

# Notice of Meeting



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Dear Councillor

The next Ordinary meeting of Council will be held on Wednesday, 17 August 2011 in the Council Chambers, 17 Queen Street, Pingelly commencing at 1.00pm.

Somerset House will be providing dinner.

## Schedule

12.00 noon	Lunch/Corporate Discussion
1.00pm	Council Meeting
6.30pm	Dinner

A handwritten signature in black ink, appearing to read 'M.G. Oliver'.

M.G. (Mick) Oliver  
**Chief Executive Officer**

11 August 2011

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Pingelly for any act, omission or statement or intimation occurring during Council/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/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.

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## **MISSION STATEMENT**

*To grow, develop and improve while maintaining our caring rural community*

# Evaluation Thought Starters .....

- What do we want to do?
- Why do we want to do it?
- Is there are clear justifications for the project:
  - Is there a need
  - Is there an expectation
  - Is there a long term goal
- When do we want to do it?
- How will we cover the cost of doing it?
  - Is there funding?
  - Do we have cash to pay for it?
  - Who can we ask for assistance?
- Will there be any internal and external impacts on the centre? Risk assessment – is there a need for a risk management plan?
- If we decide to go ahead with the project:
  - Who will oversee it - manage it?
  - Will we delegate it to anyone or a group to do to do?
  - Who will do the budget?
  - Are there stakeholders to consider? If so how will we communicate with them?
- Step by step - time line
  - When
  - Where
  - How
  - Who
- Completion of the project.
  - How will we know we have achieved our goal?
  - How will we measure success of the project?
  - Will it need acquitting?

## SHIRE OF PINGELLY

*Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday, 17 August 2011– commencing at 1.00pm.*

### **Table of Contents**

<b>1. OPENING &amp; ANNOUCEMENTS</b>	<b>1</b>
<b>2. APOLOGIES &amp; APPROVED LEAVE OF ABSENCE</b>	<b>1</b>
<b>3. DISCLOSURES OF INTEREST</b>	<b>1</b>
<b>4. PUBLIC QUESTION TIME</b>	<b>1</b>
<b>5. APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>1</b>
<b>6. CONFIRMATION OF MINUTES AND REPORTS</b>	<b>1</b>
6.1 Ordinary Meeting – 20 July 2011	1
6.2 Special Meeting – 1 August 2011	1
<b>7. TECHNICAL SERVICES</b>	<b>2</b>
7.1 Road Closure – Pitt & Paragon Streets	2
7.2 Railway Crossings	4
7.3 Roads To Recovery	7
<b>8. COMMUNITY SERVICES</b>	<b>8</b>
8.1 Residential Land Subdivision	8
<b>9. FINANCIAL SERVICES</b>	<b>13</b>
9.1 Monthly Statement of Financial Activity	13
9.2 Accounts Paid by Authority	19
9.3 Rate Charges Write-Off	27
9.4 Stallholder or Trader Permit Fee	29
9.5 2011/12 Budget	31
9.6 Draft 2011/12 Budget – Public Submissions	34
9.6 Donation – Pingelly Badminton Club	35
<b>10. ADMINISTRATION SERVICES</b>	<b>36</b>
10.1 Country Local Government Fund – 2011-12	36
10.2 CEO Performance Review	38
10.3 Climate Change Declaration	40
10.4 On-Line Licensing Agency	43
10.5 Children Facilities	44
10.6 Dual Fire Control Officers	46
10.7 Local Laws Review	47
<b>11. MEMBERS MOTIONS</b>	<b>49</b>
<b>12. NEW BUSINESS</b>	<b>49</b>
<b>13. MEMBERS REPORTS</b>	<b>49</b>
<b>14. CLOSURE</b>	<b>49</b>



## **1. OPENING & ANNOUNCEMENTS**

The Chairman to declare the meeting open.

## **2. APOLOGIES & APPROVED LEAVE OF ABSENCE**

### **3. DISCLOSURES OF INTEREST**

The *Local Government Act* (Section 5.60 – 5.62) provides that it is the Councillor's obligation to declare an interest if they believe that they have a financial interest, proximity interest, closely associated persons interest or an interest affecting impartiality in a matter being discussed by Council.

The Act provides that the interest may be declared in writing to the CEO prior to the meeting or declared prior to discussion of the agenda item at the meeting. Forms for this purpose are available to Councillors.

