

Notice of Meeting



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Dear Elected Member

The next Ordinary meeting of the Shire of Pingelly will be held on 21 September 2016 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

Pumphrey's Bridge CWA will be providing dinner.

Schedule

2pm Council Meeting

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

Gavin Pollock
Chief Executive Officer

16 September 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
Ordinary Council Meeting
21 September 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 2.00 PM AT THE MEETING, OR BY 1.45PM ON THE DAY OF THE MEETING AT THE SHIRE OF PINGELLY OFFICE, 17 QUEEN STREET, PINGELLY.

Public Question Time – Statutory Provisions – Local Government Act 1995

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

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

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

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

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

every special meeting of a council; and

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

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

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

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

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

Local Government (Administration) Regulations 1996

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

by the person presiding at the meeting; or

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

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

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

Nothing in sub regulation (3) requires:

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

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

or

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

SHIRE OF PINGELLY

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

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

21 September 2016

(Print Name)

(Signature)

(Date)

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

ITEM NO	PAGE NO	TYPE	REASON

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

Chief Executive Officer, Shire of Pingelly

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

financial interest (Section 5.60A)

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

proximity interest (Section 5.60B)

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

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

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

SHIRE OF PINGELLY

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 21 September 2016 – commencing at 2.00pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Reminder

Agreements:

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

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

— Charles R. Swindoll

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

At the Ordinary Council Meeting held on 17 August 2016 the following was approved:

12043 Moved Cr Mulroneu Seconded Cr Marshall
that Council approve:

- Cr Steel taking leave from the 31st August 2016 to 15th October 2016

Carried 7:0

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 – 17 August 2016

Statutory Environment:

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

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 17 August 2016 be confirmed.

Moved: _____ Seconded: _____

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

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

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

- Central Country Zone of WALGA Delegate – President
Delegate – Deputy President
Deputy – Cr Walton-Hassell
- Hotham-Dale Regional Road Sub-Group Delegate – Cr Lange
Deputy – Cr Marshall
- Pingelly Cottage Homes Committee Delegate – Cr Freebairn
Deputy – Cr Mulroney
- Development Assessment Panel Delegate – Cr Lange
Delegate – Cr Mulroney
Deputy – Cr Freebairn
- Pingelly Tourism Group Delegate – Cr Freebairn
Deputy – Cr Lange
- Regional Waste Group Delegate – Cr Mulroney
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Cr Lange
Deputy – Cr Hodges
- Aged Care Planning Regional Sub-Group (BBP) Delegate – Cr Lange
Delegate – Cr Steel
Deputy – Members of Medical & Aged Care Committee

- Youth Working Group
Delegate – Cr Steel
Delegate – Cr Walton-Hassell
Deputy – Recreation & Cultural Committee
- Project User Group (PUG)
Delegate– Cr Lange
Deputy – Cr Hodges
- Sport and Recreation Focus Group
Delegate – Cr Lange
Delegate – Cr Walton-Hassell
Deputy – Cr Hodges

13. REPORTS FROM COUNCILLORS

Cr Shirley Lange (President)

Meetings attended August

9th Reading Tenders for the ILUS / Aged Appropriate Accommodation
15th Wheatbelt South Road Group - Wickepin
16th CEO and Bowling Club - PRACC
17th Corporate Discussion and Council meeting
18th PRACC Project team
25th PUG – Hospital

Meetings attended September

2nd CCZ – Dumbleyung
6th CEO
6th CEO and Pingelly Tourist Association – office
7th Corporate Discussion – Sgt Paul Thomas
7th Focus Group, Staff and Councillors – review progress of PRACC
7th PRACC Project Team
9th WACHS and SIHI Aged Appropriate Accommodation – Chambers

Cr William Mulroney (Deputy President)

Nil

Cr David Freebairn

Nil

Cr Evan Hodges

Nil

Cr Ray Marshall

Nil

Cr Lee Steel

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

14. OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Delegations and Authorised Officer Appointment

File Reference: 00043
Location: N/A
Applicant: Gavin Pollock, Chief Executive Officer
Author: Gavin Pollock, Chief Executive Officer
Date: 5 September 2016
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

That Council endorse the appointment of Mr Stuart Billingham, Director Corporate and Community Services as an authorised officer under various legislation and approve the delegation of various powers from the Chief Executive Officer to enable Mr Billingham to carry out his role.

Background:

Mr Billingham commenced work with the Shire of Pingelly on 5 September 2016 in the position of Director Corporate and Community Services that is required to oversee many regulatory areas as part of the employed position.

Comment:

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

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

It is recommended that the following delegations be assigned to Mr Billingham:

Delegations:

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

C55: Cost Recovery
C56: Rate Book
C57: Assistance to Community Organisations and Events
C58: Debt Collection
C59: Sale of Surplus Equipment, Materials and Scrap
C60: Conferences, Seminars & Training Courses
C62: Travel and Accommodation Arrangements

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

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

Consultation:

Chief Executive Officer and Director Technical Services

Statutory Environment:

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

5.46(3) of the *Local Government Act 1995*

Dog Act 1976

Cat Act 2011

Bush Fire Act 1954

Litter Act 1979

Caravan and Camping Act 1995

Control of Vehicles (Off Road Areas) Act 1978

Local Government Act 1995

Local Government (Miscellaneous Provisions) Act 1960

Animal Welfare Act 2002

Policy Implications:

Shire of Pingelly Delegation Register

Local Government Act 1995

Section 5.44 provides that:

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

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

Section 5.45 provides that:

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

Financial Implications:

Nil

Strategic Implications:

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

Voting Requirements:

Simple Majority

Recommendation:

That Council

1. endorse the appointment of Mr Stuart Billingham to the position of Director Corporate and Community Services as a designated senior staff member as per section 5.37(1) Local Government Act 1995 and Council Policy 10.3 Senior Staff Designations and Appointments.
2. endorse that the following delegations be assigned to Mr Billingham;
3. C16: Plant & Equipment
4. C17: Plant & Equipment Hire
5. C18: Replacement Plant Hire
6. C20: Temporary Road Closure
7. C21: Temporary Closure of Roads for Public Events
8. C22: Liquor Permits
9. C23: Impounding
10. C25: Control of Fires
11. C26: Harvest Bans
12. C29: Fire Breaks
13. C30: Infringements
14. C31: Signing of Purchase Orders
15. C34: Administration Centre
16. C35: Administration of Local Laws
17. C36: Enter Land in Emergencies
18. C37: Tree Safety
19. C39: Renewing Licences
20. C47: Payment of Accounts
21. C48: Credit Card / Fuel Card
22. C50: Electronic Funds Transfer (EFT)
23. C55: Cost Recovery
24. C56: Rate Book
25. C57: Assistance to Community Organisations and Events

- 26. C58: Debt Collection**
- 27. C59: Sale of Surplus Equipment, Materials and Scrap**
- 28. C60: Conferences, Seminars & Training Courses**
- 29. C62: Travel and Accommodation Arrangements**

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

Moved: _____ Seconded: _____

14.2 Chief Executive Officer Leave and Appointment of Acting Chief Executive Officer

File Reference: 00000 002
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Gavin Pollock, Chief Executive Officer
Date: 8 September 2016
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider the Chief Executive Officer's request for leave from 24 September 2016 to 9 October 2016 and the appointment of Mr Stuart Billingham as Acting Chief Executive Officer for this period of leave.

Background:

The Chief Executive Officer has discussed the appointment of an Acting Chief Executive Officer with Mr Stuart Billingham and the Executive Team. Mr Stuart Billingham has agreed to undertake the position of Acting Chief Executive Officer while the Chief Executive Officer is on leave.

Comment:

A remuneration salary will be offered to Mr Stuart Billingham within the Band 4 reward package range prescribed by the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act.

