



Shire of Pingelly

Minutes

Ordinary Council Meeting
19 July 2017

SHIRE OF PINGELLY

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 19 July 2017 – commencing at 2.00pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.03pm.

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 Council Agenda Reports

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today's Agenda and the Officer Recommendations are based on Council Policy and or State Acts and Legislation.

3.2 Reminder

"Leadership is not about titles, positions or flowcharts. It is about one life influencing another."
— **John C. Maxwell**

"Success can only be measured by great succession planning" **Brian Houston**

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

MEMBERS PRESENT

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

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
Cr PJ Wood

At the Ordinary Council Meeting held on 17 May 2017 the following applications for leave were granted:

***12187 Moved Cr Freebairn Seconded Cr Mulrone
that Council approve Cr Wood taking leave from the 22nd June to the 6th August 2017
inclusive.***

Carried 8:0

At the Ordinary Council Meeting held on 21 June 2017 the following application for leave was granted:

***12204 Moved Cr Walton-Hassell Seconded Cr Wood
that Council approve Cr Marshall taking leave from the 11th to 22nd July 2017***

Carried 8:0

OBSERVERS & VISITORS

Mr Gary Bennell
Mrs Gloria Bennell

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

The Presiding Member opened question time at 2.05pm.

6.1 Mr Gary Bennell

Summary of Question:

Why did you put a gate on the reserve on Balfour Street?

Summary of Response:

The Chief Executive Officer replied that the gate was put there to prevent people from illegally dumping mattresses and household rubbish. There is still access to walk in, around either side of the gate, but just no access for cars to enter.

Summary of Question:

The gate shouldn't be there, you are shutting Noongar people off their land.

Summary of Response:

The Chief Executive Officer replied that there is still access to the land and the gate is there to stop vehicles accessing the reserve, not stopping people from accessing the land.

Summary of Question:

Have DPAW been in touch with you about that?

Summary of Response:

The Director Technical Services advised that he had spoken with the Department of Aboriginal Affairs and that the land is not registered under DPAW. The reserve is under the Shire's vesting.

The Chief Executive Officer said he would talk to DPAW about how to control the illegal dumping and will give you a response. Even though there is a free tip that is open from Fridays to Mondays people still have been dumping their rubbish in the reserve.

Summary of Question:

It has been said that the gate has been put up to keep in some horses on adjoining property.

Summary of Response:

The Chief Executive Officer advised the Shire have not put the gate up to discriminate or disadvantage anyone, we have put it up to simply stop people from dumping rubbish there. We know nothing about any horses in the area.

6.2 Mrs Gloria Bennell

Summary of Question:

Why didn't you ask the Noongar people before you put the gate on?

Summary of Response:

The Chief Executive Officer replied that there is still access to the area, access had not been cut off. We are not trying to stop Noongars from accessing the land. We can give you / PAPA a key to the gate, we just don't want people to go and destroy that piece of land by dumping rubbish.

Gary Bennell agreed to being issued a key and to keep the gate shut after accessing.

The Presiding Member closed question time at 2.16pm and Gary and Gloria Bennell left the meeting and did not return.

7. APPLICATIONS FOR LEAVE OF ABSENCE

12228 Moved: Cr Mulroney Seconded: Cr Steel

- that Council approve Cr Hodges taking leave from the 19th August to 9th September 2017 inclusive.
- that Council approve Cr Walton-Hassell taking leave from the 17th to 23rd August 2017 inclusive.

Carried 6:0

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 21 June 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

12229 Moved: Cr Hodges Seconded: Cr Mulroney

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 21 June be confirmed with the correction of the Somerset Alliance being changed to Pingelly Somerset Alliance.

Carried 6:0

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 Mulroney
Delegate – Cr Freebairn
Deputy – Cr Hodges
Deputy – Cr Wood
- 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 Focus Group
Delegate – Cr Steel
Delegate – Cr Walton-Hassell
Deputy – Recreation & Cultural
Committee
- Pingelly Recreation and Cultural Centre Committee
Delegate – Cr Lange
Delegate – Cr Walton-Hassell
Deputy – Cr Hodges

Barry Gibbs left the meeting at 2.44pm and re-joined the meeting at 2.45pm.

- Pingelly Somerset Alliance
Delegate – Cr Lange
Delegate – Cr Mulroney
Deputy – Cr Walton-Hassell
Deputy – Cr Wood

13. REPORTS FROM COUNCILLORS

Cr Shirley Lange (President)

Meetings attended:

June

15th Sensory Garden Rosalie Pech-Eva
15th Agenda Briefing
15th Youth Focus Group
17th Somerset Alliance
20th AGO Board Meeting – Esperance
21st Corporate Discussion and Council Meeting
23rd CCZ – Pingelly
30th Phone interview from York Community Radio

July

3rd Cottage Homes final meeting
5th Corporate Discussion
6th Peter Kenyon
7th Youth Focus Group
11th LEMC

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 Christmas and New Year's Office Closure

File Reference: 0000
Location: Shire of Pingelly – Administration
Applicant: Gavin Pollock – Chief Executive Officer
Author: Gavin Pollock – Chief Executive Officer
Date: 26 June 2017
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

Council to consider a shutdown of the Shire Administration Centre over the Christmas and New Year period being from 12 noon on Friday 22 December 2017 to Sunday 7 January 2018 (inclusive).

Background:

During the Christmas and New Year period for 2016/17 Council endorsed a similar closure of the Shire Administration Centre.

Comment:

During the abovementioned period there are four public holidays with staff being required to take approved leave for the additional days.

A roster will be developed to ensure coverage is provided by Senior Staff and the Works Supervisor so contact can be made by phone as per a roster with one or more being in town if required at short notice. Some members of the outside staff will be working in Pingelly during the closure period and will be available out of hours if required.

