



Shire of Pingelly

Minutes

Ordinary Council Meeting
15 March 2017

SHIRE OF PINGELLY

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 15 March 2017 – commencing at 2.00pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.01pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Reminder

It is the province of knowledge to speak and it is the privilege of wisdom to listen. **Oliver Wendell Holmes**

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. **Alfred North Whitehead (1861 - 1947)**

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

MEMBERS PRESENT

Cr SJ Lange	President
Cr WV Mulroney	Deputy President
Cr JM Walton-Hassell	
Cr PJ Wood	
Cr LN Steel	
Cr EJ Hodges	
Cr D Freebairn	

STAFF IN ATTENDANCE

Mr G Pollock	Chief Executive Officer
Mr B Gibbs	Director Technical Services
Mr S Billingham	Director Corporate Community Services
Mrs L Boddy	Executive Assistant

APOLOGIES

Cr RJ Marshall

OBSERVERS & VISITORS

Mrs Ingrid Christmas

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

The Presiding Member opened question time at 2.03pm.

6.1 Mrs Christmas

Mrs Christmas asked for a response to the letter that was written to Cr Peter Wood regarding stock rate ruling.

The CEO responded that if the property was to be sold the purchasers would need to apply to the Shire to keep stock. The Council would look favourably on any request as there had not been any issues in the past at the property.

The purchaser would have to state how the animals will be managed, how they will provide food and water for the animals.

The Director Technical Services added that the current policy does not apply to the property in question, nothing has changed. It would only be if someone purchased the property that an approval would need to be sought.

Question time closed at 2.15pm.

Mrs Christmas left the meeting at 2.16pm and did not return.

7. APPLICATIONS FOR LEAVE OF ABSENCE

At the Ordinary Council Meeting held on the 15th February 2017 the following leave of absence was granted:

12141 Moved: Cr Mulroney Seconded: Cr Wood
that Council approve Cr Marshall taking leave from the 12th to 16th March inclusive.

Carried 8:0

12158 Moved Cr Walton-Hassell Seconded Cr Hodges
That Council approve the following leave being taken:
Cr Mulroney away on Wednesday 19th April 2017.
Cr Freebairn away from 13th April to 21st April 2017
Cr Lange away from 16th March to 21st March 2017
Cr Walton-Hassell away from 23rd March to 30th March 2017
Cr Steel away from 5th April to 9th April 2017
Cr Wood away from 24th March to 3rd April 2017

Carried 7:0

8. DISCLOSURES OF INTEREST

Cr Mulroney disclosed an interest in Item 16.1 Proposed Installation of a 20m Swing Pole for Communication Facility (SES)

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 15 February 2017

Statutory Environment:

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

Voting Requirements:

Simple Majority

12159 Moved: Cr Mulroney Seconded: Cr Hodges

Recommendation and Council Decision:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 15 February 2017 be confirmed.

Carried 7:0

9.2 Special Council Meeting – 1 March 2017 – Building Tender for PRACC

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

12160 Moved: Cr Freebairn Seconded: Cr Wood

Recommendation and Council Decision:

That the Minutes of a Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 1 March 2017 be confirmed.

Carried 7:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

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

Barry Gibbs left the room at 2.36pm and re-entered the room at 2.40pm

- 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 February

8th Electors' Meeting.
9th Agenda Briefing
9th Silver Chain - Cr Steel, CEO and Amy Flaherty Silver Chain
9th Mia Davies – Announcement of PAAA housing garden funding
9th Tuck Waldron Farewell – Narrogin
13th PAAA meeting – Chambers
15th Tiffany – Localise survey review
15th Ordinary Council Meeting
16th Youth Focus Group
23rd Somerset Alliance
24th CCZ Narrogin
27th Training – Beverley - Land use planning
28th Training – Beverley – Sustainable assets

Meetings attended March

1st Special Council Meeting - Audit
1st Architects discussion on Building tenders for the PRACC
1st Special Council Meeting – appointment of PRACC builder
7th RRG Hotham-Dale Subgroup

