

Notice of Meeting



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

Dear Elected Member

A Special meeting of Council will be held on 6 July 2016 in the Council Chambers, 17 Queen Street, Pingelly commencing at 9.30am.

The meeting has been called by the President.

The purpose of the meeting is to endorse:

- the grant application for audio visual equipment for the Pingelly Recreation and Cultural Centre.
- the dedication of roads for Pingelly Recreation and Cultural Centre.

A handwritten signature in blue ink, appearing to be 'G. Pollock'.

Gavin Pollock
Chief Executive Officer

1 July 2016

DISCLAIMER

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

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

AGENDA

Shire of Pingelly
Special Council Meeting
6 July 2016

MISSION STATEMENT

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

DISCLAIMER

INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

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

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

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

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

**GAVIN POLLOCK
CHIEF EXECUTIVE OFFICER**

COUNCIL MEETING INFORMATION NOTES

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Inspection of Unconfirmed Minutes (Reg 13)

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

NOTE:

Unopposed Business

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

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

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

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

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

Question Time

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

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

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

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

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

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

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

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

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

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

QUESTION TIME FOR THE PUBLIC

(Please write clearly)

DATE: _____

NAME: _____

TELEPHONE : _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT:

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

ITEM NO	PAGE NO	QUESTION

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 11.00 AM AT THE MEETING, OR BY 10.45AM ON THE DAY OF THE MEETING AT THE SHIRE OF PINGELLY OFFICE, 17 QUEEN STREET, PINGELLY.

Public Question Time – Statutory Provisions – Local Government Act 1995

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

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

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

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

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

every special meeting of a council; and

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

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

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

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

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

Local Government (Administration) Regulations 1996

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

by the person presiding at the meeting; or

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

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

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

Nothing in sub regulation (3) requires:

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

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

or

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

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

Chief Executive Officer, Shire of Pingelly

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

financial interest (Section 5.60A)

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

proximity interest (Section 5.60B)

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

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

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

SHIRE OF PINGELLY

Agenda for the Special Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on 6 July 2016 commencing at 9.30am.

Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	10
1.1	Acknowledgement of Country	10
1.2	Reminder.....	10
2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	10
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	10
4.	PUBLIC QUESTION TIME	10
5.	APPLICATIONS FOR LEAVE OF ABSENCE	10
6.	DISCLOSURES OF INTEREST	10
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	10
8.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	10
9.	REPORTS OF OFFICERS	11
9.1	OFFICE OF THE CEO.....	11
	9.1.1 Pingelly Recreation & Cultural Centre – Dedication of Roads.....	11
	9.1.2 Major Technical Upgrades of audio visual equipment grant for the Pingelly Recreation and Cultural Centre (PRACC).....	14
9.2	DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES.....	16
9.3	DIRECTORATE OF TECHNICAL SERVICES	16
10.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	16
11.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING..	16
12.	CLOSURE OF MEETING	16

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

1.1 Acknowledgement of Country

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

1.2 Reminder

Agreements:

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

As a Councillor we are required to listen:

There are people who, instead of listening to what is being said to them, are already listening to what they are going to say themselves. **Albert Guinon (1863 - 1923)**

Make sure you have finished speaking before your audience has finished listening. **Dorothy Sarnoff**

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

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DISCLOSURES OF INTEREST

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9. REPORTS OF OFFICERS

9.1 OFFICE OF THE CEO

9.1.1 Pingelly Recreation & Cultural Centre – Dedication of Roads

File Reference:	00025
Location:	Shire of Pingelly
Applicant:	Shire of Pingelly
Author:	Jacky Jurmann – Consultant Planner
Authorising Officer	Craig McLennan – Project Manager
Date:	1 July 2016
Disclosure of Interest:	Nil
Attachments:	Plan (Attachment 1 behind blue sheet in separate attachments book)

Summary:

The purpose of this report is for Council to consider the options available to expedite the dedication of roads within the Pingelly Recreation and Cultural Centre Precinct.

After preliminary consultation with the Department of Lands and consideration of the objectives of the project, it is recommended that Council resolve to commence the processes to dedicate internal roads and realign lot boundaries with the precinct under the provisions of the *Land Administration Act 1997*, Section 27.

Background:

In the Ordinary Meeting of Council Minutes, 9 December 2015, it is recorded:

14.3 Gazetting New Road Reserves

11918 - Moved: Cr Mulroney

Seconded: Cr Morton

Recommendation and Council Decision:

That Council

- 1. endorse the creation of three (3) new road reserves within the recreation ground as shown in the attached site plan as road A, B & C.**
- 2. endorse an allowance being made in the 2015/16 budget review for additional funds to undertake the required survey and lodgement of documents.**

Carried 8:0

There are a number of ways that local government can dedicate roads using the provisions of the *Planning and Development Act 2005* and the *Land Administration Act 1997*. Depending on the circumstances of the case, there are advantages and disadvantages associated with each way.

Some processes have been commenced under the provisions of section 56 of the *Land Administration Act 1997* to dedicate three (3) roads within Reserve 23983 to facilitate the Crown subdivision for the Recreation and Cultural Centre, Primary Health Centre and future aged units. However, this process requires extensive specific consultation with the community and service agencies, which is considered unnecessary due to the proposed development being wholly within the Reserve.