Fire weather warnings and harvest ban SMSs can be sent remotely using information telephoned to either of the Directors by a Pingelly based Fire Control Officer. This person will also arrange for the broadcast of harvest and vehicle movement bans where required.

The emergency services and police will be notified of all key personnel contact details during the period. This information will also be provided in the Information Bulletin. The public will be notified of contactable number via the Pingelly Times, a notice on the office door, the Shire of Pingelly Website and Facebook page.

Consultation:

Chief Executive Officer, Director of Technical Services and Director Corporate & Community Services.

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12230 Moved: Cr Steel

Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

- 1. That Council endorse the Chief Executive Officer closing the Shire Administration Office at 12 noon on Friday 22 December 2017 to Sunday 7 January 2018 inclusive and reopen 8:30am on Monday 8 January 2018.**
- 2. That staffing requirements and contact details are put into place for the closure period to deal with any emergency issues that may arise.**

Carried: 6:0

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Accounts Paid by Authority

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Finance Officer
Date: 12 July 2017
Disclosure of Interest: Nil
Attachments: List of Accounts
(Attachment 1 after red sheet under separate cover)
Previous Reference: N/A

Summary:

Council endorsement is required for accounts made by authority for the month of June 2017.

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

12231 Moved: Cr Mulronev Seconded: Cr Steel

Recommendation and Council Decision:

That Council endorse the Accounts for Payments for June 2017 as presented:

Carried: 6:0

FEBRUARY 2017	
MUNI - 117984856	
EFT 3656 - 3846	\$1,469,668.56
CHEQUE 24447 - 24459	\$ 33,259.15
TRUST ACCOUNTS	
DEPT OF TRANSPORT – 10617-300617	\$ 42,180.15
TRUST FUND – 1881 - 1896	\$ 3,312.60
DIRECT DEBIT -	
DD8986.1 – DD9032.11, EFT3655,3661,3665,3701,3729, 3754,3778,3809,3833,3834 – Pay and Super	\$ 24,040.48
DD9057.1 WA Treasury Corp - Loan 123	\$ 93,080.62
CREDIT CARD	
DD9013.1	\$ 4,190.18
GRAND TOTAL	\$1,669,731.74

Notification	Explanation
Nil	

**12232 Moved: Cr Walton-Hassell Seconded: Cr Mulronev
To suspend the meeting at 2.50pm.**

Carried 6:0

**12235 Moved: Cr Walton-Hassell Seconded Cr Mulronev
To reopen the meeting at 3.05pm.**

Carried 6:0

15.2 Audit Committee Minutes 19 July 2017

File Reference: ADM0074
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 12 July 2017
Disclosure of Interest: Nil
Previous Reference: N/A
Attachments: Audit Committee Minutes 1 March 2017
(Attachment 2 after green sheet under separate cover)

Summary:

Council to receive the minutes and endorse any recommendations from the Audit Committee on the Interim Audit Report from the Shire Auditors AMD Chartered Accountants.

Background:

The Shire has received correspondence from its Auditors AMD Chartered Accountants relating to the Interim Management Report for the Year ending 30 June 2017. The report has been presented to the Shire of Pingelly Audit Committee for consideration. The minutes on the 19 July 2017 Audit Committee meeting attached.

Consultation:

Shire of Pingelly Audit Committee
Chief Executive Officer
AMD Chartered Accountants

Statutory Environment:

*Local Government Act 1995 and
Local Government (Audit) Regulations 1996*

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:

Simple Majority

12236 Moved: Cr Steel

Seconded: Cr Mulroney

Audit Committee Recommendation and Council Decision:

That Council receives the minutes of the Audit Committee dated 19 July 2017.

Carried 6:0

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Ranger Authorisation

File Reference: ADM0306
Location: Shire of Pingelly
Applicant: Mr Matthew Sharpe, WA Contract Ranger Services
Author: Sheryl Squiers, Administration Officer Technical
Date: 20 June 2017
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

Council to endorse the appointment of Mr Shane Fewster of WA Contract Ranger Services to be authorised to act under the following legislation on behalf of the Shire of Pingelly.

Background:

Local Government is bound to enforce certain legislation and as a result is required that officers be authorised to undertake various roles and responsibilities in relation to the legislation. As existing officers roles change and new officers are employed, it is essential that these officers are properly authorised under the appropriate legislation to undertake their duties.

Comment:

Mr Fewster has been employed by WA Contract Ranger Services to provide support for Shire of Pingelly Ranger Mr Matthew Sharpe who has been conducting ranger services on behalf of the Shire of Pingelly since January 2014.

Mr Fewster was previously employed in 2008 as the ranger for the Shire of York and lives in York. Mr Fewster has also worked in various other roles in Local Government.

Providing delegations to Mr Fewster will enable Mr Sharpe to carry out his role under the relevant legislation on behalf of the Shire of Pingelly. Council will need to appoint both Mr Fewster to enforce the following legislation:

- 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:

Gavin Pollock – Chief Executive Officer
Matthew Sharpe – WA Contract Ranger Services
Barry Gibbs – Director Technical Services

Statutory Environment:

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:

Nil

Financial Implications:

Cost of service provision – 2017/18 budget

Strategic Implications:

Shire of Pingelly Workforce Plan

Voting Requirements:

Simple Majority

12237 Moved: Cr Hodges

Seconded: Cr Steel

Recommendation and Council Decision:

That:

Council endorse the appointment of Mr Shane Fewster as an Authorised Officer for the Shire of Pingelly 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**

Carried 6:0

16.2 Application to Keep Large Animals

File Reference: A2906
Location: Lot 589 – 17 Pitt Street
Applicant: Mr Stuart Hion & Ms Christine Pedlar
Author: Sheryl Squiers, Administration Officer Technical
Date: 5 July 2017
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

Council to reconsider an application for approval to keep large animals at Lot 589 – 17 Pitt Street, Pingelly.