Consultation:

Shire President - Cr Lange, Director Corporate Community Services – Stuart Billingham and Director Technical Services – Barry Gibbs

Statutory Environment:

Section 5.36 of the *Local Government Act 1995* provides that:

- (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.
- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) Believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement into contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose requirement to advertise a position before the renewal of contract referred to in section 5.39.

Regulation 18 of the Local Government (Administration) Regulations provides that:

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —
 - (a) on a notice board exhibited to the public at the local government's offices, if the position is —

- (i) to be filled on a part time basis by a person who is also employed by another local government; or
 - (ii) an acting position for a term not exceeding one year;
- or
- (b) otherwise, in a newspaper circulating generally throughout the State.
- (2) An advertisement referred to in sub regulation (1) is to contain —
- (a) the details of the remuneration and benefits offered;
 - (b) details of the place where applications for the position are to be submitted;
 - (c) the date and time for the closing of applications for the position;
 - (d) the duration of the proposed contract;
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

Policy Implications:

Nil

Financial Implications:

Nil effect on the 2016/17 budget as a provision for high duties has been allowed for in the budget process.

Strategic Implications:

The appointment of an Acting Chief Executive Officer will meet the requirements of the Local Government Act.

Voting Requirements:

Majority

Recommendation:

That Council Approve

1. **The Chief Executive Officer's request for Annual leave from the 24th September 2016 to the 9th October 2016 and the appointment of Mr Stuart Billingham as Acting Chief Executive Officer for this period of leave.**
2. **The Chief Executive Officer offering Mr Stuart Billingham a remuneration salary for the period of stated leave within the Band 4 prescribed range of the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act.**

Moved: _____ Seconded: _____

14.3 Sale of 2 Paragon Street, Pingelly

File Reference: 7634
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Craig McLennan, Project Manager
Date: 9 September 2016
Disclosure of Interest: Nil
Attachments: Local Government Act 1995 Section 3.58
Advertised Public Notice
Letter of Offer 2016 (Attachment 1 after pink sheet in separate attachments book)

Summary:

This agenda item is to discuss the further process required by the Act to enable the sale of 2 Paragon Street, Pingelly.

The Council is required to undertake the requirements of Section 3.58 of the Local Government Act. Several requirements have already been addressed. The current requirement is that the sale be advertised by Public Notice. The Public Notice requested written submissions and required those submissions to be lodged with the Shire office by 7 September 2016.

After this date, the Council is required to convene to consider all submissions made to it resulting from this Public Notice.

Background:

The Shire received a letter on 25 July 2016 from the current tenants making an Offer of \$243,000 (ex GST) for the purchase 2 Paragon Street Pingelly (Lot 853 on Plan 187112). The premises are commonly known as the Landmark building. The current tenants are Noel and Tasha Shepherd. Their legal entity is N&T Shepherd Investments Pty Ltd (ACN 167 541 871).

At the Ordinary Council Meeting on 20 April 2016, the Council considered the “Confidential Item – Transfer of Land at 2 Paragon Street Pingelly” and made the following Recommendation:

That Council:

- 1. Advise the Chief Executive Officer of the sale price required for lot 2 Paragon Street Pingelly;***
- 2. Authorise the Chief Executive Officer to negotiate a sale price as advised by Council and to undertake the advertising requirements of the Local Government Act S 3.58;***
- 3. Considers all submissions made to it before the date specified in the Notice and prior to Council’s making a resolution to sell the land; and***
- 4. Council’s decision and any reasons for the decision must be recorded of the Council meeting at which the decision in respect of the sale is made (section 3.58(3)(b)).***

Comment:

By selling these premises, the Shire has successfully been able to promote commerce in the Shire and retain an important business.

• Requirements for sale under Local Government Act S 3.58:

Below is an extract from Jennifer Long, Solicitor of McLeods Barristers & Solicitors email of 2 March 2016 detailing the step by step process of the actions required to satisfy the Shire’s requirements under section 3.58 of the Local Government Act:

- (a) the Shire must consider all submissions made to it before the date specified in the Notice and prior to Council's making a resolution to sell the Land; and*
- (b) Council's decision and any reasons for the decision must be recorded of the Council meeting at which the decision in respect of the sale is made (section 3.58(3)(b)).*

Consultation:

McLeod's, Barristers & Solicitors

Department of Lands,

Chief Executive Officer - Gavin Pollock.

The public through advertisements in the Pingelly Times and the Narrogin Observer.

Statutory Environment:

Local Government Act 1995 Section 3.58;

Policy Implications:

N/A

Financial Implications:

Advertising costs, settlement agent fees, and any other required costs to be expended from the 2016/17 budget.

On the sale of the property, it is anticipated a nett of around \$240,000 will come back to the Shire and placed in the Building Infrastructure Reserve account.

Strategic Implications:

Continuing development of commerce in Pingelly.

Voting Requirements:

Absolute Majority.

Recommendation:

1. Under the Act, the Shire must consider all submissions made to it before the date specified in the Notice and prior to Council's making a resolution to sell the Land.
2. Council note that no submissions were received.
3. The Council's decision and any reasons for the decision be recorded of the Council meeting at which the decision in respect of the sale is made (section 3.58(3)(b)).
4. Council to resolve to sell the Land to N&T Shepherd Investments Pty Ltd.
5. The Council confirm the recommendation of the previous Council item to authorise the Chief Executive Officer of the Shire of Pingelly to prepare and sign a contract for the sale of the property under a standard REIWA contract for the sale of land. Specifically:
 - a. For the sale of 2 Paragon Street, Pingelly (lot 853 on Plan 187112) to
 - b. N&T Shepherd Investments Pty Ltd (ACN 167 541 871) (Noel and Tasha Shepherd) for the sum of \$243,000.00 excluding GST, and
 - c. To obtain the Shepherds signatures on the contract.

6. The Council confirm the recommendation of the previous Council item to authorise the Chief Executive Officer to agree to / attend to the other conditions requested in the letter of Offer received 25 July 2016. That is:
1. *Subject to financial approval.*
 2. *Property to be free of any mortgages, caveats, incumbrances [sic] or contamination.*
 3. *Clarification of easement of sewer.*
 4. *Settlement period of 30 days from acceptance of offer.*
 5. *Contract to be prepared using REIWA offer and acceptance form with accompanying terms and conditions or using a lawyer prepared contract.*

Moved: _____ Seconded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity

File Reference: 00271
Location: N/A
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 13 September 2016
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2016 to 31 July 2016 (Attachment 2 after green sheet in separate attachments book)
Previous Reference: N/A

Summary:

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

The Monthly Statements of Financial Activity for the month of July 2016 is attached for Council consideration and adoption.

Background:

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

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

Consultation:

Chief Executive Officer

Statutory Environment:

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Part 4 - Section 34: Financial Reports-s.6.4

34. Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —
committed assets means revenue unspent but set aside under the annual budget for a specific purpose.
- (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, to be used in statements of financial activity for reporting material variances.

Policy Implications:

Nil.

Financial Implications:

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council's adopted Budget 2016/2017.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority

Recommendation:

That with respect to the Monthly Statements of Financial Activity for the month ending 31 July 2016 be accepted and material variances be noted.

Moved: _____ Seconded: _____

15.2 Accounts Paid by Authority

Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Lisa Dyer, Finance Officer
Date: 13 September 2016
Disclosure of Interest: Nil
Attachments: List of Accounts Following
Previous Reference: N/A

Summary:

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

Comment:

Unless otherwise identified, all payments have been made in accordance with Council's 2015/16 Budget.

Consultation:

Nil

Statutory Environment:

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

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

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

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:

There are no policy implications arising from this amendment.