Cr William Mulronev (Deputy President)

Meetings attended February

23rd Somerset Alliance Meeting Pingelly
25th CCZ Narrogin
27th Councillor Training Advanced Planning Practices, Beverley
28th Councillor Training Infrastructure Asset Management, Beverley

Meetings attended March

1st Special Council; Meeting Audit Committee, Pingelly
1st Corporate Discussion, PRACC tenders with Architects - Pingelly
1st Special Council Meeting – Appoint Builders for PRACC - Pingelly

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 Shire of Pingelly 2016 Community Survey

File Reference:	00285
Location:	Shire of Pingelly
Applicant:	Gavin Pollock, Chief Executive Officer
Author:	Gavin Pollock, Chief Executive Officer
Date:	7 May 2017
Disclosure of Interest:	Nil
Previous Reference:	Nil
Attachments:	Community Survey Summary 2016 (Attachment 1 after blue sheet under separate cover)

Summary:

Council to consider receiving the 2016 Community Survey Report as provided by Localise.

Background:

The Shire of Pingelly engaged Localise to undertake a Community Survey as part of the Shire's Integrated Strategic Planning process in July 2016.

Comment:

A summary of the research objectives were:

- Determine the relative importance of, and satisfaction with, various services and facilities
- Understand residents' willingness to pay for desired improvements
- Elicit future vision/direction
- Identify short term and future priorities
- Establish what is most special about the Shire
- Identify priority activities for young people
- Rate playgrounds
- Volunteering
- Determine support for alternative truck route and a new speed limit
- Asses information provided about the Shire and its activities

Consultation:

Shire of Pingelly Community Members
Chief Executive Officer
Shire Councillors

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Make a budget provision in the 2017/18 annual budget to undertake a further survey. The survey results will help in developing the new Community Strategic Plan and Long Term Financial Plan.

Strategic Implications:

Complements the Community Strategic Plan relating to Community satisfaction.

Voting Requirements:

Simple Majority

12161 Moved: Cr Steel Seconded: Cr Hodges

Recommendation and Council Decision:

That Council receive the 2016 Community Survey.

Carried 7:0

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: 07 March 2017
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2016 to 28 February 2017 (Attachment 2 after green sheet under separate cover)
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 February 2017 is attached for Council consideration and adoption.

Background:

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

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

Consultation:

Chief Executive Officer

Statutory Environment:

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

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

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

- (2) Each statement of financial activity is to be accompanied by documents containing -
- (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) An explanation of each of the material variances referred to in sub regulation (1) (d); and
 - (c) Such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) According to nature and type classification;
 - (b) By program; or
 - (c) By business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), is to be -
- (a) Presented to the council -
 - (i) At the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

Policy Implications:

There are no policy implications.

Financial Implications:

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

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority

12162 Moved: Cr Mulroney Seconded: Cr Freebairn

Recommendation and Council Decision:

That with respect to the Monthly Statements of Financial Activity for the month ending 28 February 2017 be accepted and material variances be noted.

Carried 7:0

15.2 Accounts Paid by Authority

Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Finance Officer
Date: 7 March 2017
Disclosure of Interest: Nil
Attachments: List of Accounts
Moore Stephens Fraud Scam Alert 2016 (Attachment 3 after yellow sheet under separate cover)
Previous Reference: N/A

Summary:

Council endorsement is required for accounts made by authority for the month of February 2017. Please refer to recent Fraud Scam Alert from Moore Stephens submitted as a separate attachment. Suggests web version of Agenda does not list the Cheques and Payments listing.

Comment:

Unless otherwise identified, all payments have been made in accordance with Council's 2016/17 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

Council Decision:

12163 Moved: Cr Steel Seconded: Cr Hodges

To move a motion to accept the recommendation with the inclusion of the wording “and the accounts and payments list be removed from the website version of Council Agendas and Minutes”.

Carried 7:0

Recommendation:

That Council endorse the Accounts for Payments for February 2017 as presented and the accounts and payments list be removed from the Web Council Agendas and Minutes.

