from past year's transactions.

Standards:

The standard is not met if the ratio is lower than 1:1 (less than 100%)

Below Std

The standard is met if the ratio is greater than 1:1 (100% or greater)

Std met

A ratio less than 1:1 means that a local government does not have sufficient assets that can be quickly converted into cash to meet its immediate cash commitments.

This may arise from a budget deficit from the past year, a Council decision to operate an overdraft or a decision to fund leave entitlements from next year's revenues.

**Operating Surplus Ratio**

$$\frac{(\text{Operating Revenue MINUS Operating Expense})}{(\text{Own Source Operating Revenue})}$$

Purpose:

This ratio is a measure of a local government's ability to cover its operational costs and have revenues available for capital funding or other purposes.

Standards:

Basic Standard is not met less than < 1% (< 0.01)

Below Std

Basic Standard between 1% and 15% (0.01 and 0.15)

Basic Std

Advanced Standard greater than > 15% (>0.15).

Adv Std

SHIRE OF PINGELLY RESTRICTED CASH RECONCILIATION 30 April 2021						
Restricted Grants/Funds Received	Projects	GL/Job Account	Total Restricted Funds	Actual Expenditure current year 2019/20	Actual Expenditure current year 2020/21	Restricted Funds Remaining
Wickepin Pingelly Road 0156 - RRG05 and R2R	Transport	1230	106,515.00	40,779.72	65,735.28	0.00
Wickepin Pingelly Road CRSF5	Transport	1231	295,240.00	29,144.48	266,095.52	0.00
Wickepin Pingelly Road 0156 - R2R	Transport	1232	55,485.00	0.00	28,737.13	26,747.87
Harper Street Bodey Street (R2R Funding)	Transport	1232	35,449.00	0.00	0.00	35,449.00
Milton Road (R2F Funding)	Transport	1232	72,023.00	0.00	72,023.00	0.00
Memorial Park Project	Recreation & Culture	111P	900,000.00	0.00	289,807.86	610,192.14
PRACC Carpark	Recreation & Culture	11PW	200,697.00	0.00	26,607.65	174,089.35
Pasture Street (R2R Funding)	Transport	1201	27,559.00	0.00	1,560.00	25,999.00
Town Hall Maintenance and Improvements	Recreation & Culture	11EH	23,485.00	0.00	8,458.63	15,026.37
Pingelly Astrofest	Recreation & Culture	1130	5,000.00	0.00	4,752.63	247.37
Live & Local Music	Recreation & Culture	1180	13,000.00	0.00	2,136.36	10,863.64
National Australia Day Council	Recreation & Culture	1175	20,000.00	0.00	20,000.00	0.00
Roadside Vegetation Clearing	Transport	1274	122,500.00	0.00	305.00	122,195.00
AWARE - Regional Recovery Exercise	Law Order & Public Safety	0555	14,500.00	0.00	0.00	14,500.00
National Volunteer Week Grant	Recreation & Culture	CD031	2,000.00	0.00	0.00	2,000.00
<b>Sub Total</b>						<b>1,037,309.74</b>
<b>Total Restricted Grant Funds</b>						<b>1,037,309.74</b>
<b>Available Cash</b>		<b>GL/Job Account</b>	<b>Interest Rate</b>			<b>Balance</b>
Municipal Bank	Muni Fund Bank	0111	0			169,123.19
Municipal Bank	Muni Fund Interest Bearing A/C	0111	0.05%			900,163.67
Municipal Bank - TDA	Muni Fund Bank TDA	0111	0.10%			893,298.90
Municipal Bank	Till Float SES	0112				50.00
Municipal Bank	Till Float	0113				200.00
Municipal Bank	Petty Cash on hand	0114				300.00
Total Cash						1,963,135.76
Less Restricted Cash						(1,037,309.74)
<b>Total Unrestricted Cash</b>						<b>925,826.02</b>



## **15.2 Accounts Paid by Authority – April 2021**

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

### **Summary**

Council is requested to receive the list of accounts paid by authority for the month of April 2021.

### **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

Goal 5	Innovation Leadership and Governance
Outcome 5.6	Financial systems are effectively managed
Strategy 5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting) and long-term financial planning requirements

### 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 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

### Recommendation

**That Council receive the Accounts for Payments for April 2021 as authorised under delegated authority and in accordance with the Local Government (Financial Management) Regulations 1996:**

To 30 April 2021:

Municipal Account	\$455,427.79
Trust Licensing Account	\$21,404.00
Trust Account	\$50.00

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **16. DIRECTORATE OF TECHNICAL SERVICES**

### **16.1 Bush Fire Advisory Committee Minutes**

**File Reference:** ADM0057  
**Location:** Shire of Pingelly  
**Applicant:** Chief Bush Fire Control Officer  
**Author:** Administration Officer Technical  
**Disclosure of Interest:** Nil  
**Attachments:** Minutes Bush Fire Advisory Committee Meeting 6 April 2021  
**Previous Reference:** Nil

#### **Summary**

Council is requested to adopt the recommendations from the Bush Fire Advisory Committee Meeting held on 6 April 2021.

#### **Background**

Each year the Shire of Pingelly appoints persons to undertake statutory and representative rolls to perform the obligations under the Bush Fires Act 1954. Nominations are forwarded from the individual Brigades via the Shire of Pingelly Bush Fire Advisory Committee, who make recommendation to the Council.

The conditions in the Fire Control Order are also reviewed and any changes that need to be made are endorsed.

#### **Comment**

The Bush Fire Advisory Committee have recommended to the Council that the following people be appointed to the respective Bush Fire Control positions, as indicated:

Chief Fire Control Officer	Rodney Shaddick
Deputy Chief Fire Control Officer	Sam MacNamara and Brodie Cunningham
Training Officer/Organisation	Shire of Pingelly
Fire Control Officers:	
East Pingelly Brigade	Jeffrey Bernard Edwards Victor Arthur Lee Andrew Augustin Marshall Sam MacNamara (DCFCO)
Moorumbine Noonebin Brigade	Rodney Leonard Shaddick (CBFCO) Brodie Cunningham (DCFCO) Scott Cunningham
West Pingelly Brigade	Simon Parsons Anthony Turton Adam Lindsay Watts Malcolm Leslie Cunningham
Pingelly Central/VFRS	Peter Narducci
Shire of Pingelly	Chief Executive Officer Jason Carrall (CESM) Darryn Watkins (EMTS) Mike Hudson (Works Coordinator) Sheryl Frances Squiers (Shire Administration)
Fire Weather Officers (Harvest & Vehicle movement ban)	Rodney Leonard Shaddick Graeme Alex Watts

Sam MacNamara

Dual Fire Control Officers

Brookton:

Rodney Leonard Shaddick  
Sam MacNamara  
Brodie Cunningham  
Jeffrey Bernard Edwards  
Victor Arthur Lee  
Malcolm Leslie Cunningham  
Adam Lindsay Watts

Wickepin:

Rodney Leonard Shaddick  
Sam MacNamara  
Brodie Cummingham  
Victor Arthur Lee  
Andrew Augustin Marshall

Cuballing:

Rodney Leonard Shaddick  
Sam MacNamara  
Brodie Cunningham  
Simon Parsons  
Anthony Turton  
Andrew Augustin Marshall

Corrigin:

Rodney Leonard Shaddick  
Sam MacNamara  
Brodie Cunningham  
Jeffrey Bernard Edwards  
Victor Arthur Lee

Wandering:

Rodney Leonard Shaddick  
Sam MacNamara  
Brodie Cunningham  
Simon Parsons  
Anthony Turton  
Adam Lindsay Watts  
Malcolm Leslie Cunningham

### Consultation

Consultation has occurred with the Brigades following call for nominations and consideration at individual Brigade AGM's.