Background:

An application from the applicants has been received requesting consent to keep more than the permitted amount of stock as set out in Policy 13.4 Stocking Rates and Keeping of Large Animals at Lot 589 – 17 Pitt Street, Pingelly.

Lot 589 – 17 Pitt Street is zoned Residential and in the current Local Planning Scheme has an RCode rating of R2/R5 which has the opportunity to be redeveloped at higher density residential, the total lot is 0.9687 or 2.39375 acres.

Comment:

The current owners were on the understanding that the lot is Rural Residential, but the lot is zoned Residential under the Local Planning Scheme.

The applicants are requesting to keep four Alpacas and four Dorper sheep on the lot and have indicated a management plan as follows.

Internal fencing has been installed to allow for rotation of the stock. The stock rating for a property of the area of this property without a management plan would be one alpaca or five sheep.

A 23,000L rainwater tank and irrigation and water troughs have been installed, this allows for the grass to be watered hence the paddocks for stock rotation to allow for grass growth to be kept up.

The perimeter of the property has had the boundary fences repaired and native trees planted.

The lot is bounded by the Great Southern Hwy to the east, Pitt St to the north, Philips St to the south and 19 Pitt St to the west, with more than the required 15m from the dwelling on this lot. This eliminates any direct impact on neighbouring properties.

The keeping of the stock and irrigation of the grass is also a great method of hazard reduction during the fire season.

This item went to Council at the Ordinary Meeting of Council on 21 June 2017 and Council requested that the item lay on the table and that neighbours be consulted prior to coming back to Council.

Letters were sent to 8 property owners within the vicinity of Lot 589 – 17 Pitt Street on the 22 June 2017 outlining the application and requesting comment by 7 July 2017.

Four verbal responses were received from 4 surrounding property owners who were all in agreement of the keeping of large animals at lot 589 – 17 Pitt Street as currently proposed.

Council letter 8 6

Gavin Pollock
C/- Pingelly Shire Council
Pingelly Western Australia

SHIRE OF PINGELLY	
FILE	A2906
DATE	09 JUN 2017
Officer	AOT
Copy to	JCR17217

Dear Gavin,

I am writting to you with some concerns about a private sale at 17 Pitt Street Pingelly which my Partner and Myself purchased from her Mother about a year ago.

The actually measured land measurement is 2.8861 acres or 1.1681 Hectares and when we purchased it from Roma Pedlar on the original title it showed as Rural / Residential,I have attached a snap of the original title and this is what the purchase contract was written from in a private sale,showing green as rural /residential.Roma was never notified that the zoning had changed.Thinking that the property was the same as when Roma and Tom owned the property we purchased the property and deecided to repair all the perimeter fences and add some internal fencing as we wanted to run a few Sheep and Alpaca,s.

We bought a 23000 litre tank and an irrigation setup, water troughs were installed and because of the internal fencing this allows us to rotate a paddock at a time to keep up the grass for live stock and to keep dust down.

Around the perimeter of the property we planted 40 plus native shrubs (Callistemons) for our privacy and local trafic astetics.

When Tom and Roma owned the property they had 14 sheep which they ran in the paddocks and because it was zoned as rural / residential we thought when we bought the property we would have a few pets to keep the grass down (as a Hobby)

Christine was talking to one of her friends and was told that we may require permission from the shire to have a few animals on our block of land, what worries us is that we have now spent quite a lot of money thinking that what we were doing was the right thing.

All of our animals being 4 Alapaca,s and 4 Dorper sheep are regularly vet checked and looked after.

The money that we have spent is property improvent and we get numerous people traveling through the town that stop off the highway and say how interesting the Alapaca,s look and would we mind if they took a photo with them,being on a corner block we are not affecting neighbours as the property ajacent is vacant and looks like it need demolishing,our other neighbors with a common fence have come over to meet the Alpacas and dont seem to have a problem at all, and send the grandkids over to say hi.

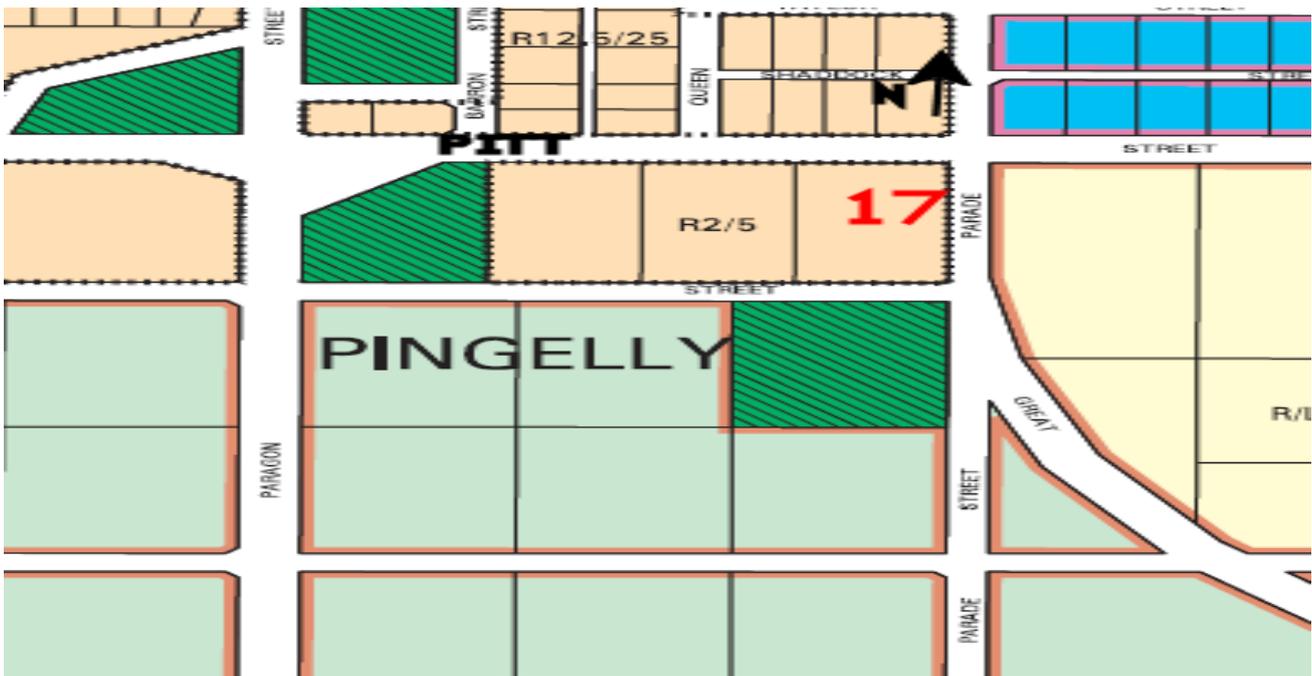
As we are on the outskirts of town when of course the native Callistemons grow and flower this could only add to the picturesque view of people entering from the south through the town.