FEBRUARY 2017	
MUNI - 117984856	
EFT 3150 - 3305	\$ 562,367.05
CHEQUE 24396 - 24411	\$ 21,702.39
TRUST ACCOUNTS	
DEPT OF TRANSPORT – 123395691,10217-280217	\$ 31,194.40
TRUST FUND – 1869 - 1871	\$ 680.00
DIRECT DEBIT -	
DD8667.1 – DD8667.12, EFT 3213,3228,3240, DD8691.2-DD8691.10, EFT 3253,3254,3256 – Pay and Super	\$ 21,957.59
CREDIT CARD	
DD8694.1	\$ 2,087.54
GRAND TOTAL	\$ 639,988.97

Notification	Explanation
Cheques 24405 and 24406 cancelled	Printing error wrong cheque numbers

15.3 Minutes of Audit Committee and Compliance Audit Return 2016

File Reference: 00023
Location: Shire of Pingelly
Applicant: N/A
Author: Stuart Billingham, Director Corporate & Community Services
Date: 7 March 2017
Disclosure of Interest: Nil
Attachments: Audit Committee Minutes 1 March 2017 and Compliance Audit Return 2016
(Attachment 4 after red sheet under separate cover)

Summary:

Council to endorse recommendation from the Audit Committee of the Compliance Audit Return 2016.

Background:

Under the Local Government Audit Regulations 1996, Local Government is required to carry out a Compliance Audit for the period 1 January 2016 to 31 December 2016. The certified return must be submitted to the Director General, Department of Local Government and Communities by 31 March 2017.

Consultation:

Shire of Pingelly Audit Committee
Chief Executive Officer

Statutory Environment:

Regulation 14 of the *Local Government (Audit) Regulations 1996* provides:

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Regulation 15 provides that:

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
 - (c) is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —

certified in relation to a compliance audit return means signed by —

 - (a) the mayor or president; and
 - (b) the CEO.

Policy Implications:

There are no policy implications arising from this report.

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 or the committee recommendation.

Voting Requirements:

Absolute Majority

12164 Moved: Cr Steel

Seconded: Cr Mulroney

Carried 7:0

Recommendation and Council Decision:

That the item 15.4 from the 15 February 2017 Ordinary Council Meeting be lifted from the table.

12165 Moved: Cr Mulroney

Seconded: Cr Wood

Audit Committee Recommendation:

That Council:

- 1. receives the minutes of the Audit Committee dated 1 March 2017.**
- 2. adopt the Compliance Audit Return 2016;as presented;**
- 3. The Chief Executive Officer and the Shire President be authorised to sign the 2016 Compliance Audit Return 2016;**
- 4. Approves the Compliance Audit Return be submitted to the Department of Local Government & Communities.**

Carried 7:0

15.4 Shire of Pingelly Proposed Standing Orders Local Law 2017

Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 8 March 2017
Disclosure of Interest: Nil
Attachments: Copy of Proposed Standing Orders Local Law (Attachment 5 after purple 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 2017*'. (Please refer to the updated draft *Shire of Pingelly Standing Orders Local Law 2017* 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 DLGC has advised the first time the local law was advertised, it was one day short of the required statutory 42 days and was readvertised on Saturday the 21st January 2017 and closed on Friday 10th of March 2017 at 4.00pm. No Submissions were received from the Public and only one email submission was received from the DLGC. See copy of email submitted as a separate attachment.

The Department of Local Government and Communities email has advised the Shire of suggested changes to the Draft Standing Orders Local Law 2017 which have now been made.