BFAC committee decision to alter wording in Fire Control Order

### 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.

Section 38 of the *Bush Fires Act* provides that:

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

- (2) (a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person who is not a member of staff (as defined in the DFES Act) to the vacant office.
- (e) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
- (a) carrying out normal brigade activities;
- (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
- (e) procuring the due observance by all persons of the provision of Part III.
- (5) (a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
- (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
- (c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6) (a) In this section —
- approved local government** means a local government approved under paragraph (b) by the Authority.
- (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —
- (i) may approve the local government as one to which this subsection applies; and
- (ii) may from time to time cancel or vary any previous approval given under this paragraph.
- (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy

who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.

- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the Government Gazette.
- (e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.
- (f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.
- (g) The provisions of this subsection are not in derogation of those of any other subsection of this section.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "catastrophic", "extreme", "severe" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush —
  - (i) during the prohibited burning times; or
  - (ii) during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.

Section 38A of the *Bush Fires Act* provides that:

- (1) At the request of a local government the Authority may appoint a member of staff (as defined in the DFES Act) to be the Chief Bush Fire Control Officer for the district of that local government.
- (2) Where a Chief Bush Fire Control Officer has been appointed under subsection (1) for a district the local government is not to appoint a Chief Bush Fire Control Officer under section 38(1).
- (3) The provisions of this Act, other than section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government.
- (4) Section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if —
  - (a) he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government; and
  - (b) the references in those subsections to the local government were references to the Authority.

Section 40 of the *Bush Fires Act* provides that:

- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.

### **Policy Implications:**

Council's Policy provides that:

- 1. Council will not appoint or reappoint a person as a Fire Control Officer unless they have completed a Fire Control Officer's training course certified by DFES within the previous ten years. Proof of satisfactory completion of the course is required.

- It is desirable that Dual Fire Control Officers nominated by neighbouring Shires have completed a Fire Control Officer's training course certified by DFES within the previous ten years. The Chief Executive Officer is to seek training status details from the nominating Shire.

### Financial Implications

There are no known financial implications.

### Strategic Implications

Goal 2	Community
Outcome 2.3	People feel that their community is safe for all, free of nuisance and protected from risk of damage
Strategy 2.3.2	Act to reduce the risk of bush fire, and be prepared in case of bush fire in terms of emergency response and disaster recovery

### Risk Implications

Risk	Risk of the potentiality of bush fire.
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Operations
Risk Action Plan (Controls or Treatment Proposed)	To promote the prevention and control of the outbreak of bush fire.

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

### Recommendation

That Council:

- Receive the Bushfire Advisory Committee Meeting minutes of the Shire of Pingelly held on 6 April 2021.
- Endorse the following Bush Fire Control Order for the 2021/2022 season:

#### **FIRE CONTROL ORDER 2021/2022**

##### ***Bush Fires Act 1954***

Pursuant to the powers contained in section 33 of the *Bush Fires Act 1954*, all owners and occupiers of land within the Shire of Pingelly are hereby required to take, provide and/or maintain fire control measures during the firebreak period as follows:

**“Excluded Area”** means an area of rural land not exceeding 30ha, where it is physically impossible to install firebreaks, or where in the owner's or occupier's opinion, the installation of firebreaks would be detrimental to the conservation of remnant or natural vegetation or the establishment of re-afforested areas.

**“Farming Land”** means all land within the Shire of Pingelly zoned ‘Farming’ under the *Local Planning Scheme No. 3*.

**“Firebreak Period”** means the time between 1 November and 29 March in the following year.

**“Firebreak”** means ground from which all flammable material has been

removed and on which no flammable material is permitted during the firebreak period.

**“Flammable Material”** means bush (as defined by the *Bush Fires Act 1954*), timber boxes, cartons, paper and the like flammable materials, rubbish and any combustible matter, but does not include buildings, standing trees or growing bushes or plants in gardens or lawns.

**“Rural Residential Land”** means all land within the Shire of Pingelly zoned ‘Rural Residential’ under the *Local Planning Scheme No. 3*.

**“Townsite Land”** means all land within the townsite of Pingelly not zoned as ‘Rural Residential’ under the *Local Planning Scheme No. 3*.

**“Very High Fire Danger”** means on days forecast by the Bureau of Meteorology. On days forecast as *Very High Fire Danger or above*, permits are to be automatically suspended.

#### **Farming Land**

On farming land other than excluded areas, the owner or occupier shall:-

- a) Clear firebreaks not less than 3m wide:
  - i. inside all external boundaries of the land,
  - ii. within 15m of the perimeter of all buildings and remove all flammable material from within the 3m of all such buildings, and
  - iii. so as to divide the land into areas not exceeding 400ha.
- b) remove all flammable material for a continuous distance of 5m immediately surrounding every haystack, hayshed, stationary pump or engine, and
- c) remove all flammable material for a continuous distance of 15m or to the external boundary of the land whichever is nearer, from around fuel depots.

**Note:** Landowners may use a single firebreak on a neighbour’s common fenced boundary as long as both parties agree in writing and a copy of the agreement is delivered to the Shire of Pingelly. *All agreements to be submitted to the Shire of Pingelly by 1 October of each year for the Chief Executive Officer to acknowledge agreement.*

All excluded areas remain the owner’s or occupier’s responsibility and any variation as permitted by the Order does not render null and void any duty otherwise required by law.

#### **Townsite Land**

On townsite land, where a property or adjoining properties having the same ownership or control and are used as a single holding, the owner or occupier, shall:-

- a) where the holding is under 2024m<sup>2</sup> in area have all flammable material likely to be conducive to the outbreak, spread or extension of fire removed, and the grass maintained to a height not greater than 10cm and all slashed material removed or
- b) where the holding is under 2024m<sup>2</sup> in area clear by burning all flammable material likely to be conducive to the outbreak, spread or extensions of a fire from the whole of the land subject to prior approval from the Shire of Pingelly.
- c) All townsite properties over 2,024m<sup>2</sup> in area are required to be fire hazard reduced by:
  - i). Construction and maintenance of a 3 metre wide bare mineral earth unobstructed trafficable firebreak within 10 metres of the boundary; and
  - ii). Reduction of the vegetation fire hazard to a maximum height of 100mm including the removal of slashed material, unless an exemption is granted by



the Chief Executive Officer in consultation with the Chief Bush Fire Control Officer/VFRS Captain and Ranger Services.

iii). Firebreak must be constructed on and contained within the property: footpaths and roads or road verges will not be accepted as firebreaks.