In conclusion we take pride in maintaining our Property, Animals, and Home.

Yours Faithfully

Stuart Hion.

17 Pitt St
Pingelly 6308
PH:0428888822



Consultation:

Barry Gibbs – Director Technical Services

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3.

Policy 13.4 Stocking Rate and Keeping of Large Animals

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12238 Moved: Cr Mulroney Seconded: Cr Walton-Hassell

Council Decision:

That item 16.2 from the Council meeting on 21 June 2017 be lifted from the table.

Carried 6:0

12239 Moved: Cr Steel Seconded: Cr Freebairn

Recommendation and Council Decision:

Council to grant approval to the applicants to keep four (4) alpacas and four (4) sheep at Lot 589 – 17 Pitt Street, Pingelly, following consultation with surrounding neighbours regarding keeping of four (4) alpacas and four (4) sheep at this property with the conditions:

- 1. Management Plan submitted by the applicants is adhered; and**
- 2. Shire to review compliance conditions every 12 months.**

Carried 5:1

16.3 Application for an Exemption to Keep Three Dogs

File Reference: A22800
Location: Lot 333 – 17 Raglan Street
Applicant: Mrs Jill Wilson
Author: Sheryl Squiers, Administration Officer Technical
Date: 12 June 2017
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for an exemption to keep three dogs at Lot 333 – 17 Raglan Street, Pingelly.

Background:

The applicant has written to Council requesting an exemption to keep three dogs at Lot 333 – 17 Raglan Street, Pingelly.

Comment:

It is a requirement of the Shire of Pingelly's Dogs Local Law (2003) the maximum number of dogs that can be kept on a premise within a town site is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as Amended).

Council has approved similar applications in the past where all adjoining neighbours have agreed to the request and the Shire Ranger or other Authorised Council Officer has considered that there are no valid reasons for withholding such approval.

The following conditions to be stipulated on the approval:

- That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption, and
- That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.
- That the exemption applies only to the dogs nominated by the applicant.
- Each dog on the property must be micro chipped and registered with the Shire of Pingelly.
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.

Public comment was sort on the matter from the residents living in close proximatey to the above property. Any submission were requested to be submitted by the 7 July 2017.

Letters were sent to 5 property owners in the vicinity of Lot 333 – 17 Raglan Street, with two responses from from the neighbours who were happy for the third dog to be located at 17 Raglan Street.

The applicant also owns Lot 334 – 19 Raglan Street, which is a vacant block.

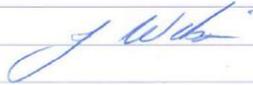
The applicant has her daughter living with her who has a one dog registered at the property and the applicant has the opportunity to take in two bull mastiff rescue pups and is requesting the exemption for the third dog.

10/06/17

DEAR GAVIN,

FIRSTLY, HELLO. MY NAME IS
JILL WILSON, I CURRENTLY LIVE WITH MY PARTNER
AND DAUGHTER AT 17 RAGLAN STREET, WE CURRENTLY
HAVE MY DAUGHTERS DOG (A BRINDLE 3 YR OLD BULL TERR
IER BITCH), A SITUATION HAS COME ABOUT, THAT
HAS GIVEN US AN OPPORTUNITY TO RESCUE 2 X
MASTIFF X PUPPIES (BROTHER + SISTER). WE WOULD
LIKE TO ^{HAVE} THE PUPPIES, THEREFORE WE WOULD LIKE TO
APPLY FOR A 3 DOG, HOUSEHOLD LICENSE PLEASE.

YOURS SINCERELY
JILL WILSON



SHIRE OF PINGELLY	
FILE	ADM0106
DATE	13 JUN 2017
Officer	SEO AOT
Copy to	ICR17235

274 16	17 259	318 16	11 330	700 /
275 18	19 258	317 18	13 330169 331	9
RENNET ST				
276 20	21 257	316 20	15 332	362 11
88 22	23 256	315 22	17 333	361 13
87 24	25 255	314 24	19 334	360 15
A42843 871 26	27 254	313 26	Property for 3 dogs	
278 28	29 253	312 28		
RETFORD ST				
279 30	31 252	311 30	21 335	359 17
	33 251	874 32		
	35 250	873 34		



Consultation:

Barry Gibbs – Director Technical Services
Dog Act (1976)

Statutory Environment:

DOG ACT 1976 - SECT 26

26 Limitation as to numbers

- (1) A local government may, by a local law under this Act —
- (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or
- (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.
- (2) A local law mentioned in subsection (1) —
- (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
- (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
- (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
- (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
- (b) cannot authorise the keeping in or at those premises of —
- (i) more than 6 dogs that have reached 3 months of age; or
- (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;
- and
- (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
- (i) a local law mentioned in subsection (1); or
- (ii) an exemption granted under subsection (3);
- or
- (b) more than —
- (i) 2 dangerous dogs (declared); or
- (ii) 2 dangerous dogs (restricted breed); or
- (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
- (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.