The Act further provides that the extent of the interest needs to be declared if the Councillor seeks to remain in the Chamber during the discussion, debate or voting on the item.

A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings.

## **4. PUBLIC QUESTION TIME**

## **5. APPLICATIONS FOR LEAVE OF ABSENCE**

## **6. CONFIRMATION OF MINUTES AND REPORTS**

### **6.1 Ordinary Meeting – 20 July 2011**

#### **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 20 July 2011 be confirmed.

### **6.2 Special Meeting – 1 August 2011**

#### **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 1 August 2011 be confirmed.

## **7. TECHNICAL SERVICES**

### **7.1 Road Closure – Pitt & Paragon Streets**

**File Reference:** 14.00.03  
**Location:** Pingelly Townsite  
**Applicant:** Shire of Pingelly  
**Date:** 2 August 2011  
**Author:** M.G. Oliver, Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Item 7.3 – 18 May 2011

#### **Summary:**

Council to consider initiating the closure of roads/tracks and converting to cul-de-sac Paragon Street and Pitt Street.

#### **Background:**

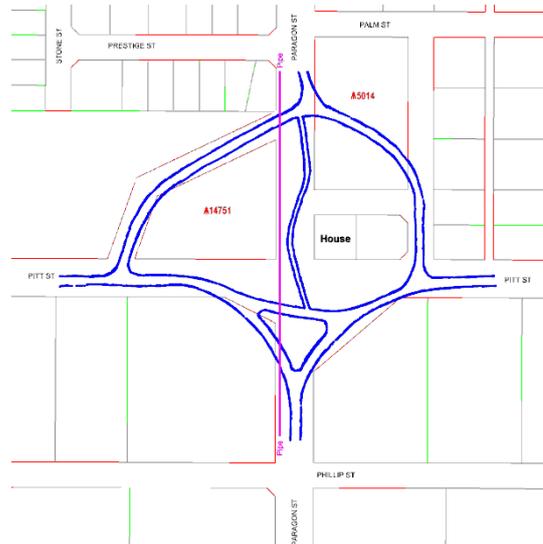
Arising from the Roads Inspection was the direction that the existing road system at Paragon Street/Pitt Street intersection be researched with the direction to close and cul-de-sac Paragon Street and Pitt Street.

Using the aerial photography from *Google Maps* the existing road network (coloured blue) has been overlaid a cadastral map to create the sketch.

In May 2011 Council resolved that public consultation be undertaken to the proposed closure of roads/tracks and converting to cul-de-sac Paragon Street and Pitt Street.

#### **Comment:**

This sketch clearly shows that the existing road network traverses Reserve 5014 and likely other private property in the truncations. The *tracks* have been created to avoid the large rock outcrop near the surveyed intersection.



The proposal was advertised in the *Pingelly Times* on 24 May 2011 and again on 31 May 2011. No responses were received – although a conversation was held with Southern Aboriginal Corporation (following advice to the Department of Housing) who are to acquire the house in the centre of the area and who were keen to see bitumised road access to the property.

#### **Consultation:**

General public via *Pingelly Times*.

#### **Statutory Environment:**

Section 58 of the *Land Administration Act 1997* provides:

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its

- district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
    - (a) by order grant the request;
    - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
    - (c) refuse the request.
  - (5) If the Minister grants a request under subsection (4) —
    - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
    - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
  - (6) When a road is closed under this section, the land comprising the former road —
    - (a) becomes unallocated Crown land; or
    - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Regulation 8 of the *Land Administration Regulations* provides that for the purposes of preparing and delivering under section 56(2) (a) of the Act a request to the Minister to dedicate land as a road, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;
- (b) if an application has been made to the local government under section 56(1) (b) (ii) of the Act, a copy of the application and details of the rateable value of all the rateable land relevant to the application;
- (c) if the request is made in respect of a private road referred to in section 56(1) (c) of the Act —
  - (i) written confirmation that the public has had uninterrupted use of the private road for a period of not less than 10 years;
  - (ii) a description of the section or sections of the public who have had that use; and
  - (iii) a description of how the private road is constructed;
- (d) copies of any submissions relating to the request that the local government has received, and the local government's comments on those submissions;
- (e) any other information the local government considers relevant to the Minister's consideration of the request;  
and
- (f) written confirmation that the local government has complied with section 56(2) of the Act.