Financial Implications:

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

Strategic Implications:

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

Voting Requirements:

Simple Majority

Recommendation:

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

AUGUST 2016	
MUNI - 117984856	
EFT 2539 - 2632	\$ 177,340.21
CHEQUE 24323 - 24332	\$ 13,667.20
TRUST ACCOUNTS	
DEPT OF TRANSPORT – 2082016	\$ 27,938.41
TRUST FUND – 1844 - 1850	\$ 980.00
DIRECT DEBIT -	
DD8285.1 – DD8294.9 – Payroll Super	\$ 21,440.01
CREDIT CARD	
DD	\$ 0.00
GRAND TOTAL	\$ 241,365.83

Notification	Explanation
Trust Cheque 001849	Cancelled, raised in error incorrect paperwork

Moved: _____ Seconded: _____

ACCOUNTS PAID PRESENTED FOR ENDORSEMENT AUGUST 2016

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
1844	02/08/2016	DC & SF SQUIERS	CAT TRAP BOND	\$80.00
1845	02/08/2016	YVONNE CHALLENGOR	KEY BOND	\$40.00
1846	11/08/2016	RODNEY EVENIS	CAT TRAP BOND	\$80.00
1847	11/08/2016	KENNETH WILLIAM GREER	REFUND OF CLEANING BOND	\$190.00
1848	11/08/2016	PHILLIP ADEN	REFUND CLEANING BOND	\$190.00
1849	11/08/2016		CANCELLED	\$0.00
1850	26/08/2016	GRACE FRENCH	HOUSING BOND FOR 17 ELIOT STREET	\$400.00
			TOTAL TRUST PAYMENTS	\$980.00
24323	02/08/2016	TELSTRA	VARIOUS TELEPHONE CHARGES JULY 2016	\$1,693.25
24324	02/08/2016	WATER CORPORATION	WATER USE CHARGES 20/05/16 TO 21/07/16, HALL AT 141L PARADE ST	\$3,973.02
24325	02/08/2016	SYNERGY	ELECTRICITY CHARGES 4/05/16 TO 19/07/16, LOT 202 PEMBERTON ST	\$157.50
24326	11/08/2016	SUSAN JETTA	REFUND FOR POWER AT PIONEER PARK	\$5.00
24327	11/08/2016	WATER CORPORATION	WATER USE CHARGES 20/05/16 TO 21/07/16, PARK AT 153L QUADRANT ST	\$2,057.02
24328	11/08/2016	PLEASE PAY CASH - PINGELLY SHIRE	PINGELLY IGA - COFFEE, BISCUITS, S&P, BATTERIES	\$568.83
24329	25/08/2016	BUILDING COMMISSION	COLLECTIONS FOR THE MONTH OF JULY 2016	\$112.99
24330	30/08/2016	TELSTRA	VARIOUS TELEPHONE CHARGES FOR THE MONTH OF AUGUST 2016	\$1,403.61
24331	30/08/2016	WATER CORPORATION	WATER USE CHARGES 24/05/16 TO 22/07/16, SWIMMING POOL AT PARKER ST	\$762.13
24332	30/08/2016	SYNERGY	ELECTRICITY CHARGES 25/06/16 TO 24/07/16, STREETLIGHTS	\$2,933.85
			TOTAL CHEQUE FROM MUNICIPAL FUND	\$13,667.20
EFT2539	02/08/2016	BOC LIMITED	1 X G BOTTLE OF ARGO SHIELD	\$91.29
EFT2540	02/08/2016	BUNNINGS BUILDING SUPPLIES	SCREWS & CUT OFF DISCS	\$167.93
EFT2541	02/08/2016	TRUCKLINE	FILTERS FOR SERVICE	\$168.29
EFT2542	02/08/2016	BROOKTON PLUMBING	TO PUMP OUT SEPTIC TANKS AT NORTHERN END OF COMMUNITY CENTRE ONLY (ESTIMATED COST)	\$715.00
EFT2543	02/08/2016	STAPLES AUSTRALIA PTY LIMITED	POST IT NOTES, MONITOR RISER, FOOTREST, CLIPS, BINDING ITEMS, PRIVATE & CONFIDENTIAL STAMP, LEVER ARCH FILES, TAPE, MARKERS, USB'S,	\$373.38
EFT2544	02/08/2016	SHIRE OF BEVERLEY	ALERT ONLINE FOOD SAFETY TRAINING PROGRAMME - SHIRE OF PINGELLY'S PORTION	\$100.00
EFT2545	02/08/2016	WHEATBELT ELECTRICS	REPLACE SOLAR HOT WATER SYSTEM AT 17 ELIOT STREET	\$4,553.67

ACCOUNTS PAID PRESENTED FOR ENDORSEMENT AUGUST 2016

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT2546	02/08/2016	REINFORCED CONCRETE PIPES AUSTRALIA (WA) PTY LTD	6 - R0450 - 2 CONCRETE PIPES	\$1,464.10
EFT2547	02/08/2016	LOCALISE PTY LIMITED	PINGELLY YOUTH ENGAGEMENT AND STRATEGIC PLANNING DELIVERY	\$4,909.27
EFT2548	02/08/2016	JIRIKI MANAGEMENT - BEVERLEY WEBB	CONTRACT FINANCIAL SERVICES AT \$11,520.00	\$3,762.00
EFT2549	02/08/2016	CLAW ENVIRONMENTAL	PROCESSING REMOVAL OF CHEMICAL DRUMS FROM DRUM MUSTER COMPOUND	\$1,330.34
EFT2550	02/08/2016	BROOKTON SAND	2 X SEMI LOADS OF SAND TO SHIRE OF PINGELLY DEPOT	\$880.00
EFT2551	02/08/2016	PINGELLY TYRE SERVICE	STRIP AND REPAIR 2 X 1100X 20 TYRES	\$245.57
EFT2552	02/08/2016	EXECUTIVE MEDIA PTY LTD	CARAVANNING AUSTRALIA WINTER 2016	\$1,750.00
EFT2553	02/08/2016	SOUTH METROPOLITAN TAFE	AURKTD3001 - WF206 - DIAGNOSE AND REPAIR MOBILE PLANT SUSPENSION SYSTEMS	\$599.54
EFT2554	11/08/2016	TOLL IPEC PTY LTD	FREIGHT CHARGES; WESTRAC - PINGELLY, CN8769210160115, 18/07/16	\$180.69
EFT2555	11/08/2016	EXCHANGE TAVERN	ACCOMMODATION ONLY FOR ADRIAN BYRNE - WED 13, THU 14, MON 18, TUE 29, WED 20, THU 21, FRI 22, MON 25, TUE 26, WED 27, THU 28 JULY 2016.	\$732.00
EFT2556	11/08/2016	SHERIDAN'S FOR BADGES	BADGE AND NAME PLAQUES FOR CR PETER WOOD	\$144.65
EFT2557	11/08/2016	WESTRAC EQUIPMENT PTY LTD	DOOR GLASS / PART NUMBER 295.66.52	\$294.75
EFT2558	11/08/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$1,043.90
EFT2559	11/08/2016	BUNNINGS BUILDING SUPPLIES	SECATEURS	\$72.90
EFT2560	11/08/2016	GREAT SOUTHERN FUEL SUPPLIES	FUEL CARD PURCHASES FOR JULY 2016	\$1,402.00
EFT2561	11/08/2016	TRUCKLINE	FILTERS FOR SERVICE PRICE IS ESTIMATED	\$66.16
EFT2562	11/08/2016	GEOFABRICS	FILTERWRAP 2.00M X 50M	\$126.50
EFT2563	11/08/2016	LOCAL HEALTH AUTH.ANALYTICAL COM	ANNUAL ANALYTICAL SERVICES CHARGES 2016/17	\$495.00
EFT2564	11/08/2016	PINGELLY COMMUNITY RESOURCE CENTRE	PAYMENT FOR ADMIN SUPPORT - SALLY HASLAM INVOICE #1	\$594.00
EFT2565	11/08/2016	GAINSBOROUGH GRAPHICS	BUSINESS CARDS FOR CR PETER WOOD	\$50.00
EFT2566	11/08/2016	REINFORCED CONCRETE PIPES AUSTRALIA (WA) PTY LTD	10 X HEADWALL 375 TO SUIT PIPE	\$2,994.20
EFT2567	11/08/2016	IMPECCABLE LANDSCAPING	IRRIGATION REVIEW AND DESIGN INFORMATION PINGELLY OVAL	\$6,077.50
EFT2568	11/08/2016	CEMETERIES & CREMATORIA ASSOC. OF WA	ORDINARY MEMBERSHIP 2016/17	\$115.00