Penalty:

- (a) for an offence relating to a dangerous dog —
- (i) a fine of \$10,000, but the minimum penalty is a fine of \$500;
- (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;
- (b) for an offence relating to a dog other than a dangerous dog —
- (i) a fine of \$5,000;
- (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.

- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption under subsection (3); or
- (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
- may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

[Section 26 amended by No. 23 of 1987 s. 22; No. 14 of 1996 s. 4; No. 24 of 1996 s. 16; No. 55 of 2004 s. 256 and 268; No. 18 of 2013 s. 22.]

Pingelly Shire Council Dogs Local Law (2000) Section 3.2

Limitation on the number of dogs

- 3.2 (1) This clause does not apply to premises which have been—
- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26 (3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26 (4) of the Act—
- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

Financial Implications:

Nil

Strategic Implications:

Dog Act 1976 (As Amended)

Shire of Pingelly's Dogs Local Law (2003)

Voting Requirements:

Simple Majority

12240 Moved: Cr Mulroney

Seconded: Cr Freebairn

Recommendation and Council Decision:

That Council grant an exemption for the keeping of three dogs at 17 Raglan Street subject to the following conditions:

- 1. That the exemption be reviewed in twelve months' time to ensure that no adverse problems have been experienced as a result of the exemption.**
- 2. That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.**
- 3. The exemption applies only to the dogs nominated by the applicant.**
- 4. Each dog must be microchipped and registered with the Shire of Pingelly.**
- 5. Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.**

Carried 5:1

16.4 Proposed Non Commercial Motorcycle Activity

File Reference: A23640
Location: Various Locations at 1040 Jingaring Road, East Pingelly
Applicant: Willie Thomson of Dirt High Promotions
Author: Sheryl Squiers, Administration Officer Technical
Date: 10 July 2017
Disclosure of Interest: Nil
Attachments: Brookton Pony Express Emergency Risk Management Plan (Attachment 3 after blue sheet under separate cover)

Summary:

Council to consider granting approval for a proposed Non Commercial Motorcycle Activity on 5 & 6 August 2017 at 1040 Jingaring Road on the following locations 19588, 18578, 4813, 7103, 4609 & 5873.

Background:

An application has been received from Willie Thomson of Dirt High Promotions for planning consent for a proposed Non Commercial Motorcycle Activity in the Shire of Pingelly.

The proposed activity is to be on the weekend of 5 & 6 August 2017 on the property at 1040 Jingaring Road, East Pingelly known as Brooklands Park Pastoral owned by Jeff Edwards.

Comment:

An application has been received from Willie Thomson of Dirt High Promotions for planning consent for a proposed Non Commercial Motorcycle Activity on the property Brooklands Park Pastoral owned by Jeff Edwards. A similar event was held at this property on 3 & 4 September 2016.

The land is zoned General Agriculture and with the subject lots to be used for the event at 1040 Jingaring Road in the Shire of Pingelly.

The type of event is a Pony Express Motorcycle Event to be held on 5 & 6 August 2017, the owner of the property Jeff Edwards has given consent for this event to be held on his property.

The event will be run under permit from Motorcycling Australian and run in accordance with the Australian Rules of Competition, Public Liability Cover of \$50,000,000 through AON Insurance & Motorcycling Australia.

A copy of the application letter and other documentation is inserted below.

The proposed land use is a *use not listed* under the *Shire of Pingelly's Local Planning Scheme No.3* (LPS 3) Table 1 – Zoning Table and cannot be reasonably determined as falling within the interpretation of one of the existing uses. Therefore the provisions contained in Clause 4.4.2 of LPS 3 must be followed:

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or

- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

There will be between 10-20 people setting up the track on Friday 4 August 2017 and tidying up on Monday 7 August 2017.

All parking for the event will be within the property and controlled by voluntary marshalls. A minimum of 6 portable toilets will be provided. No dogs or pets allowed. There will be alcohol sales and food catering provided by the Pingelly Hockey Club.

Event promotion will be through Local Community News & Peel Region Sept Sport will be advised and event promotion through local businesses and motorcycle shops between Perth & Bunbury.

Given the temporary nature of the proposal it is unlikely there will be any substantial negative impact on rural character, amenity or agricultural production in the surrounding area.

The main potential disturbance to amenity would be from noise and traffic. To ensure such amenity disturbance is minimised, should Council grant planning consent for the application, hours of operation could be restricted as a condition of approval.

It would also be suggested an Emergency and Risk Management Plan for the event addressing possible identified risks and proposed mitigation measures be submitted to include:

- Emergency Evacuation
- Fire Management
- First Aid and Ambulance Services
- Toilet Facilities etc

Previous similar events have been approved and operated in the Shire of Brookton and recently one event in Shire of Pingelly including events run by the applicant.

On consultation with Trevor Moran – Planner at Landvision for a previous application for a similar event:

That issuing a temporary planning approval under clause 10.6 of the LPS No.3, approvals would be required for permits under other Acts, Local Laws and Council Policies. If these are in place to Council's satisfaction then a temporary approval could be issued subject to any conditions Council deems necessary.

10.6 Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

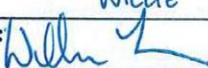
Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.