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That the formal process, to close the section of Paragon Street (between Prestige Street and Phillip Street) together with the section of Pitt Street (between Baron Street and the unnamed road on the western side of Reserve 14751), be commenced.

## 7.2 Railway Crossings

**File Reference:** 14.00.05  
**Location:** Pingelly Townsite  
**Applicant:** Shire of Pingelly  
**Date:** 2 August 2011  
**Author:** M.G. Oliver, Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Item 7.1 – 15 June 2011

### Summary:

Council to consider formally requesting the gazettal of the *as constructed* western extension of Brown Street across the railway and the *as constructed* Review Street railway crossing.

### Background:

Arising from the Roads Inspection held on 5 April 2011 was the recommendation to Gazette the *as constructed* western extension of Brown Street across the railway crossing to Quadrant St as a high priority with reconstruct as a medium priority. This direction was endorsed by Council on 20 April 2011.

Discussions with the Public Transport Authority (in relation to the crossing) did not reveal any issues which would impinge this direction however it was discovered in the conversation that the Review Street crossing is similar – that is the constructed road is not gazetted. Again the Public Transport Authority had no issue with this situation being corrected.

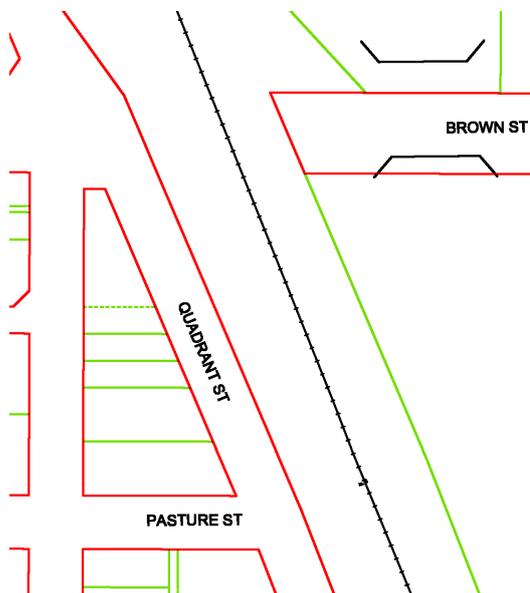
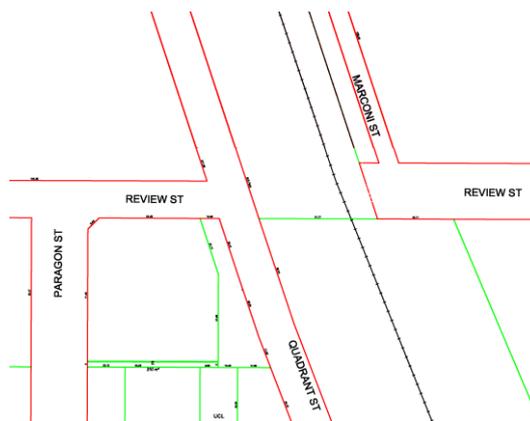
In June 2011 Council resolved that the proposal to gazette the *as constructed* western extension of Brown Street across the railway and the Review Street railway crossing be advertised and comment be sought from adjoining owners and service utility authorities.

In accordance with Section 58 of the *Land Administration Act*, the proposal was locally advertised and adjoining property owners and service utilities advised. Responses were received from Telstra, the Water Corporation and Western Power – without any issues being raised.

### Comment:

The statutory compliance issues have now been addressed.

**Consultation:** Nil



**Statutory Environment:**

Section 58 of the *Land Administration Act* provides:

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
  - (a) by order grant the request;
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
  - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
  - (b) any rights suspended under section 55(3) (a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
  - (a) becomes unallocated Crown land; or
  - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Regulation 8 of the *Land Administration Regulations* provides that for the purposes of preparing and delivering under section 56(2) (a) of the Act a request to the Minister to dedicate land as a road, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;
- (b) if an application has been made to the local government under section 56(1) (b) (ii) of the Act, a copy of the application and details of the rateable value of all the rateable land relevant to the application;
- (c) if the request is made in respect of a private road referred to in section 56(1) (c) of the Act —
  - (i) written confirmation that the public has had uninterrupted use of the private road for a period of not less than 10 years;
  - (ii) a description of the section or sections of the public who have had that use; and
  - (iii) a description of how the private road is constructed;
- (d) copies of any submissions relating to the request that the local government has received, and the local government's comments on those submissions;
- (e) any other information the local government considers relevant to the Minister's consideration of the request;  
and
- (f) written confirmation that the local government has complied with section 56(2) of the Act.