ACCOUNTS PAID PRESENTED FOR ENDORSEMENT AUGUST 2016

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT2569	11/08/2016	LUBRIMAXX MKTG PTY LTD	1 X 205L GLOBALMAX PLUS ENGINE OIL * PRICE IS ESTIMATED	\$902.00
EFT2570	11/08/2016	MARKETFORCE PTY LTD	ADVERTISING -	\$1,826.12
EFT2571	11/08/2016	AAA ASPHALT SURFACES	7MM COLDMIX - 50 X 20KG BAGS	\$1,012.00
EFT2572	11/08/2016	J & E MOBILE WHEEL ALIGNMENT	WHEEL ALIGNMENT - PT13	\$475.00
EFT2573	11/08/2016	PINGELLY TYRE SERVICE	2 X TYRES FOR PT16 *ESTIMATE ONLY*	\$869.00
EFT2574	11/08/2016	TOM'S TREE SERVICE	CUT DOWN OF ALL SUGAR GUMS TO 6FT TALL STUMPS AS DISCUSSED WITH CLAIRE. ALL TO BE MULCHED AND TAKEN OFF SITE.	\$8,690.00
EFT2575	11/08/2016	WEST AUSTRALIAN SHIRE COUNCILS & MUNICIPALE ROAD BOARDS AND PARKS LGRCEU	PAYROLL DEDUCTIONS	\$164.00
EFT2576	11/08/2016	LANDGATE	GROSS RENTAL VALUATIONS CHARGEABLE; SCHEDULE NO: G 2016/6, DATED 18/06/16 TO 15/07/16	\$89.55
EFT2577	25/08/2016	IT VISION	PAYROLL SUPPORT - EOFY \$4,125.00 COMPLETE RATES END OF YEAR PROCESS \$5,637.50 CONSULTANCY SERVICES :: \$4,329.60 PAYROLL ONSITE TRAINING 4TH - 7TH JULY 2016 (LISA DYER) \$3,333.65	\$17,425.75
EFT2578	25/08/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$1,043.90
EFT2579	25/08/2016	TRUCKLINE	PFILTERS FOR SERVICE PT 16	\$359.38
EFT2580	25/08/2016	GREAT SOUTHERN WASTE DISPOSAL	PINGELLY LANDFILL SITE MAINTENANCE - LABOUR	\$12,400.08
EFT2581	25/08/2016	MURRAY HOUSE RESOURCE CENTRE	5 DAY HEALTH AND SAFETY REPRESENTATIVE COURSE	\$1,450.00
EFT2582	25/08/2016	BROOKTON TELEGRAPH	BROOKTON TELEGRAPH - SENIOR FINANCE OFFICER ADVERTISEMENT	\$35.00
EFT2583	25/08/2016	INGREY'S	FIX ARIEL ON WORKS SUPERVISORS UTE *ESTIMATE ONLY*	\$259.70
EFT2584	25/08/2016	COVS PARTS PTY LTD	1 X SWITCH 63106 BL PRICE IS ESTIMATED	\$20.45
EFT2585	25/08/2016	REINFORCED CONCRETE PIPES AUSTRALIA (WA) PTY LTD	10 X HEADWALL 375 TO SUIT PIPE	\$1,815.00
EFT2586	25/08/2016	J MAC ENGINEERING PINGELLY	REPAIRS TO TIPPING BODY PRICE ESTIMATED	\$2,205.94
EFT2587	25/08/2016	JIRIKI MANAGEMENT - BEVERLEY WEBB	CONTRACT FINANCIAL SERVICES AT \$11,520.00	\$5,750.25
EFT2588	25/08/2016	LOCAL GOVERNMENT MANAGERS AUSTRALIA	2016 - 2017 MEMBERSHIP MLGMA - GAVIN POLLOCK AND BARRY GIBBS	\$1,026.00
EFT2589	25/08/2016	PINGELLY TRADING CO HARDWARE	2 X CANS OF SPRAY PAINT	\$48.90

ACCOUNTS PAID PRESENTED FOR ENDORSEMENT AUGUST 2016

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT2590	25/08/2016	ABCO PRODUCTS PTY LTD	4 X PUREGIENE SOVEREIGN LUXURY HAND TOWELS 4 X PUREGIENE SUPERIOR QUALITY INTERLEAVED TOILET TISSUE 1 X MAXI BOWL THICKENED TOILET BOWL CLEANER 1L 1 X LEMCLENZ DISINFECTANT 5L	\$291.30
EFT2591	25/08/2016	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD	ADRIAN BYRNE TO 29TH JULY 2016. BEING 115 HOURS AT \$65.20 + GST PER HOUR = \$7,498 + GST.	\$5,450.72
EFT2592	25/08/2016	PINGELLY RURAL SUPPLIES	VARNISH AND BRUSH FOR TONY	\$117.00
EFT2593	25/08/2016	IREDALE PEDERSEN HOOK ARCHITECTS	DETAILED DESIGN_INCLS 2 SITE VISITS - JUNE 2016 - PAAA PROJECT	\$16,495.24
EFT2594	25/08/2016	PJ WRIGHT & ASSOCIATES PTY LTD	HYDRAULIC FEES - INC. BUILDING SERVICES, FIRE PUMPS AND SEWER MAIN EXTENSION TO WATER CORP. REQUIREMENTS	\$6,336.00
EFT2595	25/08/2016	PINGELLY TYRE SERVICE	SUPPLY AND FIT 2 X 295/80R22.5 TYRES PRICE IS ESTIMATED	\$2,986.63
EFT2596	25/08/2016	DB MECHANICAL CONSULTING	MECHANICAL FEE - INC. BRIEF FINALISATION, SCHEMATIC DESIGN, DESIGN DEVELOPMENT, CONTRACT DOCUMENTATION AND CONTRACT ADMINISTRATION	\$2,310.00
EFT2597	25/08/2016	FLINT ENGINEERING PTY LTD	FIRE ENGINEERING - SCHEMATIC DESIGN, DESIGN DEVELOPMENT, CONTRACT DOCUMENTATION AND ADMINISTRATION.	\$1,650.00
EFT2598	25/08/2016	HW & ASSOCIATES	QUANTITY SURVEYING SERVICES - INCLUDING DESIGN BRIEF FINALISATION, SCHEMATIC DESIGN, DESIGN DEVELOPMENT, PRE TENDER, TENDER ANALYSIS AND CONSTRUCTION ADMINISTRATION.	\$5,500.00
EFT2599	25/08/2016	NOVUS AUTOGLASS PINGELLY	FIT GLASS TO DOOR OF GRADER PRICE IS ESTIMATED	\$330.00
EFT2600	25/08/2016	CLAIRE BUCKLEY	REIMBURSEMENT FOR MEDICAL	\$121.00
EFT2601	25/08/2016	WEST AUSTRALIAN SHIRE COUNCILS & MUNICIPAL ROAD BOARDS AND PARKS LGRCEU	PAYROLL DEDUCTIONS	\$164.00
EFT2602	30/08/2016	TOLL IPEC PTY LTD	FREIGHT; ABCO - SHIRE OF PINGELLY, CN7374900004227, 11/08/16	\$178.11
EFT2603	30/08/2016	EXCHANGE TAVERN	ACCOMMODATION ONLY - ADRIAN BYRNE MONDAY - THURSDAY 1ST TO 4TH AUGUST AND MONDAY 8TH AUGUST.	\$480.00
EFT2604	30/08/2016	SULLIVAN LOGISTICS PTY LTD	FREIGHT; STAPLES - SHIRE OF PINGELLY, CN597277, 22/07/16	\$38.01