SCHEDULE 6 FORM OF APPLICATION FOR PLANNING APPROVAL

**Shire of Pingelly
Local Planning Scheme No. 3**

Application for Planning Approval

OWNER DETAILS:	
Name:	WILLIE THOMSON
Address:	1/17 CANVALE ROAD, CANNING VALE Postcode: 6155
Phone:	9455 2359
Work:	" " Email: MANAGER@TTAUTOSERVICES.COM
Mobile:	0438 360 570
Contact Person:	WILLIE THOMSON
Signature:	 Date: 10/07/2017
Signature:	Date:
The signature of the owner(s) is required on all applications. This application will not proceed without that signature.	

APPLICANT DETAILS:	
Name:	DECIMA JOHNS
Address:	1/17 CANVALE ROAD, CANNING VALE WA Postcode: 6155
Phone:	08 9455 2359
Work:	" " Email: ACCOUNTS@TTAUTOSERVICES.COM
Mobile:	0403 863 622
Contact Person for Correspondence:	DECIMA JOHNS

Signature: <i>gus</i>	Date: 10/07/2017
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Part 2

PROPERTY DETAILS:		
Lot No. <i>SEE ATTACHED</i>	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:		Suburb:
Nearest Street Intersection:		

EXISTING BUILDING/LAND USE:
Description of proposed development and/or use:
Nature of any existing buildings and/or use:
Approximate cost of proposed development:
Estimated time of completion:

Office Use Only	
Acceptance Officer's initials:	Date Received:
Local Government Reference No:	

DIRT HIGH PROMOTIONS

1/17 Carvale Road
CANNING VALE 6155
Tel: 08 9455 2359
Mob: 0438 360 570

willie@williethomson.com
www.williethomson.com

ABN 90 063 103 560

10th July 2017

Shire of Pingelly
17 Queen Street
PINGELLY WA 6308

Att: Sheryl Squiers
Administration Officer Technical

**Re: Proposed Non Commercial Motorcycle Activity
Brooklands Park Pastoral
03 & 04 September
Property Owned by Jeff Edwards**

Hi Sheryl,

We are looking at running a Motorbike event in August in your locality.

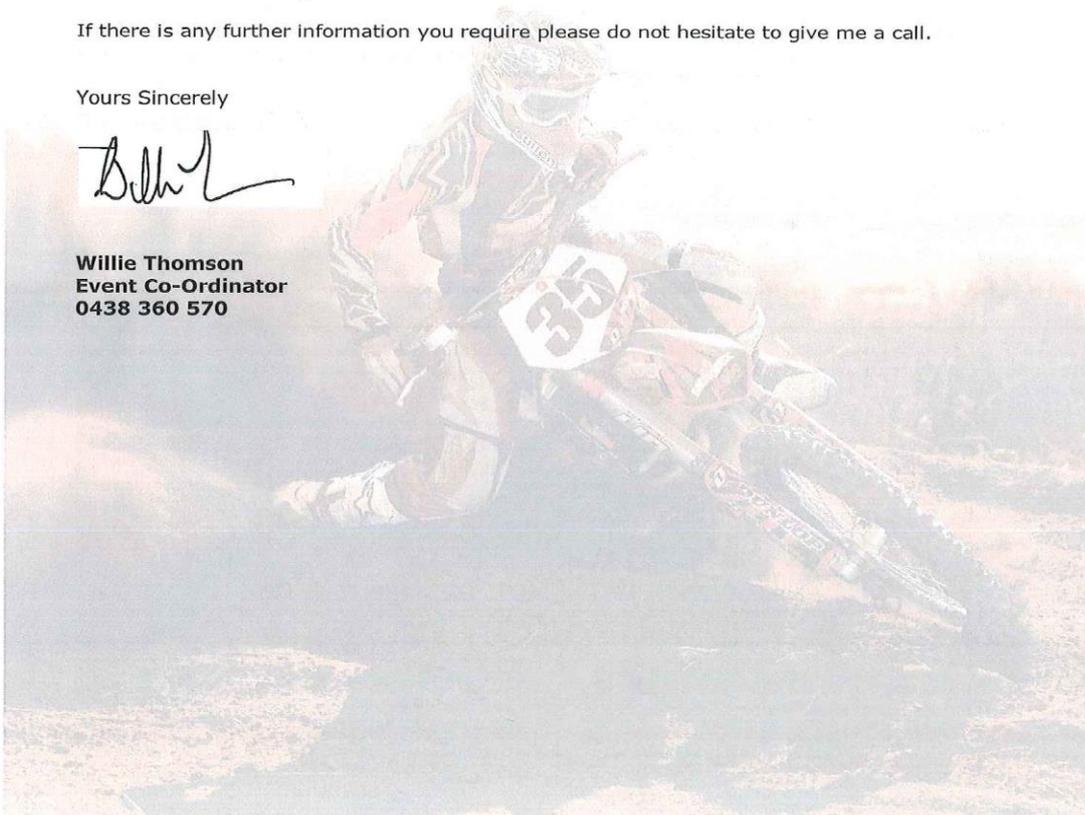
I have enclosed some general information on how the event works.

If there is any further information you require please do not hesitate to give me a call.