**Policy Implications:** Nil

**Financial Implications:**

Unknown – survey costs may be involved.

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That:

- it be noted that there were no objections to the proposed gazette of the *as constructed* western extension of Brown Street across the railway and the *as constructed* Review Street railway crossing (as per the sketch) at the close of the advertising period;
- the Minister for Lands be requested, pursuant to Section 58 of the *Land Administration Act* to gazette the two sections of *as constructed* roads, close as necessary the unconstructed section of Brown Street and amalgamate in the adjoining Reserve 10207; and
- the Minister be indemnified pursuant to Section 56(4) of the Act.

### **7.3 Roads To Recovery**

**File Reference:** 06.16.08  
**Location:** Shire of Pingelly  
**Applicant:** Australian Local Government Association  
**Author:** M.G. Oliver, Chief Executive Officer  
**Date:** 9 August 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

**Summary:**

Council to consider writing to the Prime Minister, Leader of the Opposition (Federal), Minister for Infrastructure & Transport, Opposition Spokesperson for Transport and the Federal Member to advise of support for a new Roads to Recovery Program.

**Background:**

The ALGA has noted that the current Roads to Recovery Program will conclude in 2014.

The first 4 year Program commenced in 2002 and has received 2 extensions of 4 years.

It is important that the Federal Government understands the benefit of the Programs and all local governments are urged to write to the Federal politicians.

**Comment:**

Support of the ALGA's push will assist in a further extension of the Roads to Recovery Program.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That letters supporting an extension of the current Roads to Recovery Program be written to the Prime Minister, Leader of the Opposition (Federal), Minister for Infrastructure & Transport, Opposition Spokesperson for Transport and the Federal Member.

## **8. COMMUNITY SERVICES**

### **8.1 Residential Land Subdivision**

**File Reference:** A8060 A9174  
**Location:** Townsite  
**Applicant:** LandCorp  
**Author:** M.G. Oliver, Chief Executive Officer  
**Date:** 2 August 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Item 10.8 – 20 October 2010

#### **Summary:**

Council to consider initiating rezoning of Reserves for residential and industrial redevelopment.

#### **Background:**

In February 2008 a request was made to the Department of Planning & Infrastructure – State Land Services – to consider selling freehold to the Shire of Pingelly Reserve 23053 (Park & Balfour Streets) to enable the Shire of Pingelly to develop the land for future residential purposes. At the time, State Land Services advised it was willing to offer the Reserve to the Shire of Pingelly under a development lease. It was advised that a development lease would enable the Shire of Pingelly to investigate the development possibilities of the Reserve. Once developed, the Reserves would then be able to be purchased from State Land Services for the cost of the vacant land minus the development costs.

A decision was made to accept a 5 year development lease.

In October 2010 details of the Regional Development Assistance Program (RDAP) were provided to Council. The program allows Landcorp to develop land where there is a community benefit that are unviable to the private sector and will provide a benefit or stimulate growth in towns in Regional WA. Proposals are sought each December. Officers indicated that 8-12 block residential subdivisions are the target. Issues to be addressed in the application include:

- Site overview
- Local government support (Council resolution)
- Tenure
- Planning status
- Engineering
- Native title
- Heritage issues
- Environmental
- Community views
- Services

It was noted that a joint venture with local government, with local government being able to access the Western Power headworks scheme is an opportunity.

Council resolved that an application be submitted under the RDAP for the subdivision of Reserve 23053 for residential purposes

In February 2011 a funding application was made to the RDAP. As part of that process it was discovered that a similar application was made in 2006 – unsuccessfully.

In July 2011 the CEO met with LandCorp regarding the RDAP funding application. LandCorp advised that Reserve 23053 has some potential issues associated with its development - it is not necessarily the most suitable site for development. Some of these issues include its location away from the town, high costs to develop (with long extensions of services required) costs of internal road construction, rezoning, potential environmental issues with some heavily treed areas etc.