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. **Completed**

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. **Completed**

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. **Completed**

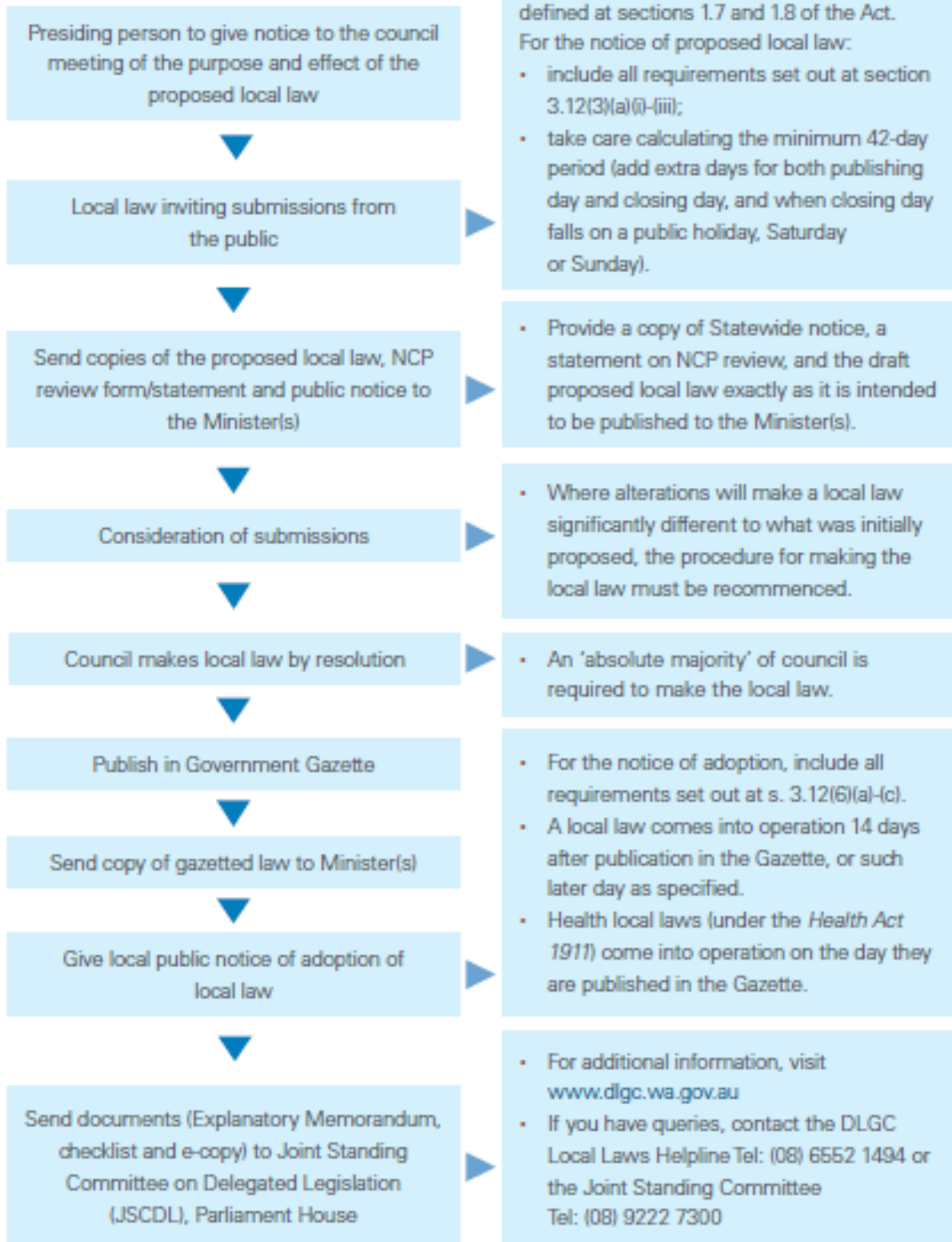
Step 4 at the end of the submissions advertising period Local Law item to come back to Council to consider submissions if any and resolve to make Local Law.

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



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 2017*.