- d) Trees, bushes, shrubs are to be trimmed back over driveways and access ways to all buildings to three (3) metres width with a clear vertical axis over it of four (4) metres. This is to afford access for emergency services to all structures and points of the property.

**RURAL RESIDENTIAL LAND (including Moorumbine, Dattening, Pingelly Heights & Pingelly Townsite)**

On rural residential land, where a property or adjoining properties having the same ownership or control and are used as a single holding, the owner or occupier shall:

- a) Comply with the requirements of townsite land, where the holding does not exceed 2024m<sup>2</sup> in area; or
- b) where the holding is over 2,024m<sup>2</sup> in area and not greater than 10ha in area is required to be fire hazard reduced by:
- i). Construction and maintenance of a 3 metre wide bare mineral earth unobstructed trafficable firebreak within 10 metres of the boundary; and
- ii). Reduction of the vegetation fire hazard to a maximum height of 100mm including the removal of slashed material, unless an exemption is granted by the Chief Executive Officer in consultation with the Chief Bush Fire Control Officer/VFRS Captain and Ranger Services.
- iii). Firebreak must be constructed on and contained within the property: footpaths and roads or road verges will not be accepted as firebreaks.
- c) Trees, bushes, shrubs are to be trimmed back over driveways and access ways to all buildings to three (3) metres width with a clear vertical axis over it of four (4) metres. This is to afford access for emergency services to all structures and points of the property.

**Application to Vary Firebreak Requirements**

If it is considered impracticable to clear firebreaks or remove flammable material from the land as required, application may be made in writing to the Council or its duly authorised officer *by 1 October prior to the upcoming season* for permission to put in place alternative fire hazard reduction measures. If permission is not granted, the requirements of this Order shall be complied with.

The penalty for failing to comply with this notice is a fine not exceeding \$250 and a person in default is also liable whether prosecuted or not to pay the costs of performing the work directed in this notice if it is not carried out by the owner and/or occupier by the date required by this notice.

By Order of Council

**Use of Mowers & Whipper Snippers/Slashers During The Prohibited Burning Period**

- a) not to be used during Harvest Bans, Vehicle Movement Bans or Total Fire Bans on any area
- b) not to be used between 6.00am to 6.00pm from 1 November and during the rest of the prohibited burning period unless on a reticulated area. (This means the grass is “green” and non-combustible).
- c) vegetation that is not green and flammable and that can be reticulated, can be slashed between 6.00am and 6.00pm must be well watered prior to mowing, whipper snipping or slashing (that is within the hour of watering) so that there is no chance of “sparking” and must remain damp

during the operation.

- d) the area in an orchard that is not watered between rows if the trees are reticulated by drippers is not considered to be reticulated.
- e) as an added precaution have a “watcher” on hand with a hose.
- f) the use of disk or slashing type machines for agricultural purposes during the Prohibited Burning Period is to be by specific permit from the Chief Bushfire Control Officer or the Deputy CBFCO.

#### **Ongoing Maintenance of Firebreaks/Hazard Reduction**

Pursuant to the powers contained in Section 33 of the Bush Fires Act 1954, you are hereby required on or before 31 October, to plough, scarify, cultivate, spray or otherwise clear and therefore maintain free of all flammable material until 29 March mineral earth firebreaks and hazard reduction, on the land owned or occupied by you.

#### **Control of Operations Likely to Cause a Fire**

Property owners should take care to prevent bush fires. The operation of welding equipment and angle grinders are activities likely to create a fire danger when used in the open air. A person shall provide at least one fire extinguisher at the place where welding or cutting operations are carried out and surround this place with a firebreak which is at least five (5) metres wide.

For updates on Hot Works, Harvest and Movement of Machinery Bans please ring the information line on 9887 1265 (recorded message) or register with the SMS warning system with the Shire to receive a text when a ban is implemented.

#### **Firebreaks on Road Reserves**

Firebreaks are not permitted on a road reserve.

#### **Primary Fire Fighting Units**

During any period when harvesting operations are being conducted there shall be provided in the same paddock or within close proximity of that paddock, an operational independent mobile primary firefighting unit having an engine driven pump and a water capacity of not less than 600 litres; the tank of the unit shall be kept full of water at all times during harvesting, and the responsibility to supply the unit is that of the landholder. Harvesting operations include the use of mobile augers and seed cleaning units.

Firefighting trailers for fire suppression are regarded as out dated and dangerous — both to their operators and to other fire fighters on a fire ground. Their use at wild fires is not encouraged.

#### **Clover Harvesting**

Harvesting bans include the harvesting of clover.

#### **Boyagin Rock Picnic Area**

No wood fires are permitted in the Boyagin Rock Picnic Area (Reserve No. 29413) between 1 October each year and 30 April following.

3. Appoint Rodney Leonard Shaddick to the position of Chief Fire Control Officer and Sam MacNamara and Brodie Cunningham to the position of Deputy Chief Bush Fire Officers pursuant to Section 38(1) of the Bush Fires Act 1954,
4. Appoint the following people to the respective Bush Fire Control positions of the Shire of Pingelly pursuant to Section 38(1) of the Bush Fires Act 1954:

**Chief Fire Control Officer** Rodney Leonard Shaddick  
**Deputy Chief Fire Control Officer** Sam MacNamara and Brodie Cunningham  
**Training Officer/Organisation** Shire of Pingelly

**Fire Control Officers**  
**East Pingelly Brigade** Jeffrey Bernard Edwards  
Victor Arthur Lee  
Andrew Augustin Marshall  
Sam MacNamara (DCBFCO)

**Moorumbine** Rodney Leonard Shaddick (CBFCO)  
**Noonebin Brigade** Scott Cunningham  
Brodie Cunningham (DCBFCO)

**West Pingelly Brigade** Simon Parsons  
Anthony Turton  
Adam Lindsay Watts  
Malcolm Leslie Cunningham

**Pingelly Central/VFRS** Peter Narducci

**Shire of Pingelly** Chief Executive Officer  
Darryn Watkins (EMTS)  
Jason Carrall (CESM)  
Mike Hudson (Works Coordinator)  
Sheryl Frances Squiers (AOT)

**Fire Weather Officers** Rodney Leonard Shaddick  
**(Harvest & Vehicle Movement Ban)** Graeme Alex Watts  
Sam MacNamara

5. Appoint the following people to the respective Dual Bush Fire Control positions of the Shire of Pingelly and the Shires of Brookton, Corrigin, Cuballing, Wandering and Wickepin pursuant to Section 40 of the Bush Fires Act 1954:

**Dual Fire Control Officers**

**Brookton:**

Rodney Leonard Shaddick  
Sam MacNamara  
Brodie Cunningham  
Jeffrey Bernard Edwards  
Victor Arthur Lee  
Malcolm Leslie Cunningham  
Adam Lindsay Watts

**Wickepin:**

Rodney Leonard Shaddick  
Sam MacNamara  
Brodie Cunningham  
Victor Arthur Lee  
Andrew Augustin Marshall