Yours Sincerely



Willie Thomson
Event Co-Ordinator
0438 360 570



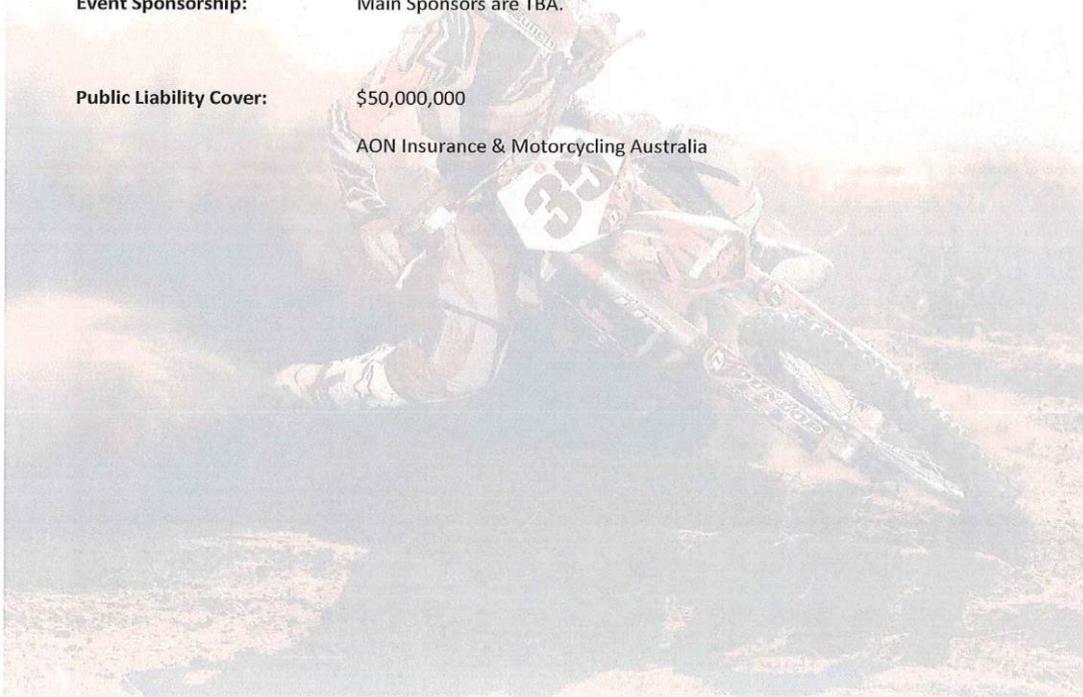
DIRT HIGH PROMOTIONS

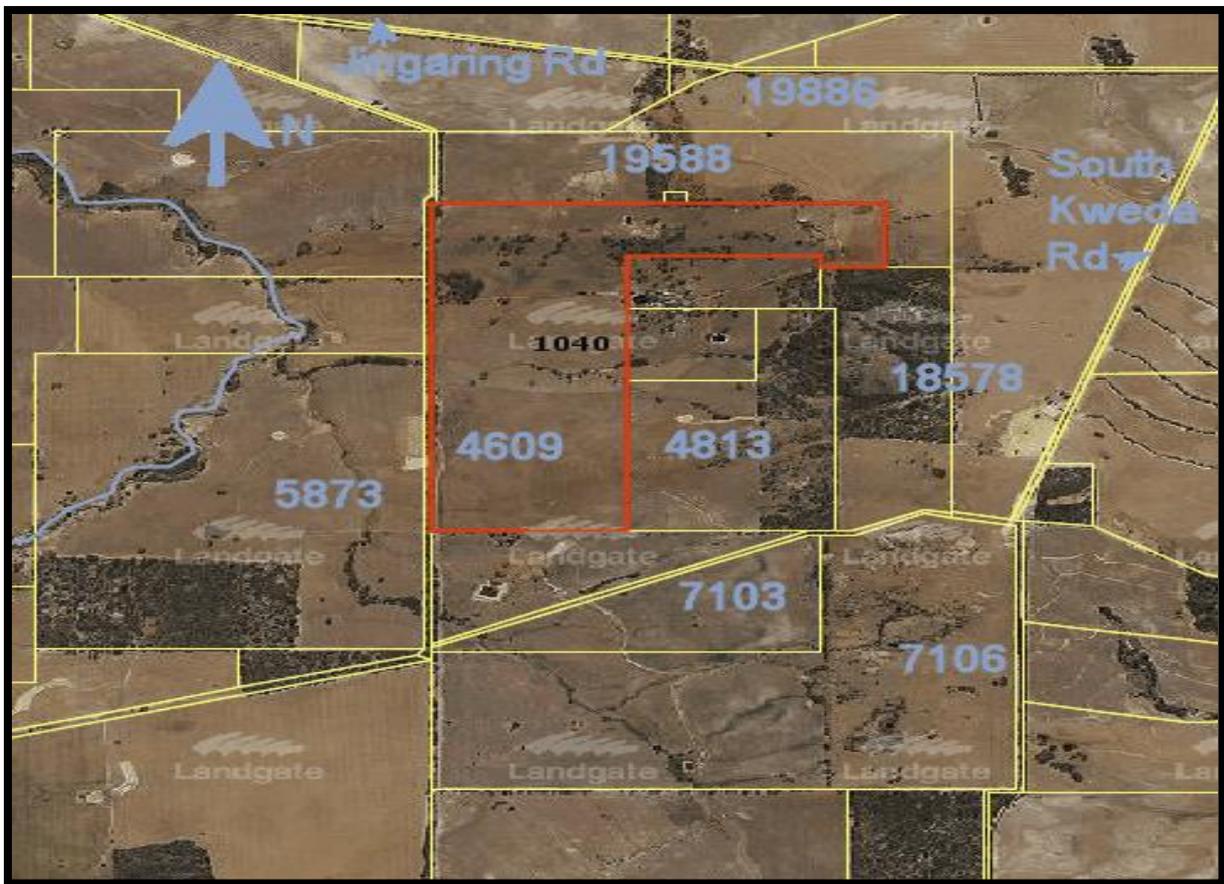
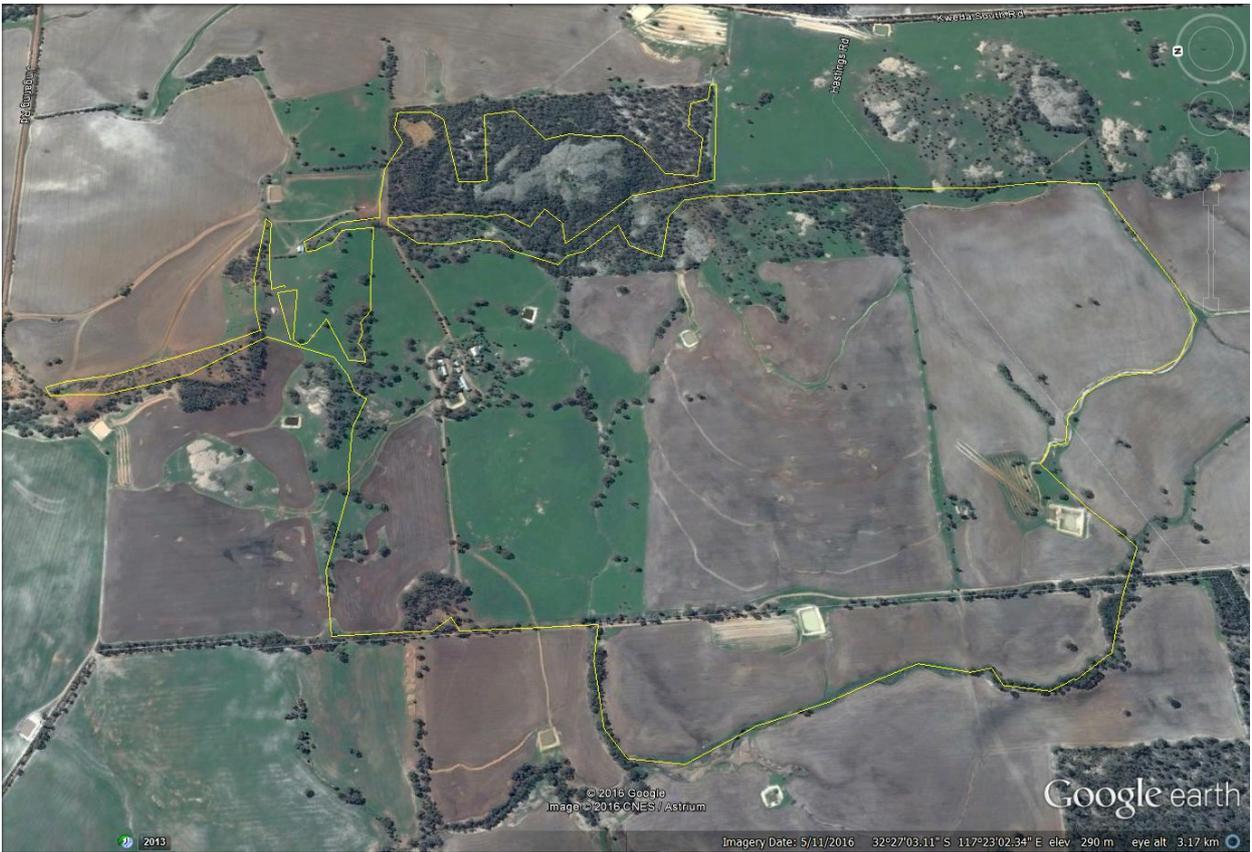
1/17 Canvale Road
CANNING VALE 6155
Tel: 08 9455 2359
Mob: 0438 360 570