Voting Requirements:

Absolute Majority Vote Required

12166 Moved: Cr Mulroney

Seconded: Cr Hodges

Recommendation and Council Decision:

That Council:

- **notes the submission from the Department of Local Government and Communities, and**
- **resolves to make the Shire of Pingelly Standing Orders Local Law 2017 as presented in the separate attachment.**

Carried 7:0

15.5 2016/2017 Annual Budget Review

File Reference: 00098
Location: Shire of Pingelly
Applicant: N/A
Author: Stuart Billingham, Director Corporate & Community Services
Authorising Officer: Gavin Pollock, Chief Executive Officer
Date: 07 March 2017
Disclosure of Interest: Nil
Attachments: 2016/17 Budget Review
(Attachment 6 after grey sheet in attachments book)

Summary:

To consider and adopt the Budget Review as presented for the period 1 July 2016 to 31 January 2017, as presented in the Budget Review (as attached).

Background:

Council adopted its 2016/2017 Municipal Budget at its meeting held 17 August 2016. It is now appropriate that a review of the Budget be put before Council for consideration and indeed this is required by Legislation.

Nature of Councils Role in the Matter

Council is to consider the review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

Comment:

The purpose of the budget review is to ensure that that Council is informed of the like financial position of the Shire at 30 June 2017 in terms of its adopted budget. For purposes of annual reporting, Council is required to report against the adopted budget.

In reviewing the 2016/17 Budget and incorporating the amendments and the audited surplus for the 2015/16 financial year, the changes made to the various accounts has resulted in a change in the revised estimated closing balance of \$200,000 to 30 June 2017.

A copy of the 2016/17 Budget Review report and associated attachments include details of the individual amendments and a commentary.

Consultation:

Direct consultation has occurred with the Chief Executive Officer, Directors and input from the Project Manager.

Statutory Environment:

Local Government Act 1995 Section 6.2 Municipal Budget

Local Government (Financial Management) Regulations 1996 as amended, Regulation 33A, requires local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government & Communities within 30 days of the adoption of the review.

Regulation 33A Review of Budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department of Local Government and Communities.

Policy Implications:

There are no policy implications

Financial Implications:

Variances in revenue and expenditure from adopted 2016/17 Budget.

Major Capital Projects such as PRACC and PAAA have experienced delays which have put the projects several months behind schedule. These projects are expected to be carried over into the 2017/18 Budget Year.

Assuming Council accepts the officer's recommendation to amend the budget as per attached summary, the net impact on the end of year position would result in the end of year estimated Surplus **\$200,000**. Therefore, it is seen that the proposed budget is prudent given that we have a number of large unfinished capital expenditure items in the remaining four months of the financial year.

Strategic Implications:

There are no known significant implications relating to the report or the Officer recommendation

Voting Requirements:

Absolute Majority

12167 Moved: Cr Hodges

Seconded: Cr Mulroney

Recommendation and Council Decision:

That Council:

- 1. in accordance with Local Government (Financial Management) Regulation 33A and the Local Government Act, Council adopts the 2016/17 Budget Review for the period ending 28th February 2017, as attached to the Agenda.**
- 2. That a copy of the Budget Review and determination be submitted to the Department of Local Government and Communities Portal within 30 days of determination.**

Carried 7:0

12168 Moved Cr Mulroney Seconded Cr Hodges to close the meeting to the public.

Carried 7:0

15.6 Confidential Item- Rates Sale of Land for Unpaid Rates over three years – A2660 - Deceased Estate

File Reference: A2660
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 18 January 2017
Disclosure of Interest: Nil
Attachments: Legal Advice letter McLeods and Supreme Court Probate Letter

12169 Moved: Cr Wood Seconded: Cr Hodges

Council Decision:

- That Council pursuant to Section 6.64(1) (b) of the *Local Government Act 1995*, proceed to take possession and attempt to sell by public auction, the property in Pingelly being A2660 hereunder which has rates in arrears for three or more years, and recover from the proceeds of sale the outstanding balances which total \$6,922.00 and sundry debtor of \$566.50.
- The property is to be sold with a demolition order.
- The reserve price for public auction to be set by Council.