ACCOUNTS PAID PRESENTED FOR ENDORSEMENT AUGUST 2016

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT2605	30/08/2016	WESTERN POWER	FEASIBILITY STUDY TO INVESTIGATE THE NETWORK AND PROVIDE THE ESTIMATED CUSTOMER CONTRIBUTION FOR THE WESTERN POWER SCOPE OF WORKS.	\$1,500.00
EFT2606	30/08/2016	COMMANDACOM & CLASSICAL COMMUNICATIONS	SUPPLY KX-A239 AC ,AC ADAPTER; FREIGHT/POSTAGE	\$77.00
EFT2607	30/08/2016	DEPARTMENT OF LANDS	LEASE RENT - L442989 - S02/RESIDENTIAL DEVELOPMENT, LOT 807 : 1 YEAR FROM 1/08/16	\$550.00
EFT2608	30/08/2016	AUSTRALIA POST	POSTAGE FOR JULY 2016	\$424.30
EFT2609	30/08/2016	WALGA	BOOKINGS FOR LOCAL GOVERNMENT CONVENTION 2016 - CR LANGE, CR MULRONEY AND GAVIN POLLOCK	\$4,901.97
EFT2610	30/08/2016	BEST OFFICE SYSTEMS	PRINTING EXPENSES FOR MACHINE SHIREPIN01 FOR THE PERIOD OF 23 JUNE 2016 - 23 JULY 2016	\$1,807.84
EFT2611	30/08/2016	TRUCKLINE	FILTERS FOR SERVICE PRICE IS ESTIMATED	\$142.19
EFT2612	30/08/2016	B.W. JAMES TRANSPORT	FREIGHT 5 X 375 HEADWALLS	\$629.75
EFT2613	30/08/2016	NARROGIN QUARRY OPERATIONS	55 TON CRAKER DUST	\$508.45
EFT2614	30/08/2016	PINGELLY COMMUNITY RESOURCE CENTRE	TO EDIT AND PRINT 1000 COPIES OF THE BUSHFIRE NEWSLETTER FOR 2016-17	\$900.00
EFT2615	30/08/2016	COVS PARTS PTY LTD	TIMING BELT KIT PRICE IS ESTIMATED	\$550.59
EFT2616	30/08/2016	GAINSBOROUGH GRAPHICS	LANDFILL TIP PASSES BUSINESS CARDS 1000 X 1 SIDE COLOUR 1SIDE BLACK	\$75.00
EFT2617	30/08/2016	REINFORCED CONCRETE PIPES AUSTRALIA (WA) PTY LTD	10 CONCRETE LIDS 1200 X 2100 X 0.2 CONCRETE LIDS	\$9,350.00
EFT2618	30/08/2016	J MAC ENGINEERING PINGELLY	TOOL BOX FOR BACKHOE	\$456.50
EFT2619	30/08/2016	WA CONTRACT RANGER SERVICES	RANGER SERVICES FOR JULY/AUGUST 2016	\$1,355.75
EFT2620	30/08/2016	IMPECCABLE LANDSCAPING	ASSET REVIEW / CONSULTATION	\$4,015.00
EFT2621	30/08/2016	BT EQUIPMENT PTY LTD	FILTERS FOR SERVICE PRICE IS ESTIMATED	\$658.99
EFT2622	30/08/2016	RK ROACH	SURVEY PICKUP ON WICKEPIN PINGELLY ROAD AS SHOWN ON SITE	\$4,774.00
EFT2623	30/08/2016	E & MJ ROSHER PTY LTD	FILTERS FOR SERVICE PRICE IS ESTIMATED	\$197.15
EFT2624	30/08/2016	IXOM OPERATIONS PTY LTD	3 X PACKAGING - 70 KG CHLORINE CYLINDER FOR PINGELLY SWIMMING POOL	\$126.85
EFT2625	30/08/2016	GRANTS EMPIRE	AMENDMENT OF WHEATBELT DEVELOPMENT COMMISSION REGIONAL GRANTS SCHEME APPLICATION	\$330.00
EFT2626	30/08/2016	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD	8 HOURS A DAY @ \$65.20 AN HOUR PLUS GST = \$521.60 PER DAY. 10 DAYS.	\$2,725.36

ACCOUNTS PAID PRESENTED FOR ENDORSEMENT AUGUST 2016

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT2627	30/08/2016	FRIENDS OF PINGELLY RAILWAY STATION	COUNCIL DINNER CATERING FOR 12 PEOPLE AT \$25 PER HEAD WEDNESDAY 17 AUGUST 2016	\$300.00
EFT2628	30/08/2016	PINGELLY IGA SUPERMARKET	NEWSPAPERS FOR JULY 2016	\$39.40
EFT2629	30/08/2016	PINGELLY TYRE SERVICE	REPAIR TYRE PRICE IS ESTIMATED	\$134.75
EFT2630	30/08/2016	SOUTH METROPOLITAN TAFE	TRAINING FOR WADE TAYLOR ID 1413451 UNITS WF008, WF015,WF032, THAFF2, THAFH1, THAFH6, WF420, WF421 & WF580 COMPLETED ON THE 16 MAY 2015	\$646.00
EFT2631	30/08/2016	TOM'S TREE SERVICE	REMOVE SELECTED TREES AND TREE LIMBS AS SHOWN ON SITE AT IRON STONE HILL OF BALFOUR STREET	\$4,224.00
EFT2632	30/08/2016	PINGELLY COMMUNITY CRAFT CENTRE	COMMISSION FOR THE MONTH OF AUGUST 2016	\$123.71
			TOTAL EFT MUNICIPAL FUND	\$177,340.21
			TOTAL ALL MUNICIAL	\$191,007.41
DD8285.1	09/08/2016	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	PAYROLL DEDUCTIONS	\$6,588.51
DD8285.2	09/08/2016	THE TRUSTEE FOR THE DYER SUPER FUND	SUPERANNUATION CONTRIBUTIONS	\$799.62
DD8285.3	09/08/2016	CBUS	SUPERANNUATION CONTRIBUTIONS	\$2,080.21
DD8285.4	09/08/2016	REST INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	\$328.87
DD8285.5	09/08/2016	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$469.24
DD8285.6	09/08/2016	AUSTRALIAN SUPER ADMINISTRATION	SUPERANNUATION CONTRIBUTIONS	\$611.31
DD8285.7	09/08/2016	AMP FLEXIBLE SUPER	SUPERANNUATION CONTRIBUTIONS	\$377.91
DD8285.8	09/08/2016	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$182.69
DD8285.9	09/08/2016	AMP LIFE LIMITED	SUPERANNUATION CONTRIBUTIONS	\$331.17
DD8294.1	23/08/2016	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	PAYROLL DEDUCTIONS	\$5,333.13
DD8294.10	23/08/2016	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$182.69
DD8294.11	23/08/2016	AMP LIFE LIMITED	SUPERANNUATION CONTRIBUTIONS	\$341.34
DD8294.2	23/08/2016	AMP FLEXIBLE SUPER	PAYROLL DEDUCTIONS	\$377.91
DD8294.3	23/08/2016	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$56.74
DD8294.4	23/08/2016	THE TRUSTEE FOR THE DYER SUPER FUND	SUPERANNUATION CONTRIBUTIONS	\$971.43
DD8294.5	23/08/2016	CBUS	SUPERANNUATION CONTRIBUTIONS	\$965.31
DD8294.6	23/08/2016	AUSTRALIAN SUPER ADMINISTRATION	SUPERANNUATION CONTRIBUTIONS	\$611.31
DD8294.7	23/08/2016	REST INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	\$328.87
DD8294.8	23/08/2016	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$469.24
DD8294.9	23/08/2016	NGS SUPER	SUPERANNUATION CONTRIBUTIONS	\$32.51
			TOTAL DIRECT DEBIT PAYMENTS	\$21,440.01

2082016	02/08/2016	DEPARTMENT OF TRANSPORT	OF	RECONCILING TRANSPORT LICENSING 0/0/16 TO 0/0/16	\$27,938.41
				TOTAL TRANSPORT LICENSING	\$27,938.41

GRAND TOTAL

\$241,365.83

15.3 Shire of Pingelly Proposed Standing Orders Local Law

Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 13 September 2016
Disclosure of Interest: Nil
Attachments: Copy of Proposed Standing Orders Local Law (Attachment 3 after blue sheet in separate attachments book)
Previous Reference: N/A

Summary:

To present Council with a request to make a new Shire of Pingelly 'Standing Orders Local Law 2016'. (Please refer to draft Shire of Pingelly Standing Orders Local Law 2016 submitted as a separate attachment).