**Cuballing:**

Rodney Leonard Shaddick  
Sam MacNamara  
Brodie Cunningham  
Simon Parsons  
Anthony Turton  
Andrew Augustin Marshall

**Corrigin:**

Rodney Leonard Shaddick  
Sam MacNamara

**Brodie Cunningham  
Jeffrey Bernard Edwards  
Victor Arthur Lee**

**Wandering:**

**Rodney Leonard Shaddick  
Sam MacNamara  
Brodie Cunningham  
Simon Parsons  
Anthony Turton  
Adam Lindsay Watts  
Malcolm Leslie Cunningham**

- 6. That the Shire supports the increasing the size of all firebreaks on Shire managed land to a width of 4m and a vertical height of 4m.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_



# Shire of Pingelly

## Minutes

Bushfire Advisory Committee Meeting  
6 April 2021

## **Minutes of the Bushfire Advisory Committee Meeting of the Shire of Pingelly held in the Council Chambers, 17 Queen Street, Pingelly on 6 April 2021.**

### **Charter (Item 10.6 – 17 March 2010):**

Is to advise Council on all matters relating to:

- the prevention, controlling and extinguishing of bush fires;
- prosecutions for breaches of the Bush Fires 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.

### **Membership**

- Cr D Freebairn
- Cr B Hotham
- Brigade representative
- FCOs

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## **1. OPENING & ANNOUNCEMENTS**

The CBFCO, Mr Rod Shaddick, declared the meeting open at 7.02 pm.

## **2. ATTENDANCE & APOLOGIES**

### **2.1 Attendance**

Council	Cr Bryan Hotham
West Pingelly	Mr Adam Watts Mr Simon Parsons
Moorumbine-Noonebin	Mr Rodney Shaddick (CBFCO) Mr Brodie Cunningham Mr Scott Cunningham
East Brigade	Mr Sam MacNamara
Pingelly Central	Mr Peter Narducci Ms Kerry Keys
Shire of Pingelly	Mrs Sheryl Squiers (Admin FCO) Mrs Julie Burton (CEO) Mr Jason Carrall (CESM)
DFES	Mr Paul Dennison (Acting Area Manager) Mr Peter Cupitt (Bushfire Mitigation)

### **2.2 Observers & Visitors**

### **2.3. Apologies**

Mr Andrew Marshall  
Mr Mitchell Davies (DCBA)  
Mr Anthony Turton  
Cr David Freebairn  
Mr Darryn Watkins (EMTS)  
Mr R Kirk (DCBFCO)  
Mr Malcolm Cunningham  
Mr Alan Parsons

## **3. DECLARATIONS OF INTEREST**

Nil

## **4. CONFIRMATION OF MINUTES**

Minutes of the Shire of Pingelly Bushfire Advisory Committee meeting held on 6 October 2020 have been circulated.

### **Business Arising from Minutes**

Nil

### **Statutory Environment:**

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

### **Recommendation:**

That the Minutes of the Shire of Pingelly Bushfire Advisory Meeting held in the Council Chamber on 6 October 2020 be confirmed.

**11354 – Moved: Peter Narducci**

**Seconded: Bryan Hotham**

**That the Minutes of the Shire of Pingelly Bushfire Advisory Meeting held in the Council Chamber on 6 October 2020 be confirmed.**

**CARRIED**



## **5. NOMINATION OF OFFICERS**

Due to the COVID-19 Pandemic there was no meeting in April 2020.

Officers nominated via email contact with BFAC Committee on 17 April 2020 and appointed by Council on 20 May 2020 were:

Chief Fire Control Officer	Rodney Leonard Shaddick
Deputy Chief Fire Control Officer	Robert Alexander Kirk
Training Officer	Shire of Pingelly
Fire Control Officers	
East Pingelly Brigade	Jeffrey Bernard Edwards Victor Arthur Lee Andrew Augustin Marshall Sam MacNamara
Moorumbine - Noonebin Brigade	Rodney Leonard Shaddick Scott Cunningham Brodie Cunningham
West Pingelly Brigade	Malcolm Leslie Cunningham Alan William Parsons Anthony Turton Adam Lindsay Watts
Pingelly Central/VFRS	Robert Alexander Kirk (DCBFCO) Peter Narducci
Shire of Pingelly	Stuart Billingham (Director Corporate Community Services) Director of Technical Services Works Supervisor Sheryl Frances Squiers (Shire Administration)
Fire Weather Officers (Harvest & Vehicle movement ban)	Rodney Leonard Shaddick Robert Alexander Kirk Graeme Alex Watts Sam MacNamara
Dual Fire Control Officers	
Brookton:	Rodney Leonard Shaddick Robert Alexander Kirk Jeffrey Bernard Edwards Victor Arthur Lee Malcolm Leslie Cunningham Adam Lindsay Watts
Wickepin:	Rodney Leonard Shaddick Robert Alexander Kirk Victor Arthur Lee Andrew Augustin Marshall
Cuballing:	Rodney Leonard Shaddick Robert Alexander Kirk Simon Parsons Anthony Turton Andrew Augustin Marshall

Corrigin: Rodney Leonard Shaddick  
Robert Alexander Kirk  
Jeffrey Bernard Edwards  
Victor Arthur Lee

Wandering: Rodney Leonard Shaddick  
Robert Alexander Kirk  
Simon Parsons  
Anthony Turton  
Adam Lindsay Watts  
Malcolm Leslie Cunningham

**Legislation:**

Section 38 of the *Bush Fires Act* provides that:

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2)
  - (a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
  - (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
  - (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person who is not a member of staff (as defined in the DFES Act) to the vacant office.
  - (e) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
  - (a) carrying out normal brigade activities;
  - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
  - (e) procuring the due observance by all persons of the provision of Part III.
- (5)
  - (a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
  - (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
  - (c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6)
  - (a) In this section —

**approved local government** means a local government approved under paragraph (b) by the Authority.

- (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —
  - (i) may approve the local government as one to which this subsection applies; and
  - (ii) may from time to time cancel or vary any previous approval given under this paragraph.
- (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.
- (e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.
- (f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.
- (g) The provisions of this subsection are not in derogation of those of any other subsection of this section.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “catastrophic”, “extreme”, “severe” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush —
  - (i) during the prohibited burning times; or
  - (ii) during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.

Section 38A of the *Bush Fires Act* provides that:

- (1) At the request of a local government the Authority may appoint a member of staff (as defined in the DFES Act) to be the Chief Bush Fire Control Officer for the district of that local government.
- (2) Where a Chief Bush Fire Control Officer has been appointed under subsection (1) for a district the local government is not to appoint a Chief Bush Fire Control Officer under section 38(1).