Another site, Reserve 10946 was nominated for possible development in the Shire of Pingelly's previous EOI (2006/07). LandCorp believe this site may be more suitable to develop initially, with Reserve 23053 perhaps being a longer term development option. Reserve 10946 also requires rezoning but is located more centrally to town, will not require road construction, services run nearby and there should be no environmental issues with the site. Cost of construction would be significantly less than Reserve 23053. It is estimated that Reserve 10946 could yield approximately 10 residential lots.

LandCorp noted that to undertake any land development the land must be development ready – including being zoned correctly, or at least significant progress made in the rezoning process.

**Comment:**

A lease for Reserve 23053 was granted to the Shire of Pingelly in July 2010 for the purpose of residential development.

Reserve 10946 is vested in the Shire of Pingelly for the purpose of recreation. There is existing playground equipment located on the Reserve. A subdivision design could be created that retained a recreation area but allowed the balance of the land to be used for residential development.

Arising from the discussions with LandCorp was the proposal to subdivide Reserve 45121 for industrial development. In 1997 a subdivision sketch for this land was prepared and the issue has been re-visited at different times since then. Whilst the shape of the land has changed over the years, the concept still has relevance.

The details of the Reserves provided to Council were as follows:

**Reserve 23053 (Lot 807)**

Zoning:	Public Purposes – Civic
Power:	North side of Park St, Western end of Pasture St and along to Lot 10 Pasture St.
Water:	Intersection of Pasture and Balfour Streets
Sewerage:	Intersection of Park and Balfour Streets
Roads:	North – Park Street, sealed road South – no road reserve East – Balfour Street, gravel road West – Naylor Street, gravel road
Vegetation:	Native vegetation, Sheoak, small gums and scrub. Partially cleared.
Topography:	Slopes from the southern side of the block to the northern end. At the northern end it slopes from the west down to the east
Other features:	The area was the school oval so is partially cleared and levelled in the middle of the block
Cost Benefit	The area has power and water nearby and sewerage within 100m.

**Reserve 10946 (Lot 591)**

Zoning:	Recreation & Open Space
Power:	Power on the north, south and east side.
Water:	Power on the north, south and east side.
Sewerage:	
Roads:	North – Quartz Street, sealed and kerbed South – Eliot Street, sealed and kerbed West – Stone Street, sealed and kerbed
Vegetation:	Native vegetation – large gum trees
Topography:	Sloping with south west to north east drainage line through the centre.
Other features:	Water monitoring bores on the south west corner. Existing playground facilities on north west corner (fenced) and on the south east corner (unfenced)
Cost Benefit	The land is more central to the town than Reserve 23053.