Background:

The Shire of Pingelly published in the Government Gazette the Local Laws relating to Standing Orders on the 16th April 1999 GG No 63 page 1597.

The Local Law gazetted in 1999, does not appear in the Department of Local Government & Communities Local Law Register. Enquires with the Joint Standing Committee on Delegated Legislation (JSCDL) confirmed this Local law relating to Standing Order is valid and current and appears to have not been challenged by the JSCDL. Therefore the 1999 local law relating to standing orders is current then the new local law will need to be amended to repeal the current 1999 local Law.

Appendix 1 sets out the steps for creating a local law.

Step 1 is for the Council Shire President to read aloud at a Council meeting the purpose and effect of the proposed local law.

Step 2 is to advertise by Local and Statewide public notice in the West Australian newspaper and local paper and notice boards for 42 days calling for submissions on the proposed local law.

Step 3 once advertised in the West Australian the National Competition Policy review form, copy of proposed local law and copy of the Advert to be sent to the Minister for Local Government & Communities.

Step 4 at the end of the submissions advertising period Local Law item to come back to Council to consider submissions if any and resolve to make Local Law.

Step 5 Publish in Gazette once Shire President and Chief Executive Officer sign and seal Local Law.

Appendix 1

Local Government Act 1995 – Section 3.12 and NCP review requirements

Flow Chart of Local Law-Making Process

Presiding person to give notice to the council meeting of the purpose and effect of the proposed local law



Local law inviting submissions from the public



Send copies of the proposed local law, NCP review form/statement and public notice to the Minister(s)



Consideration of submissions



Council makes local law by resolution



Publish in Government Gazette



Send copy of gazetted law to Minister(s)



Give local public notice of adoption of local law



Send documents (Explanatory Memorandum, checklist and e-copy) to Joint Standing Committee on Delegated Legislation (JSCDL), Parliament House

Local and Statewide public notices are defined at sections 1.7 and 1.8 of the Act. For the notice of proposed local law:

- include all requirements set out at section 3.12(3)(a)(i)-(iii);
- take care calculating the minimum 42-day period (add extra days for both publishing day and closing day, and when closing day falls on a public holiday, Saturday or Sunday).

- Provide a copy of Statewide notice, a statement on NCP review, and the draft proposed local law exactly as it is intended to be published to the Minister(s).

- Where alterations will make a local law significantly different to what was initially proposed, the procedure for making the local law must be recommenced.

- An 'absolute majority' of council is required to make the local law.

- For the notice of adoption, include all requirements set out at s. 3.12(6)(a)-(c).
- A local law comes into operation 14 days after publication in the Gazette, or such later day as specified.
- Health local laws (under the *Health Act 1911*) come into operation on the day they are published in the Gazette.

- For additional information, visit www.dlgc.wa.gov.au
- If you have queries, contact the DLGC Local Laws Helpline Tel: (08) 6552 1494 or the Joint Standing Committee Tel: (08) 9222 7300

Consultation:

Chief Executive Officer, Council

Statutory Environment:

Local Government Act 1995 3.12(3)(a)(i)-(iii)

Policy Implications:

Nil.

Financial Implications:

Advertising costs and Gazettal fees allowed for in Council's adopted 2016/17 Budget.

Strategic Implications:

Creation of new Shire of Pingelly - Standing Orders Local Law.

Voting Requirements:

Simple Majority

Recommendation:

The Shire President to read aloud the purpose and effect of the Local Law

- **'The purpose of the Shire of Pingelly Standing Orders Local Law 2016 is to allow for the orderly conduct of meetings of the Council and Committees.**
- **The effect of the local law is to ensure that all Council and Committee meetings are to be governed by the Standing Orders unless otherwise provided for in the Local Government Act 1995 or regulations.'**
- **That Council gives 42 days state wide public notice and under section 3.12 of the *Local Government Act 1995* of intention to make the *Shire of Pingelly Standing Orders Local Law 2016* as submitted in Appendix 15.3.**

(NB: A copy of the notice to be affixed to Council notice board for at least 7 days)

Moved: _____ Seconded: _____

16 DIRECTORATE OF TECHNICAL SERVICES

16.1 BYO Licence for Proposed Re-Establishment of Café

File Reference: A2608
Location: Lot 138 – 17 Parade Street
Applicant: Mr Craig McLennan
Author: Sheryl Squiers, Administration Officer Technical
Date: 30 August 2016
Disclosure of Interest: Nil
Attachments: Nil

Summary:

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

Background:

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

Comment:

This application was submitted to Council at the August 2016 Ordinary Meeting and laid on the table pending further information.

Further information has been provided through the Liquor Control Act 1988 in relation to BYO alcohol on unlicensed premises and from the applicant in relation to the security of the proposed alfresco dining area.

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

The applicant has begun to refurbish the café to comply with hygienic standards and improve the ambience of the premises for patrons. The previous premises was operated as a mini deli and kitchen. This area has now been opened up and it is proposed to have that area as a seating area with lounges and tables for people to relax and dine on food provided in the café.

The applicant does not have any specific plans for the rest of the building or the rear yard, but the entire premises may potentially be an informal café/dining venue and be frequented by all age groups. At this stage, only the reinstated café area will be considered. Given the proximity to the neighbouring properties, the standard of the clientele allowed to enter, and the upgrades proposed, the owner does not envisage any sound or behaviour issues.

The rear of the property will be fenced and secured to limit access into Scudds Lane while patrons are dining in this area.

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

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

Inserted below is the fact sheet for Regulated Premises and an extract on Unlicensed Restaurants issued by the Department of Racing Liquor and Gaming's from the *Liquor Control Act 1988 and the Liquor Control Regulations 1989*:

Fact Sheet: Regulated Premises

The *Liquor Control Act 1988* states that it is illegal to sell or supply liquor to juveniles or intoxicated people on licensed or regulated premises, but what exactly are "regulated premises"? This fact sheet explains what it means when the Act refers to regulated premises. The main purpose of bringing regulated premises into the Act was twofold: firstly to reduce the incidence of the sale of alcohol to intoxicated people, and secondly to minimise the sale or supply of liquor to juveniles.

Essentially, most places that the public has access to which are not licensed are determined to be "regulated" under the Act.

While the following is not an exhaustive list of regulated premises, it does refer to some of the more common examples that people are likely to come across:

Regulated premises include any area which:

- is adjacent to, and regularly used in conjunction with, licensed premises (*for example, a pub car park*);
- is managed by a licensee;
- has a permit applied to it, or any other premises on which liquor may be lawfully supplied (*for example, a community park that is hosting a one-off function*);
- is occasionally hired to the public for the purpose of entertainment (*for example, a town hall*);
- is a place where food and non-alcoholic refreshments are sold (*for example, a BYO restaurant*); and
- is occupied by a club (which does not have a licence attached to it).