<b>Moorumbine - Noonebin Brigade</b>	<b>Rodney Leonard Shaddick Scott Cunningham Brodie Cunningham</b>
<b>West Pingelly Brigade</b>	<b>Simon Parsons Anthony Turton Adam Lindsay Watts Malcolm Leslie Cunningham</b>
<b>Pingelly Central/VFRS</b>	<b>Peter Narducci</b>
<b>Shire of Pingelly</b>	<b>Chief Executive Officer Jason Carrall (CESM) Darryn Watkins (EMTS) Mike Hudson (Works Coordinator) Sheryl Frances Squiers (Shire Administration)</b>
<b>Fire Weather Officers (Harvest &amp; Vehicle movement ban)</b>	<b>Rodney Leonard Shaddick Robert Alexander Kirk Graeme Alex Watts Sam MacNamara</b>
<b>Dual Fire Control Officers Brookton:</b>	<b>Rodney Leonard Shaddick) Sam MacNamara Brodie Cunningham Jeffrey Bernard Edwards Victor Arthur Lee Malcolm Leslie Cunningham Adam Lindsay Watts</b>
<b>Wickepin:</b>	<b>Rodney Leonard Shaddick Sam MacNamara Brodie Cunningham Victor Arthur Lee Andrew Augustin Marshall</b>
<b>Cuballing:</b>	<b>Rodney Leonard Shaddick Sam MacNamara Brodie Cunningham Simon Parsons Anthony Turton Andrew Augustin Marshall</b>
<b>Corrigin:</b>	<b>Rodney Leonard Shaddick Sam MacNamara Brodie Cunningham Jeffrey Bernard Edwards Victor Arthur Lee</b>
<b>Wandering:</b>	<b>Rodney Leonard Shaddick Sam MacNamara Brodie Cunningham Simon Parsons Anthony Turton Adam Lindsay Watts Malcolm Leslie Cunningham</b>

**Be recommended for appointment to the various Offices.**

**CARRIED**

## **6. FIRE CONTROL ORDER 2021/22**

The 2020/21 Fire Control Order was:

### ***Bush Fires Act 1954***

Pursuant to the powers contained in section 33 of the *Bush Fires Act 1954*, all owners and occupiers of land within the Shire of Pingelly are hereby required to take, provide and/or maintain fire control measures during the firebreak period as follows:

**“Excluded Area”** means an area of rural land not exceeding 30ha, where it is physically impossible to install firebreaks, or where in the owner’s or occupier’s opinion, the installation of firebreaks would be detrimental to the conservation of remnant or natural vegetation or the establishment of re-afforested areas.

**“Farming Land”** means all land within the Shire of Pingelly zoned ‘Farming’ under the *Local Planning Scheme No. 3*.

**“Firebreak Period”** means the time between 1 November and 15 April in the following year.

**“Firebreak”** means ground from which all flammable material has been removed and on which no flammable material is permitted during the firebreak period.

**“Flammable Material”** means bush (as defined by the *Bush Fires Act 1954*), timber boxes, cartons, paper and the like flammable materials, rubbish and any combustible matter, but does not include buildings, standing trees or growing bushes or plants in gardens or lawns.

**“Rural Residential Land”** means all land within the Shire of Pingelly zoned ‘Rural Residential’ under the *Local Planning Scheme No. 3*.

**“Townsite Land”** means all land within the townsite of Pingelly not zoned as ‘Rural Residential’ under the *Local Planning Scheme No. 3*.

**“Very High Fire Danger”** means on days forecast by the Bureau of Meteorology. On days forecast as *Very High Fire Danger or above*, permits are to be automatically suspended.

### **Farming Land**

On farming land other than excluded areas, the owner or occupier shall:-

- a) Clear firebreaks not less than 3m wide:
  - i. inside all external boundaries of the land,
  - ii. within 15m of the perimeter of all buildings and remove all flammable material from within the 3m of all such buildings, and
  - iii. so as to divide the land into areas not exceeding 400ha.
- b) remove all flammable material for a continuous distance of 5m immediately surrounding every haystack, hayshed, stationary pump or engine, and
- c) remove all flammable material for a continuous distance of 15m or to the external boundary of the land whichever is nearer, from around fuel depots.

**Note:** Landowners may use a single firebreak on a neighbour’s common fenced boundary as long as both parties agree in writing and a copy of the agreement is delivered to the Shire of Pingelly. All agreements to be submitted to the Shire of Pingelly by 1 October of each year to the Chief Executive Officer to acknowledge agreement

All excluded areas remain the owner’s or occupier’s responsibility and any variation as permitted by the Order does not render null and void any duty otherwise required by law.

### **Townsite Land**

On townsite land, where a property or adjoining properties having the same ownership or control and are used as a single holding, the owner or occupier,

shall:-

- a) where the holding is under 2024m<sup>2</sup> in area have all flammable material likely to be conducive to the outbreak, spread or extension of fire removed, and the grass maintained to a height not greater than 10cm and all slashed material removed or
- b) where the holding is under 2024m<sup>2</sup> in area clear by burning all flammable material likely to be conducive to the outbreak, spread or extensions of a fire from the whole of the land subject to prior approval from the Shire of Pingelly.
- c) All townsite properties over 2,024m<sup>2</sup> in area are required to be fire hazard reduced by:
  - i). Construction and maintenance of a 3 metre wide bare mineral earth unobstructed trafficable firebreak within 10 metres of the boundary; and
  - ii). Reduction of the vegetation fire hazard to a maximum height of 100mm including the removal of slashed material, unless an exemption is granted by the Chief Executive Officer in consultation with the Chief Bush Fire Control Officer/VFRS Captain and Ranger Services.
  - iii). Firebreak must be constructed on and contained within the property: footpaths and roads or road verges will not be accepted as firebreaks.
- d) Trees, bushes, shrubs are to be trimmed back over driveways and access ways to all buildings to three (3) metres width with a clear vertical axis over it of four (4) metres. This is to afford access for emergency services to all structures and points of the property.

### **Rural Residential Land**

On rural residential land, where a property or adjoining properties having the same ownership or control and are used as a single holding, the owner or occupier shall comply with the requirements of:

- a) Comply with the requirements of townsite land, where the holding does not exceed 2024m<sup>2</sup> in area; or
- b) where the holding is over 2,024m<sup>2</sup> in area and not greater than 10ha in area is required to be fire hazard reduced by:
  - i). Construction and maintenance of a 3 metre wide bare mineral earth unobstructed trafficable firebreak within 10 metres of the boundary; and
  - ii). Reduction of the vegetation fire hazard to a maximum height of 100mm including the removal of slashed material, unless an exemption is granted by the Chief Executive Officer in consultation with the Chief Bush Fire Control Officer/VFRS Captain and Ranger Services.
  - iii). Firebreak must be constructed on and contained within the property: footpaths and roads or road verges will not be accepted as firebreaks.
- c) Trees, bushes, shrubs are to be trimmed back over driveways and access ways to all buildings to three (3) metres width with a clear vertical axis over it of four (4) metres. This is to afford access for emergency services to all structures and points of the property.

### **Application to Vary Firebreak Requirements**

If it is considered impracticable to clear firebreaks or remove flammable material from the land as required, application may be made in writing to the Council or its duly authorised officer *by 1 October prior to the upcoming season* for permission to put in place alternative fire hazard reduction measures. If permission is not granted, the requirements of this Order shall be complied with.