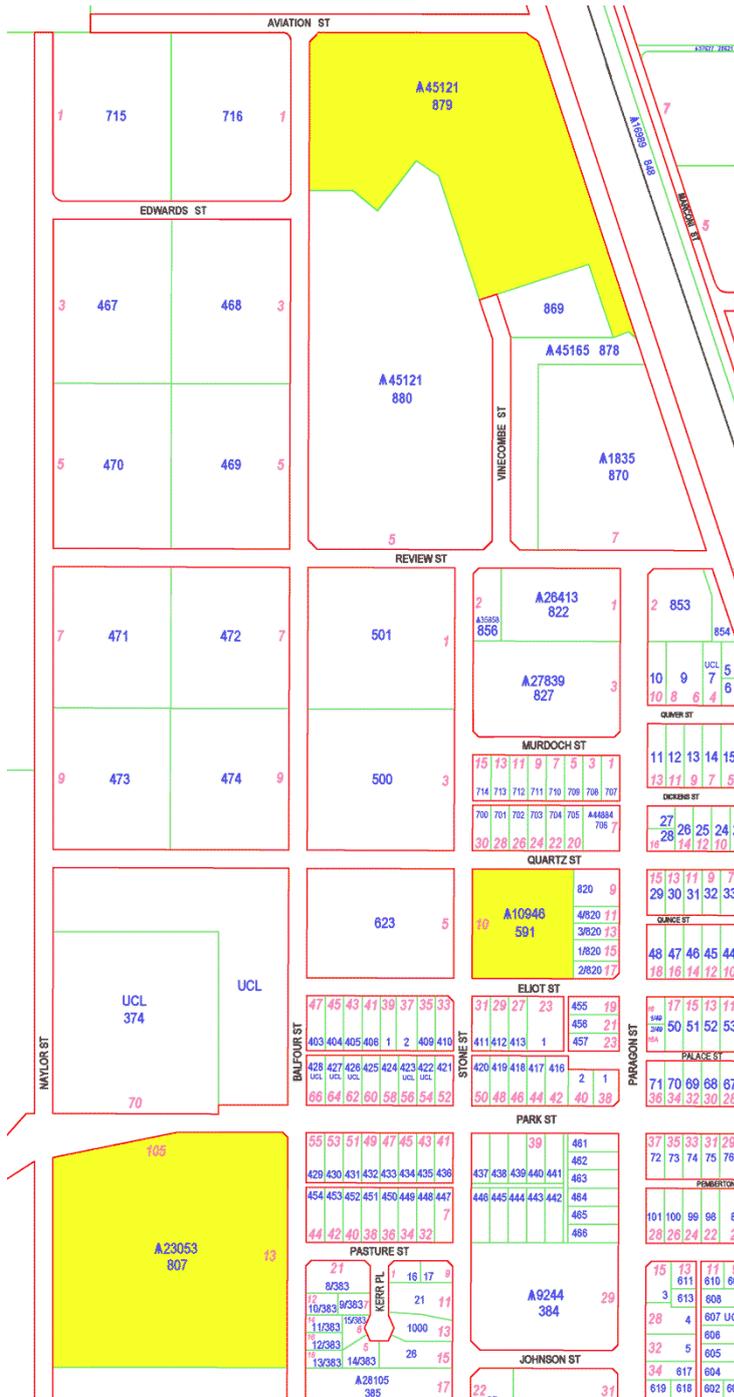
**Reserve 45121 (Lot 879)**

Zoning:	Industry
Power:	Power all the way along the east side of the Great Southern Hwy and the southern side of Aviation Street.
Water:	East side of Great Southern Hwy and Aviation Street.
Sewerage:	Not in close proximity
Roads:	North – Aviation Street, gravel road South – Some access from Vinnicombe Street East – Great Southern Highway, sealed road West – No road reserve
Vegetation:	Native vegetation- Sheoak, gum, scrub.
Topography:	Gentle slope from the west to the east.
Other features:	
Cost Benefit	The land has relatively easy access to water and power. Highway frontage would provide the ideal location for industrial blocks.

Neither of the Reserves *earmarked* for residential development are zoned for that purpose. A re-zoning process will need to be initiated.

In December 2010 a survey of vacant land and owners in the Pingelly townsite was carried out by Staff. From the owners of the 83 vacant blocks, 31 responses were received as follows:

• Available for sale	15	18.07%
• Being held for future development	8	9.64%
• Being held for speculation	2	2.41%
• Being held to provide an alternative use	6	7.23%



**Consultation:**  
LandCorp

**Statutory Environment:**  
Shire of Pingelly Local Planning Scheme No 3.

**Policy Implications:** Nil

**Financial Implications:**  
Cost of preparation of rezoning application and relevant advertising – estimated at \$3,000.

**Strategic Implications:**  
Theme 2 – item 2.2 of the Strategic Plan provides for:  
Change zoning, develop concept plans and implement infrastructure to provide land for mixed use / light industrial development (as part of TPS 3).

**Voting Requirements:** Simple Majority

**Recommendation:**  
That a rezoning application be initiated for Reserves 23053 and 10946 to change the zoning to residential.

That a Regional Development Assistance Program funding application be submitted for an industrial land subdivision for Reserve 45121 when applications are sought later in the year.

## **9. FINANCIAL SERVICES**

### **9.1 Monthly Statement of Financial Activity**

**File Reference:** 06.15.01  
**Location:** N/A  
**Applicant:** N/A  
**Date:** 10 August 2011  
**Author:** Simon Marshall, Deputy Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Attachments:** Statements

#### **Summary:**

Council to consider accepting the Monthly Statement of Financial Activity.

#### **Background:**

The Monthly Statement of Financial Activity is attached for Council consideration.

#### **Comment:**

The Monthly Statement of Financial Activity represents Council's financial activities and status for the period ending 31 July 2011.

As the draft 2011/12 Budget has not yet been adopted, Budget to Actual comparisons have not been provided.

**Consultation:** N/A

#### **Statutory Environment:**

Section 6.4(1) of the *Local Government Act* provides that a local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Regulation 34 of the *Local Government (Financial Management) Regulations* requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amount of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (i.e. surplus/(deficit) position).

The Statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That the Monthly Statement of Financial Activity for the period ending 31 July 2011 be accepted.