Carried 7:0

12170 Moved: Cr Walton-Hassell Seconded: Cr Steel
To re-open the meeting to the public

Carried 7:0

12171 Moved: Cr Wood Seconded: Cr Hodges

Council Decision:

- That Council pursuant to Section 6.64(1) (b) of the *Local Government Act 1995*, proceed to take possession and attempt to sell by public auction, the property in Pingelly being A2660 hereunder which has rates in arrears for three or more years, and recover from the proceeds of sale the outstanding balances which total \$6,922.00 and sundry debtor of \$566.50.
- The property is to be sold with a demolition order.
- The reserve price for public auction to be set by Council.

Carried 7:0

Prior to consideration of item 16.1 Cr Mulroney disclosed an interest in this matter due to being the Local Manager of the SES Unit. Cr Mulroney asked the meeting to allow him to continue to participate in discussions as he believed his interest was insignificant and unlikely to influence his conduct in relation to this matter.

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Proposed Installation of a 20m Swing Pole for Communication Facility (SES)

File Reference: A690/00174
Location: Reserve 52874, Lot 501 – 18 Pasture Street, Pingelly
Applicant: SES Pingelly
Author: Barry Gibbs, Director Technical Services
Date: 7 February 2017
Disclosure of Interest: Nil
Attachments: Application for Planning Approval from the Pingelly
(Attachment 7 after lime green sheet in attachments book)
Previous Reference: N/A

Summary:

Council to consider an application for Planning Approval for a 20 meter Communication Pole on Reserve 52874, Lot 501 – 18 Pasture Street, Pingelly WA 6308

Background:

An application has been received from the Pingelly Sate Emergency Services (SES) Unit for planning approval for the construction and operation of a communications facility for use during emergencies within Pingelly and surrounding areas.

The SES is community based organisation that supplies an important emergency service to the Community of Pingelly and surrounding areas.

This new communications tower will replace the existing tower that was installed at the old SES depot at 3 Paragon Street, Pingelly. Currently the SES only has limited emergency communication as they are unable to utilise the existing communication tower.

The new tower (20 metres swing pole) will be installed by contractors engaged by the Shire of Pingelly. The tower will be installed next to the existing SES building on Reserve 52874, Lot 501 – 18 Pasture Street as per the plan shown in the attachment.

Comment:

The proposed location of the facility on Lot 501 18 Pasture Street. The property is owned by Shire of Pingelly and managed by the Pingelly SES Unit.

Under the *Shire of Pingelly's Local Planning Scheme No.3*, Lot 501 – 18 Pasture Street is zoned "Town Centre" and under the zoning table the land use for a telecommunications infrastructure in the "Town Centre Zone" is a 'A' use.

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

Shire of Pingelly's Local Planning Scheme No.3, section 9.4:

9.4 Advertising of applications

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is –

- (9) an 'A' use as referred to in clause 4.3.2; or

(b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice be given in clause 9.4.3.

9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways –

(9) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;

(b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government

9.4.4 The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 7 with such modifications as are considered appropriate by the local government.

9.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

Consultation:

Chief Executive Officer – Gavin Pollock

The proposal was advertised in the Pingelly Times on the following dates:

8, 15 & 22 February 2017, seeking public comment and a public notice located at the front of the property. The closing date for any public comments to be submitted was 1 March 2017. As of this date, no public submissions were received regarding the Proposed SES Communication Tower.

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12172 Moved: Cr Steel

Seconded: Cr Freebairn

Recommendation and Council Decision:

That Council grant planning approval for the proposed SES Communication Tower on Reserve 52874, Lot 501 – 18 Pasture Street, Pingelly.

Carried 7:0

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

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

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

**12173 Moved: Cr Steel Seconded: Cr Mulroney
That new business be introduced to the meeting.**

Carried 7:0

**12174 Moved: Cr Walton-Hassell Seconded: Cr Wood
That Council receive and endorse the 2017 Age Friendly Community Plan as tabled.**

Carried 7:0

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 3.23pm.

These minutes were confirmed by Council at the
Ordinary Council Meeting held on 19 April 2017

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