The penalty for failing to comply with this notice is a fine not exceeding \$250 and a person in default is also liable whether prosecuted or not to pay the costs of performing the work directed in this notice if it is not carried out by the owner and/or occupier by the date required by this notice. By Order of Council



### **Use of Mowers & Whipper Snippers/Slashers During the Prohibited Burning Period**

- a) not to be used during Harvest Bans, Vehicle Movement Bans or Total Fire Bans on any area
- b) not to be used between 6.00am to 6.00pm from 1 November and during the rest of the prohibited burning period unless on a reticulated area. (This means the grass is “green” and non-combustible).
- c) vegetation that is not green and flammable and that can be reticulated, can be slashed between 6.00am and 6.00pm must be **well watered prior** to mowing, whipper snipping or slashing (that is within the hour of watering) so that there is no chance of “sparking” and must remain damp during the operation.
- d) the area in an orchard that is not watered between rows if the trees are reticulated by drippers is not considered to be reticulated.
- e) as an added precaution have a “watcher” on hand with a hose.
- f) the use of disk or slashing type machines for agricultural purposes during the Prohibited Burning Period is to be by specific permit from the Chief Bushfire Control Officer or the Deputy CBFCO.

### **Ongoing Maintenance of Firebreaks/Hazard Reduction**

Pursuant to the powers contained in Section 33 of the Bush Fires Act 1954, you are hereby required on or before 31 October, to plough, scarify, cultivate, spray or otherwise clear and thereafter maintain free of all flammable material until 29 March mineral earth firebreaks and hazard reduction, on the land owned or occupied by you.

### **Control of Operations Likely to Cause a Fire**

Property owners should take care to prevent bush fires. The operation of welding equipment and angle grinders are activities likely to create a fire danger when used in the open air. A person shall provide at least one fire extinguisher at the place where welding or cutting operations are carried out and surround this place with a firebreak which is at least five (5) metres wide.

For updates on Hot Works, Harvest and Movement of Machinery Bans please ring the information line on **9887 1265** (recorded message) or register with the SMS warning system with the Shire to receive a text when a ban is implemented.

### **Firebreaks on Road Reserves**

Firebreaks are not permitted on a road reserve.

### **Primary Fire Fighting Units**

During any period when harvesting operations are being conducted there shall be provided in the same paddock or within close proximity of that paddock, an operational independent mobile firefighting unit having an engine driven pump and a water capacity of not less than 600 litres; the tank of the unit shall be kept full of water at all times during harvesting, and the responsibility to supply the unit is that of the landholder. Harvesting operations include the use of mobile augers and seed cleaning units.

Firefighting trailers for fire suppression are regarded as outdated and dangerous — both to their operators and to other fire fighters on a fire ground. Their use at wildfires is not encouraged.

### **Clover Harvesting**

Harvesting bans include the harvesting of clover.

### **Boyagin Rock Picnic Area**

No wood fires are permitted in the Boyagin Rock Picnic Area (Reserve No.

29413) between 1 October each year and 30 April following.

**Recommendation:**

**That the 2021/22 Fire Break Order wording be reviewed based on the recommendations for 2020/21 Fire Break Order and changes (if any) be accepted.**

**11357 – Moved: Jason Carrall**

**Seconded: Simon Parsons**

**That the wording for the 2021/22 Fire Break Order remain unchanged.**

**CARRIED**

A brief discussion was held on the possibility of applying to have the dates for the Prohibited and Restricted Burning Periods changed as follows:

Prohibited Burning Period                    1 November to 28 February

Restricted Burning Period                    1 March to 29 March

It was decided for everyone to consider these changes and look into it again at the October BFAC.

## **7. REPORTS**

### **7.1 Chief Bushfire Control Officer's Report**

The 2020/2021 fire season has been mild in terms of weather conditions with only a few harvest bans. With most of the shire receiving between 40 and 60mm of rain in late February/ early March the fire risk since has significantly reduced, hence the Restricted Period was not extended this season.

The number of callouts has been relatively low and were all well attended.

Our weather stations continue to be a very useful tool; however reliability seems to be an issue.

Since July 2020 a mitigation plan has been developed for the Shire and we are now able to apply for funding, hopefully some of this work will be implemented within the next 12 months to help reduce our risks.

I have attended all the brigade AGMs and was pleased to see there was good numbers at these meetings and thank the brigades for the opportunity to attend.

I would like to take this opportunity to thank the Shire Council and their staff, the crew of the Bushfire 3:4, Jason Carrall our CESM, VFRS, SES, DFES staff, Brigade members, fellow control officers and those who serve in fire matters for their continued commitment and co-operation shown in the past twelve months.

As you may be aware Rob Kirk is stepping down from his position as FCO and Deputy Chief. I would personally like to thank him for his commitment and dedication, over a long period of time, to fire matters within the Shire. I have enjoyed working with him and thank him for the cooperation and help he has extended to me.

I welcome the any new Brigade officers who I'm sure will serve the district well.

Rod Shaddick CBFCO

### **7.2 Brigade Reports**

#### **7.2.1 West Pingelly Brigade**

Minutes of Annual General Meeting – 25 March 2021

##### **1. Attendance**

Nigel Lange, Kim Parsons, Alan Parsons (chair), Kim Hughes, Richard Bostock, Anthony Turton, Sam Lange, Malcolm Cunningham, Rod Shaddick (Chief FCO), Bruce Sewell, Mark Sewell (sec), Graeme Watts, Simon Parsons, Matthew Cunningham & Josh Hughes

##### **2. Apologies**

Lachie Watts, Chris Murphy, Antony Sewell, Lorraine and Des Morrison, Jason Carroll DFES

##### **3. Opening** – Meeting opened at 7.06pm.

##### **4. Prior Year Minutes Read**

Moved: Mark Sewell                      Seconded: Malcolm Cunningham

##### **Business arising**

None

## 5 Correspondence

### Inward

16 May 2019 – Lachie Watts member nomination  
 25 August 2019 - New Fuel Card 600230 0055919201 3 Exp 06/20  
 6 November 2019 – DFES email re changes to brigade regulations  
 1 April 2020 – Email from DFES re cleaning of fire vehicles during COVID-19  
 6 August 2020 – Invitation to Fire & Emergencies conference and gala dinner  
 25 August 2020 – New Fuel Card 600230 0052469284 2 Exp 06/21  
 20 November 2020 – Bianca Budau member nomination  
 26 November 2020 – Nicholas Brown nomination

### Outward

16 May 2019 – Lachie Watts member nomination  
 20 November 2020 – Bianca Budau member nomination  
 26 November 2020 – Nicholas Brown nomination  
 Moved: Mark Sewell Sec: Josh Hughes

## 6. Office Bearers

Position	Nominated	Moved	Seconded	Carried
Secretary/Treasurer	Tracey Watts	Mark Sewell	Anthony Turton	Yes
Captain	Garry Page	Alan Parsons	Matthew Cunningham	Ye
Lieutenants	Kim Hughes Luke Hardie Alan Parsons Des Morrison	Graeme Watts	Bruce Sewell	Yes
FCO's	Malcolm Cunningham Anthony Turton Adam Watts Simon Parsons	Graeme Watts	Bruce Sewell	Yes
Fire Weather Officer	Graeme Watts	Simon Parsons	Richard Campbell	Yes

## 7. Fire Reports

Nil

## 8. Financial Statements

Opening Balance at 31 Jan 2019 \$1,440.87  
 Receipts – \$0.74 interest  
 Expenses – Donated  
 Closing Balance at 31 Jan 2021 \$1,441.61  
 Moved: Mark Sewell Sec:

## 9. General Business

### Truck

Rod Shaddick advised truck out east had not yet been replaced. This was the truck he had applied for West Pingelly to have received. Jason Carrol (New shire DFES liaison) has put in request for a truck for West Pingelly but DFES are requiring trucks to be not housed on private property.