<b>SHIRE OF PINGELLY NET CURRENT FUNDING POSITION FOR THE PERIOD ENDING 31 July 2011</b>			
	NOTE	ACTUAL 2011/12	ACTUAL 2010/11
<b>CURRENT ASSETS</b>			
Cash - Unrestricted			
- Municipal Fund Bank		193,169.28	412,221.64
- Petty Cash & Till Floats		450.00	450.00
Cash - Restricted			
- Restricted Municipal Fund Bank		0.00	0.00
- Restricted Reserves		811,279.80	787,842.58
Receivables			
Sundry Debtor Rates		72,036.68	69,892.05
Sundry Debtor Other		424,680.06	101,826.50
Investments		5,000.00	5,000.00
Inventories		4,041.91	8,153.62
<b>TOTAL CURRENT ASSETS</b>		<b>1,510,657.73</b>	<b>1,385,386.39</b>
<b>LESS CURRENT LIABILITIES</b>			
Creditors		16,537.41	(113,206.24)
Borrowings		0.00	0.00
Provisions		(146,318.00)	(146,318.00)
<b>NET CURRENT POSITION</b>		<b>1,380,877.14</b>	<b>1,125,862.15</b>
Less Cash Restricted		(811,279.80)	(787,842.58)
<b>SURPLUS/(DEFICIT)</b>		<b>569,597.34</b>	<b>338,019.57</b>

<b>SHIRE OF PINGELLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 July 2011</b>		
	<b>SCHED #</b>	<b>YTD ACTUAL 2010-11</b>
<b>OPERATING REVENUE</b>		
Governance	4	371,199.22
General Purpose Funding	3	26,834.33
Law, Order & Public Safety	5	9,555.50
Health	7	446.00
Welfare & Education	8	570.00
Community Amenities	10	2,012.35
Recreation & Culture	11	1,883.43
Transport	12	195,805.73
Economic Services	13	4,299.12
Other Property & Services	14	1,674.10
<b>Sub Total</b>		<b>614,279.78</b>
<b>OPERATING EXPENDITURE</b>		
Governance	4	(58,157.22)
General Purpose Funding	3	(6,280.41)
Law, Order & Public Safety	5	(17,590.02)
Health	7	(5,530.80)
Welfare & Education	8	(2,069.76)
Community Amenities	10	(13,891.68)
Recreation & Culture	11	(29,349.94)
Transport	12	(115,299.79)
Economic Services	13	(10,398.05)
Other Property & Services	14	(70,806.05)
<b>Sub Total</b>		<b>(329,373.72)</b>
<b>NET OPERATING</b>		<b>284,906.06</b>

<b>SHIRE OF PINGELLY STATEMENT OF FINANCIAL ACTIVITY (Continued) FOR THE PERIOD ENDING 31 July 2011</b>		
	SCHED#	YTD ACTUAL 2010-11
<b>CAPITAL REVENUE</b>		
Governance	4	0.00
General Purpose Funding	3	0.00
Law, Order & Public Safety	5	0.00
Health	7	0.00
Education & Welfare	8	0.00
Community Amenities	10	0.00
Recreation & Culture	11	0.00
Transport	12	0.00
Economic Services	13	0.00
Other Property & Services	14	0.00
<b>Sub Total</b>		<b>0.00</b>
<b>CAPITAL EXPENDITURE</b>		
Governance	4	(40,227.71)
General Purpose Funding	3	0.00
Law, Order & Public Safety	5	0.00
Health	7	0.00
Education & Welfare	8	0.00
Community Amenities	10	0.00
Recreation & Culture	11	0.00
Transport	12	(12,140.69)
Economic Services	13	(4,720.00)
Other Property & Services	14	0.00
<b>Sub Total</b>		<b>(57,088.40)</b>
<b>TOTAL CAPITAL</b>		<b>(57,088.40)</b>
<b>TOTAL Net Operating &amp; Capital</b>		<b>227,817.66</b>
<b>ADJUSTMENT FOR NON-CASH ITEMS</b>		
Add Depreciation		27,197.33
Transfer from/(to) Reserves		(23,437.22)
Adjust Provisions/Accruals		0.00
Asset Disposal (Profit)/Loss		0.00
<b>Total Adjustment for Non-Cash</b>		<b>3,760.11</b>
Opening Surplus/(Deficit)		338,019.57
<b>Closing Surplus/(Deficit)</b>		<b>569,597.34</b>