The Department of Health has also commenced subdivision processes to excise the required portion of land from the Reserve for the purposes of the Primary Health Centre, which is now nearing completion.

A review of the layout and development of the precinct has been carried out and it is now proposed to dedicate only one road to establish a main central access to all facilities and to provide a corridor for services for the Primary Health Centre and future aged units. The proposed road is highlighted on the plan attached to this report.

Comment:

The dedication of one road will enable the internal access roads to be constructed to Shire standards to meet the needs of the precinct. It will also enable the roads to be named through a Corporate Sponsorship Program if considered applicable by Council.

A further report will need to be considered by Council regarding naming of the subject road. Refer to the Statutory Environment section of this report for further information on the processes associated with road naming.

Consultation:

- Preliminary consultation with the Department of Lands regarding the Shire's options to progress this matter has resulted in the advice that section 27 of the LAA will be the most appropriate option.
- Preliminary consultation has also occurred with an officer from the Geographic Names Committee regarding road naming.
- Discussions with the Department of Health will continue regarding the Primary Health Centre and future aged care units.
- Extensive consultation has been carried out with the community during the development of this project.

Statutory Environment:

Land Administration Act 1997

The Minister for Lands is empowered, under section 27 of the LAA, to subdivide and develop Crown land into lots. Where a plan of survey subdividing Crown land is approved by an authorised land officer (defined in section 3 of the LAA), any roads shown on such plan of survey are automatically dedicated as a road and placed under the care, control and management of Local Government (section 28(1) of the LAA).

Policies and Standards for Geographical Naming in Western Australia

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

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

Policy Implications:

There are no policy implications associated with this proposal.

Financial Implications:

The expenses associated with this process have been considered in the overall budget for the PRACC development.

Strategic Implications:

The goals of the Pingelly Strategic Community Plan are:

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

There are no strategic implications associated with this proposal.

Voting Requirements:

Simple Majority

Recommendation:

That Council:

1. **Request the Minister for Lands to utilise the provisions of section 27 of the *Land Administration Act 1997* to subdivide Reserve 23983, including dedication of the road in accordance with the plan attached to this report.**
2. **Receive a further report to consider a road name for recommendation to the Geographic Names Committee.**

Moved: _____

Seconded: _____

9.1.2 Major Technical Upgrades of audio visual equipment grant for the Pingelly Recreation and Cultural Centre (PRACC)

File Reference: 00661
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Gavin Pollock, Chief Executive Officer
Date: 1 July 2016
Disclosure of Interest: Nil
Attachments: Equipment Quotation, Grant Application Plan (Attachment 2 behind green sheet in separate attachments book)

Summary:

Council to consider the attached grant application to apply for a grant through the Regional Venues Improvement Fund (RVIF) under the Department of Culture and Arts / Department of Regional Development and Royalties for Regions.

Total cost of the project will be \$63,637 of which \$50,000 will be from RVIF and a Shire contribution of \$13, 367.

Background:

In September 2015 the Shire was informally contacted by a member of the inactive Pingelly Repertory Club inquiring as to the situation at the PRACC for performances. At that stage, the PRACC design had not been developed to include audio visual equipment to that standard. In addition, there was no monies allocated for audio visual.

On becoming aware of the funding available, the Shire engaged Tammy King of Grants Empire to prepare an application.

Comment:

This equipment will enhance the Community aspects of the PRACC project by enabling quality presentations and performances. The Town Hall is the current venue for such events and suffers badly from poor acoustics and a meagre sound system.

Being able to tune the building to the audio visual equipment in the design stage of the project, the end result will be better than trying to retrofit the facility. In addition, it will mean that visiting entertainers, a revitalised Repertory Club, conferences, and school events will have an appropriate audio visual system.

Andrew Sproul of “Surrounds” has made the following suggestion based on the proposed use of the facility:

“...a Projection system with a 645cm x403 cm screen- as well as a robust good quality PA system - capable of community service - but also capable of high sound pressure levels required for live performance- if required.

Speakers / Projector and screen are either roof or wall mounted.

At this stage this is a broad conceptual document - more specifics (cable runs and labour) will be made available once we have direction on electronics locations and our specific scope of works.

Consultation:

Noel Mustchin member Pingelly Repertory Club
Andrew Sproul of Surrounds at 102 Stirling Highway, Nedlands

Statutory Environment:

Local Government Act 1995

*Local Government (Functions and General) Regulations 1996, Provision of goods and services
Part 4. Regulation 11A*

Regulation 11. Purchasing policies for local governments

(1) “A local government is to prepare... a purchasing policy... where the consideration is expected to be... less than \$150,000...”

Policy Implications:

Policy Manual part 5.11 Purchasing Policy.

Financial Implications:

The Shire will need to allocate \$13,367 of its project funding towards supporting this grant application.

Strategic Implications:

Compliments the Community Strategic Plan with colocation of community infrastructure as per the Recreation and Cultural plan for the reserve.

Voting Requirements:

Simple Majority

Recommendation:

That the Council endorse the Chief Executive Officer signing and submitting the application for this grant from the Regional Venues Improvement Fund for \$50,000 and \$13,367 from Council monies allocated to the PRACC project.

Moved: _____

Seconded: _____

9.2 DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

Nil

9.3 DIRECTORATE OF TECHNICAL SERVICES

Nil

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

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF 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).

12. CLOSURE OF MEETING

The Chairman to declare the meeting closed