### FCO

Rod Shaddick advised Rob Kirk was stepping down from his volunteer fire brigade roles including as bushfire brigade FCO. Rod's view is that Rob was affiliated with West Pingelly as an FCO. Alan Parsons advised Rob Kirk was never included on the West Pingelly list of FCOs. Rod Shaddick asked if anyone would like to step into an FCO position. General discussion. Finalised with nobody offering to accept a position as FCO.

## **Fuel**

Mark Sewell provided the reconciliation of fuel stored in diesel tank of Graeme and Anne Watts. Currently 2840 litres. Credit on card 600230 0052469284 2 Exp 06/21 not yet transferred to bulk system and delivered to property. Approximately a further 700 litres.

Discussion regarding what to do with fuel. Graeme advised he would like it dealt with. Either by sharing between brigade members or selling fuel. General discussion.

Motion put forward by Mark Sewell seconded: Simon Parsons: To invoice G & A Watts for the fuel stored by the West Pingelly Bushfire Brigade in their tank at the Great Southern on the date following the next delivery at the Great Southern Fuels Price on the day net of GST and Fuel Tax.

**Carried.**

## **Points from Rod Shaddick**

- Rod Shaddick advised permits will finish on 29 March 2021
  - CESM – Jason Carroll appointed to liaise between DFES and volunteers. Funded 60% DFES and 20% from Pingelly, Brookton and Corrigin shires. Appears to be keen and doing a good job. Can deliver training to brigades if brigade is interested.
- COVID-19 Vaccine – Pingelly Health Centre will be a COVID-19 vaccination clinic and available to be accessed by volunteers.
- PPE – Get orders in for PPE. Useful life 10 years if anyone would like jackets, pants and overalls replaced.
- Defibrillator for brigade is located in Mal's truck.
- Age Limit for Volunteers – Minimum 16
- Basic First Aid Course done was conducted for Moorumbine Brigade by Pat Kirk and Pud Stone and thought to be worthwhile if any other brigades were interested.

## **Incident Reports**

Secretary does not have an incident report book.

Watsapp Group Check details Tracey provided a clipboard for members to write down numbers and agree to be included in a brigade Watsapp group. General discussion regarding Watsapp.

2 radios that need looking at – Garry Page and Malcolm Cunningham.

Bruce Sewell thanked Mark Sewell for doing the sec/treasurer role since 2010.

**10.** Meeting Closed at 8.02pm. Alan thanked everyone for their attendance.

## **7.2.2 Moorumbine – Noonebin Brigade AGM**

Meeting opened at 5:10pm

### **Present:**

J Wholagan, S Cunningham, B Cunningham, S Leake, R Shaddick, C Shaddick, E Blechynden, B Eva, J Overington, R Overington, L Johns

**Apologies:** G Townend, J Shaddick, B Jennings, T Hodge, C Davis, J Carrall.

**Election of Officers** moved as a block, moved by E Blechynden second J Overington.

**Captain:** R Overington **Secretary:** L Johns **First Lt:** L Smith

**Second Lt:** E Blechynden **FCO's:** R Shaddick B Cunningham S Cunningham

Meeting closed 5.15

### **7.2.3 Moorumbine – Noonebin Bushfire Brigade General Meeting**

26 March 2021

Meeting opened 5:15pm

**Present:** as per AGM

**Apologies:** as per AGM

Minutes read    Moved: S Cunningham    Seconded: S Leake

**Correspondence:** Nil

**Treasures report:** \$353.53    Moved: L Johns    Seconded: B Cunningham

**Captains report:** Covid vaccine available to whoever wants it.

**FCO report:** Nil

**General Business:** not many fires over the summer. The hazard reduction burns are in the planning stage at the moment, the town bush will be done first.

The new East Tanker will hopefully be done this year.

Rob Kirk will be standing down from all bushfire brigade duties.

Training is available if you are interested let Jason know. Do an informal discussion in early September on how to approach a fire.

Scott Cunningham will see if his wife Claire Cunningham will come out and do a quick refresher on first aid at the next meeting.

The Defibrillator is in Rod's truck.

Restricted burning finishes on the 29<sup>th</sup> March.

A list of all water sources on your property to be done by all members by next meeting. So we know where to put the Fast Fill Trailer.

Next meeting at Scott Cunningham's on the 17<sup>th</sup> September 2021

Meeting closed 6:10 pm

### **7.2.4 East Pingelly Brigade**

AGM held on Wednesday the 10 March 2021 in C. Walton's Shearing Shed. Meeting Opened 5.30pm.

**Present:** C. Walton, G. Poultney, R. Shaddick (CFCO), J. Burton, S. Squiers, L. Marshall, R. Marshall, S. MacNamara, J. Carroll (CSEM), Q. Dungey, D. Squiers, L. Turner, A. Robinson, B. Blechynden, S. Marsh, B. Nicholls, K. McBurney, N. Birch (Sandalwood), J. Shaddick, A. Hassell. S. Blechynden.

**Apologies:** A. Fairhead, L. Corke, A. Marshall, D. Watkins, R. Elson.

Minutes of the previous meeting were read and moved to be true and correct by M. Walton and Seconded by R. Marshall.

**Business Arising:** After the meeting we will try and get the WhatsApp working better.

Correspondence Inward and Outward:

In: Letter tabled by R. Marshall about Tutanning Reserve.

- Response letter from M. Davies (DBCA).
- Heat seeking meter, headphones and mic were knocked back in
- Western Power Grant.
- Maps for Tutanning Reserve.
- Bushfire volunteer survey.

Outward: Nil.

Inward Endorsed by A. Hassell and Seconded Q. Dungey.