Serving or supplying someone who is drunk on regulated premises

Just as it is an offence to sell or supply liquor to an intoxicated person on licensed premises, it also applies to regulated premises. If a drunk person is sold or supplied alcohol on a regulated premises, the owner of that premises will be liable for a \$10,000 fine – other people involved in the incident could be fined \$2000.

Serving or supplying liquor to juveniles on regulated premises

A person who sells/supplies liquor to juveniles or allows the sale or supply of liquor to juveniles on regulated premises could be issued a \$10,000 penalty. The same penalty applies to a person who permits the consumption or possession of alcohol by a juvenile on regulated premises.

Juveniles who remain on regulated premises where liquor is sold or supplied without a lawful reason (for example, for the purpose of purchasing a meal), are committing an offence and could be fined \$2000. For an explanation of "lawful purpose" see the [Juveniles and Licensed Premises Fact Sheet](#).

A person who claims to be accompanying a juvenile as a "responsible adult" on a regulated premises, but does not fulfil this commitment, is also committing an offence and could be fined \$4000.

Disclaimer: The information provided in this fact sheet is general in nature – for full details, reference should be made to the *Liquor Control Act 1988*.

Unlicensed restaurants

Only liquor that was brought to the premises by the patron can be consumed on an unlicensed premises. A person who supplies liquor in an unlicensed restaurant commits an offence.

The maximum fine for a penalty of this nature is \$2000.

Whilst you can determine what alcohol can be brought on site, a general rule of thumb is that you shouldn't allow people to bring along more alcohol than they may reasonably consume over the course of the meal.

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

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

Dear Sir

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

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

Kind regards



Craig McLennan

9A Webb St
PINGELLY 6308

0438 907 071

5 August 2016

Sheryl Squiers

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

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

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

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

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

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

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

Kind regards

Craig McLennan

0438 907 071

Consultation:

Barry Gibbs – Director Technical Services
Sgt Paul Thomas – Pingelly Police
Previous applications for BYO Licences
The Department of Racing Liquor & Gaming

Statutory Environment:

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

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

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

Recommendation and Council Decision:

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

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

Moved: _____ Seconded: _____

16.2 Proposed Road Name Changes

File Reference: 00134
Location: Bicker & McDonald Roads
Applicant: Mr Chris & Mrs Dianne Walton
Author: Sheryl Squiers, Administration Officer Technical
Date: 29 August 2016
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for the proposed road name change for Bicker & McDonald Roads to Walton Road.

Background:

An application for the proposed road name change for Bicker & McDonald Roads, East Pingelly to Walton Road has been resubmitted for consideration by Council by the applicants.

Comment:

A previous application for the proposed road name change for Bicker & McDonald Roads to Walton Road along with the extension of Milton Road to take in the existing Kew Road was considered by Council at an Ordinary Meeting of Council in July 2012. The proposal was then submitted to Landgate Geographic Names Committee for consideration. The Walton Family have been requesting a road name change since 2001.

The proposal for Kew Road to be changed to Milton Road was accepted by Geographic Names Committee and which has not currently been formalized, the name change for Bicker & McDonald Road to Walton road was refused by the Geographic Names Committee for the following reasons:

The duplication of the name “Walton” as there is already a Walton Street in Pingelly and Geographic Names Committee guidelines do not allow for duplication of road names within the same Local Government.

Walton would also be unsuitable as the Shires of Corrigin and Cuballing have this name in use less than 50km away (50km is the minimum distance for duplication of roads in adjoining shires).

It was also suggested further consultation with the residents on McDonald Road should be considered, the Walton Family own most of the property adjacent McDonald Road and Michael Walton is the only resident on this road. With small portions owned by the Gent and Elson families.

Another proposal for consideration would be to change the name of Walton Street in the Pingelly Townsite and then use the Walton name for Bicker & McDonald Roads. A request for roads name would have to be put forward if this option was to go ahead.

This change of name for Walton Street in Pingelly would not have any impact on residential addresses as Walton Street is a laneway with no residential property street addresses pertaining to the street.

Walton Street was previously closed in 1992 from Pemberton Street north to Park Street and amalgamated with Lot 861-17 Queen Street where the Shire Administration building is located. A proposal was entered into to close the section from Pasture Street to Pemberton Street and be amalgamated with Lot 95-18 Pasture Street where the SES building is located, this closure did not go ahead. This leaves the existing Walton Street in two sections the first from Pasture Street to Pemberton St and the larger section from Quartz Street through to Palace Street.

Inserted below is a brief history of the Walton family compiled by Chris Walton with the assistance of his mother Ellen Walton aged 88 years.

A Brief History of Albert Walton 1883 -1970

Albert Walton was the fifth child of Henry Thomas and Bessie Walton, He was born on 6th November 1883, at “Rosedale” farm, Moorumbine, Western Australia. Albert was one of twelve children.

Moorumbine, which was about two and a half miles (four kilometres) from Rosedale, was a thriving centre at this time consisting of a store, inn, blacksmith’s shop, hall, school, St Patrick’s Anglican Church and rectory.

Albert was both baptised and confirmed at this church and attended the school along with his brothers and sisters. Moorumbine, a one-teacher school, had an average of 30 to 40 students ranging from Infants to Form 6 (Year 7) attending at this time.

In 1901, Albert aged 18 and his brother Andrew (better known as Dick), took up land 10 miles west of Lake Yealering on the Pingelly road.

The first land application receipt was recorded on the 7th June 1901 for 100acres with a deposit of one pound, seventeen shillings and sixpence. They gradually purchased more land and it soon consisted of 2,286 acres, 500acres of sand plain with the remainder being loamy soil covered with good vegetation and sweet water in the creeks, which were fed from the granite hills.

During the early years, Dick travelled back and forth to work on the home farm at Moorumbine and the property at East Pingelly. On 9th of December 1902 Dick married Julia Evelyn (Eva) Squire at St Patrick’s Church. His family continued to live at Rosedale and seven of his twelve children were born there before his family moved to “Condering” sometime between 1910-11.

During the early pioneering days both Albert and Andrew (Dick) helped in many community activities such as the construction of Gillimanning hall in 1909 which was used as a meeting place and school. Five of Andrew’s children were educated there.

Albert, who was an accomplished accordion player, played not only at the Gillimanning hall but also at the Hesson Store and later at the Town Hall in Yealering. He also played at Nalder Hall later renamed as Milton Hall and the Woyerling School. These social events were vital to the health and wellbeing of these early pioneers. Albert’s accordion is still kept at Rockyridge Homestead.

Both Albert and Andrew were very involved in the town of Yealering which was established in 1907. They were founding members of the Yealering Farmers Cooperative, assisted with the fundraising and construction of the Yealering Town Hall and were also involved in the cricket club of the time.

Around 1912-13, a couple of years after Dick’s family came to the farm to live the brothers split their partnership, Dick maintained 1,600 acres while Albert who was unmarried took 686acres and named his small farm “Rockyridge” as there was a large outcrop of granite rock on his home block. The brothers continued to assist one another in clearing and sowing crops.

The first buildings to be erected on Rockyridge were sheds constructed on weatherboard with an iron roof. One shed had a room at one end, which Albert used for his living quarters, the rest used for storage and his sulky. The other was a barn and stables, which is still in use today. In the latter part of 1914, George Denton, a stonemason was employed to begin work on building a house using granite stone gathered from the property. Albert carted all the materials needed for this building with his horses and wagon. The house was incomplete with only the walls and a temporary roof were standing when Albert enlisted in the army.

In 1916 Albert and his two brothers Sydney and Hubert arrived in England. They fought at Messines and the Somme and in the battle of the Hindenburg line. All three survived and returned home in 1919

Albert arrived back on Australian soil on Boxing Day 1919. He returned to Rockyridge to complete the house before his future wife arrived from England. The roof was put on and jarrah panelled ceilings were fitted. Cedar mantle pieces were placed in the main bedroom and lounge and some oak furniture was purchased. A large jarrah dining table was a wedding present from Albert's parents. This dwelling remains the home of Albert's grandson Christopher Walton and family.