willie@williethomson.com
www.williethomson.com

ABN 90 063 103 560

Type of event:	Pony Express Motorcycle Event
Date of event:	05 & 06 August 2017
Area Required:	TBA
Access Required:	Friday 04th (10-20 people) to mark out track and set up area. Monday, Finish tidying up and Inspection by owner of farm.
Parking:	All parking will be within the property and controlled by voluntary marshalls.
Toilets:	A minimum of 6 portable toilets will be provided.
Animals:	No dogs or pets will be allowed.
Alcohol:	By Sale from the Seabrooke Cricket Club
Food Catering:	By Sale from the Seabrooke Cricket Club
Event Guidelines:	The event will be run under permit from Motorcycling Australia and run in accordance with the Australian Rules of Competition.
Event Promotion:	Local Community news & Peel Region Sport will be advised. The event will be promoted through local businesses and motorcycle shops between Perth and Bunbury.
Event Sponsorship:	Main Sponsors are TBA.
Public Liability Cover:	\$50,000,000 AON Insurance & Motorcycling Australia





Consultation:

Trevor Moran – Planner Landvision
Barry Gibbs – Director of Technical Services

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12241 Moved: Cr Freebairn Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

That Council grant planning consent for the proposed Motorcycle Event at the following locations 19588, 18578, 7103, 4813, 4609 & 5873, off Jingaring Road, subject to the following conditions:

- 1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.**
- 2. This approval is for activities occurring between and including 4 – 7 August 2017, as described in the application.**
- 3. Ablution facilities that comply with the Shire of Pingelly’s Environmental Health requirements shall be available on site at all times during the event.**
- 4. Motorcycle activity shall occur only between the hours of 9.00am and 4.00pm on the 5 & 6 August 2017.**
- 5. The risk mitigation, control and responsibilities as prescribed in an Emergency and Risk Management Plan (ERMP) to be provided to the Shire of Pingelly, to be complied with at all times during the event.**
- 6. Appropriately qualified in first aid persons shall be on site at all times during the event.**
- 7. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the event.**

Carried 6:0

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).

12242 Moved: Cr Steel Seconded: Cr Mulroney to introduce new business

Carried 6:0

12243 Moved: Cr Steel Seconded: Cr Mulroney

That Council provides in principal support for the Narrogin day care proposal and authorises the Chief Executive Officer to have further discussions and investigate future opportunities with the Narrogin Child Care Service regarding the old Shire pre primary building in Pasture Street.

Carried 6:0

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 3.25pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 16 August 2017

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