### **General Business:**

1. New Fire truck will be at least another year away. Rod has talked to P. Blechynden from DFES, who control the money and we are still on the list. We will not be in the 2021/2022 budget but J. Carroll is corresponding to make sure we are in the 2022/2023 budget.
2. B. Blechynden moved fuel has been passed onto members. Seconded D. Squiers.
3. Rod welcomed Jason Carroll CESM who is shared between shires. His role is a support role to all of our Brigades. He does ESL Budgets, Mitigation and a Support Role in fire incidents.
4. Permits have started from 1 March to 29 March and will be reviewed and extended by 2 week blocks. The 'no permits over Easter' start from Midnight Wednesday to Midnight Tuesday.
5. If anyone needs brigade clothes get in touch with S. Squiers at the Shire.
6. Rod talked on the old Tutanning fast fill pump. It needs a new plastic fuel tank and a new first aid kit (Jason can get these from ESL) and a solar panel for a trickle charge. Fast fill pumps are an essential part of the Brigade.
7. Les talked on the Tutanning tracks. You can't touch anything till you have received written permission because of rare and endangered species. Tracks were last graded in 1990 so are very overgrown and uncared for making it very dangerous for our truck and fire vehicles. Les has done 20 hours so far with his telehandler making the tracks more accessible but still needs more time to finish the job properly. We need to meet with Mitch Davies to keep pushing our point about track access.
8. Rod talked about collar tanks. They can be used anywhere as a dumping point which frees up trucks.
9. Weather station sensors have failed on all three in our district. Although they are still very handy, reliability is proving to be an issue.
10. Thankfully this fire season has been a pretty quiet one in our brigade and locally.
11. DFES will make sure the truck is still up to service. They are pushing for each truck to have its own shed which can't be built on private property.

**President:** C. Walton Nominated by L. Marshall, Seconded Q. Dungey. Accepted and Elected.

**Secretary:** G. Poultney. Nominated by M. Walton Seconded B. Nicholls. Accepted and Elected.

**FCO'S:** A. Marshall, J. Edwards, S. MacNamara. V. Lee.

Nominated by A. Hassell, Seconded B. Blechynden.

Accepted and Elected.

**Captain:** C. Walton. Nominated by D. Squiers, Seconded L. Marshall. Accepted and Elected.

**Lieutenants:** B. Blechynden, B. Nicholls. Nominated by S. Marsh, Seconded by D. Squiers.

Accepted and Elected.

Meeting Closed 6.50pm.

### **7.2.5 Pingelly Central & VFRS**

Peter Narducci said there was not much to report it has been a pretty quiet season. Rob Kirk has resigned from all positions within Pingelly Central and the VFRS as well as position of DCBFCO.

There will be some training programs over the next 12 months.

There is a good cross section of crew available.

The AGM for the Pingelly Central Brigade will be in August and a separate committee to the VFRS will be elected even though all members will still operate under VFRS & BFB.

**11358 - Moved: Adam Watts**

**Seconded: Sam MacNamara**

**That all Brigade reports be received.**

**CARRIED.**

### **7.3 DFES Report**

Paul Dennison introduced himself and explained he is Acting Area Manger while Paul Blechynden is seconded to another position for 3 months.

Within the region it has been a very quiet season but other areas of the State it has very busy.

The volunteers that were sent to other fires in the state was much appreciated.

Have now entered the training period over the next 4-6 months for all levels and to let him know if anyone is interested in training

Water bombing Ground Controller training, Adam Watts, Rod Shaddick, Jason Carrall & Peter Narducci have previously done this training but have requested a refresher course.

### **7.4 DCBA Report**

Nil to report.

Jason Carrall to organise a meeting with DCBA to discuss some serious mitigation work, especially in Tutanning Reserve.

### **7.5 Jason Carrall – CESM Report**

Jason thanked Rob Kirk for his services.

Jason has been in contact with Arc Infrastructure in relation to having a look at their assets and would processes could be carried out to reduce the fire hazard along the railway line, in particular at least 1km either side of townsite. There is large fuel loads along the railway lines. The Shire currently carries out some parkland clearing along the railway reserve in the townsite and Arc Infrastructure reimburse the Shire for this work.

To have a meeting with Dave Gossage to discuss the mitigation required. Particular concerns are the reserves on the southern edge of the townsite including the Water Corporation tank, where there are also chemicals stored on site.



Jason briefly discussed the ESL application for 2021/22. He has applied for a 12.2 Water tanker for East Pingelly and a facility shed to house the truck and tanker, with a smaller shed for the fast fill trailers and a water tank. Has applied for a 4.4 for West Pingelly a facility shed, smaller shed for trailer and water tank. These facilities will be required to be built on Shire land.

## **7.6 Peter Cupitt - Bushfire Risk Planning Coordinator**

Peter introduced himself and gave a brief outline on what his role within the Shire involves. He is the Bushfire Risk Planning Coordinator and has been engaged by the Shire of Pingelly this role evolved following recommendations as a result of the Keelty Report after the Perth Hills fire in 2011.

This role involved writing up a Bushfire Risk Management Plan to identify assets and populated areas for bushfire protection. Through this plan the Shire has access to funding for critical infrastructure and townsites.

The plan for the Shire has been already been written and endorsed by OBRM and Council.

There is \$14 million dollars of funding available with currently 46 out of 106 Local Governments already eligible for the first round of funding – which Pingelly is one.

There is the opportunity for Bushfire Brigades and contractors to assist with mitigation work and be paid for this work.

Peter works with Jason Carrall to identify risk areas on Shire managed land and bridges and apply for funding in the first round.

The plan is to carry out environmental burns in pockets on Shire managed land in stages and follow up with a spraying program to help with the future management of these areas.

Due to the increased size of fire trucks now requiring a 4m wide access, it is suggested that the Shire increase the width and vertical heights of any firebreaks on Shire managed land.

Rod asked about a trial with helicopter spraying to cover a large area more quickly and get a quote.

**11359 - Moved: Peter Narducci**

**Seconded: Bryan Hotham**

**That the Shire work towards installing all firebreaks on Shire managed land to a width of 4m and a vertical height of 4m.**

**CARRIED**

## **General Business**

### **Rod Shaddick**

East Pingelly truck still no build date yet, there will be 12 4.4's released at a time and Pingelly is number 5 in the first 12.

There are great concerns with the shortage of water supplies in the Shire which have declined significantly over the last few years.

Rod thanked Rob Kirk for his contributions over his years of service as a volunteer bushfire brigade member & volunteer fire & rescue member

Rod has asked for a letter to be sent to Rob thanking him for his contribution of service.

### **Sam MacNamara**

Reported his concerns on the condition of the road reserves throughout the whole Shire and would like to see some work carried out on them as they are a fire hazard.

**Peter Narducci**

Expressed his concerns that some of the larger properties in the townsite are not complying to the requirements for fire hazard reduction. Inspections need to be more diligent.

**Kerry Keys**

Reported that Pingelly Central and VFRS will be involved with a large emergency services display on the day of the 24 April at the Country Collective event.

There will be events to involve children, the display of the mitigation trailer. Jason will be involved in community consultation on mitigation. There will be a suggestion box for community members to contribute to. The SES will also be involved in the display as they are keen to be involved in traffic management and welfare in emergency situations.

**Paul Dennison**

On Tuesday 13 April at 6.00pm the Assistant Commissioner will be at the Pingelly SES for anyone interested in coming along.

Meeting closed at 8.50pm.

Next meeting will be on Tuesday 5 October 2021 at 7.00pm.

These minutes were confirmed by the Committee at the Meeting held on 5 October 2021

Signed .....

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

**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 to declare the meeting closed.