Albert's future wife, Letty Heslop, followed out from England and stayed with her cousin Hannah Norris until they were married in October of 1920. On the 5th February 1924 their only child, Bernard, was born.

Early in 1929 Letty and 5-year-old Bernard travelled by ship to England to visit Letty's family living in Darlington. Letty had been unwell for some time and became very ill during the journey. Six months after arriving in England, on the 22nd of September, she passed away. Albert arranged for Bern to be escorted home. Late in 1930 Bern arrived at Fremantle on the ocean liner "Moreton Bay".

During the 20's and 30's, in particular the depression years, Albert and Andrew assisted neighbours who found themselves in financial hardship by offering either goods/produce or some financial support. There is one story passed through the generations told of Albert enlisting the support of others to assist one neighbouring family in particular who were destitute. (Name not provided for the privacy of that family)

In 1949 Andrew sold his portion of the property to Mr Dick Lilleystone. In 1965 Bernard (son of Albert) and his wife Ellen bought most of this property back and this still remains part of the Walton family farm today.

In 1971 the Walton family purchased the property of Tom Bickers, on Bicker Road. It is believed that the Bicker's farmed this property for approximately 17 years. The Walton family have now owned and improved it for the past 45years.

In 1974 the Walton family purchased an adjoining property on McDonald Road owned by HJW Brown. It has subsequently been part of the Walton family farm for the past 42 years.

Albert; followed by his son Bernard; followed by his son Christopher; and now followed by his son Michael have farmed this land continuously since 1901. Christopher and Michael currently farm the property together and it is hoped that this farming heritage will continue for generations to come.

On following up on the requests for name changes for Kew, Milton, McDonald Bicker, Lilleystone and Albert Walton Roads the following is the response from Geographic Names Committee:

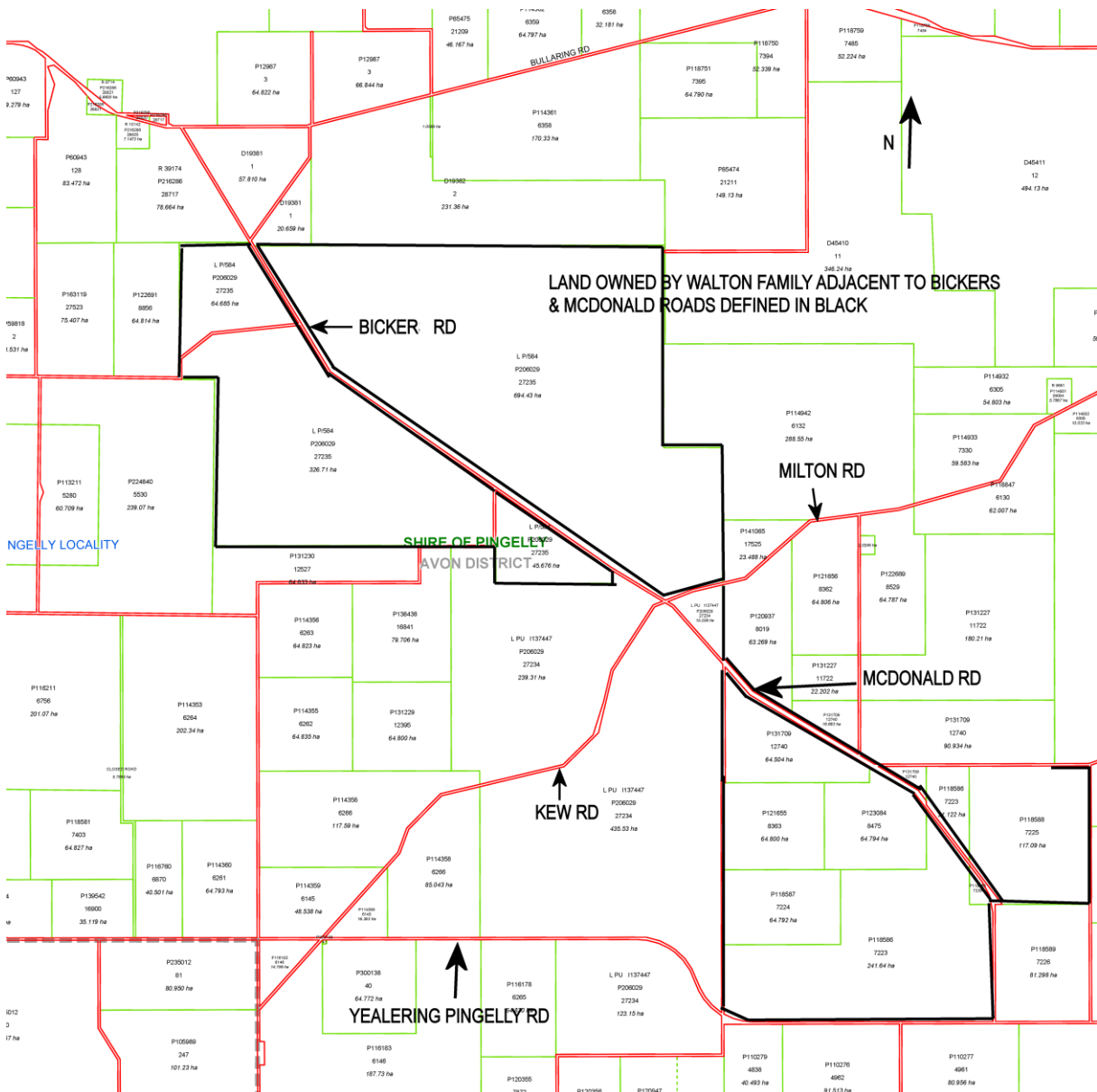
Thank you for your request regarding the naming of roads in East Pingelly and apologies for the delay in responding. Looking through the 2012 correspondence it appears that this application stalled due to various queries. As a result of a change in Policies and Standards I have reviewed the Shire's renaming proposals and can advise on the following:

The extension of the name Milton Road through Kew Road to Yealering-Pingelly Road is considered appropriate. The extension of Lilleystone Road through Albert Walton Road to Yealering-Pingelly Road is also considered appropriate.

Please note that as per previous correspondence from the Shire the spelling of Lillystone was changed to Lilleystone in Geonoma.

The renaming of both Bicker Road and McDonald Road to Walton Road is considered unsuitable as road names cannot be duplicated within an LGA. As stated in the Shire's correspondence, there is already the approved road name of Walton Street within the Pingelly Townsite. Although unconstructed, it is shown on various mapping systems including the town map on the Shire website. I can also advise that changing the name of two roads to apply a third road name would be deemed an unnecessary road name change. The Policies and Standards also state that prior or current ownership of land does not confer the right or entitlement to apply a commemorative name, which would deem Walton unsuitable.

Therefore it is recommended that Bicker Road be extended through McDonald Road to Yealering Pingelly Road. McDonald is unsuitable due to overuse within the state.





Consultation:

Barry Gibbs – Director Technical Services
Landgate Geographic Names Committee
Chris Walton - Applicant

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

Recommendation and Council Decision:

Council to consider the endorsement of the following options:

1. **Apply to the Landgate Geographic Names Committee for consideration to change the name of Walton Street in Pingelly between Quartz Street and Palace Street;**
2. **Instruct the Chief Executive Officer to seek alternative names for Walton Street in Pingelly for submission to Landgate Geographic Names Committee;**
3. **Apply to the Landgate Geographic Names Committee for consideration to amalgamate Bicker Road and McDonald Road and rename as Walton Road; and**
4. **Proceed with the road name change of Kew Road as a continuation of Milton Road formally confirmed by Geographic Names Committee.**

Moved: _____ Seconded: _____

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

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

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

19. CLOSURE OF MEETING

The Chairman to declare the meeting closed.