<b>SHIRE OF PINGELLY INVESTMENT SUMMARY FOR THE PERIOD ENDING 31 July 2011</b>				
<b>Investment Description</b>	<b>Balance @ 31 July 2011</b>	<b>Investment Term</b>	<b>Investment Maturation</b>	<b>Interest Rate PA</b>
<b>Municipal Bank</b>	\$193,169.28	Rolling	Rolling	Varying
<b>Reserves Term Deposit</b>	\$811,279.80	6 Months	27-Jul-11	5.90%
<i>All Bank Accounts and Investments are held with the Bendigo Bank.</i>				

<b>Significant Expenditure Items for the month of July 2011</b>		
<b>Supplier</b>	<b>Description</b>	<b>Expenditure</b>
Synergy	Power Supply	\$5,466.80
Fuel Distributors	Fuel Purchase	\$8,387.18
Water Corporation	Water Rates & Supply	\$12,956.15
IT Vision	User Licence Fee	\$15,499.00
West Coast Shade	Shade Sail Repairs	\$20,779.00
LGIS Insurance	Insurance Premiums	\$84,443.62
M & V Ranieri	Repair Oval Tank	\$10,622.70
Page Truck Hire	Storm Clean Up	\$39,845.00
WALGA	Subscriptions	\$20,020.00
WA Country Builders	Duplex deposit	\$35,264.00
<b>Total</b>		<b>\$253,283.45</b>

## **9.2 Accounts Paid by Authority**

**File Reference:** 06.15.03  
**Location:** N/A  
**Applicant:** N/A  
**Date:** 3 August 2011  
**Author:** Simon Marshall, Deputy Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Attachments:** List of Accounts

### **Summary:**

Council to consider authorising the payment of accounts.

### **Background:**

The following list represents accounts paid by authority for the month of July 2011.

### **Comment:**

Unless otherwise identified, all payments have been made in accordance with Council's draft 2011/12 Budget.

### **Consultation: N/A**

### **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 subregulation (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: Nil**

### **Financial Implications: Nil**

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That the List of Accounts as presented and totalling:

- (1) Municipal Fund – Account 117984856  
19370 – 19481, 19494 inclusive total \$529,160.92 - previously paid.
- (2) Trust Fund – Account 117984872  
1587 – 1596 inclusive total \$24,861.61 - previously paid.
- (3) Trust Fund Department of Transport – 123395691  
totalling \$31,301.10; and
- (4) Direct Debit Payments  
totalling \$1,455.87 – previously paid  
be authorised.

**ACCOUNTS PAID PRESENTED FOR ENDORSEMENT: JULY 2011**

19370	01/07/2011	Telstra	Various phone charges CEO, EHO, MOW	95.12
19371	01/07/2011	Sunny Sign Company Pty Ltd	Arch frames	18,810.00
19372	01/07/2011	Hanson Construction Materials Pty Ltd	7.60m3 concrete Prestige Street 21 June 2011	2,509.98
19373	01/07/2011	Courier Australia	Freight charges 24 June 2011 PCS to Pingelly	7.23
19374	01/07/2011	Major Motors Pty Ltd	Oil filter and element fuel	57.46
19375	01/07/2011	Security & Key Pty Ltd	Bilock for refuse site	125.54
19376	01/07/2011	Stihl Shop Redcliffe	Guard for mower (discharge chute) and bumper strip	131.40
19377	01/07/2011	Narrogin Packaging and Narrogin Motorcycles & Accessories	2 x rolls plastic table cloth	50.00
19378	01/07/2011	Beaver Tree Services	Stump grinding of fallen trees from January 2011 storm	3,311.00
19379	01/07/2011	Esteem Plus - Maggie Dent	Maggie Dent ladies night 17 June 2011	2,794.00
19380	01/07/2011	Boddington Community Resource Centre Inc	Zumba classes every Wednesday 18 May - 6 July 2011 (8 classes)	1,768.00
19381	01/07/2011	Fuel Distributors of WA Pty Ltd	Bulk fuel purchase June 2011, 2,000 underground, 3,700 over head	7,800.45
19382	01/07/2011	Page Truck Hire	Tree clearing after January 2011 storm, 13 June - 24 June 2011, Norm and Napping Pool Roads	34,510.00
19383	05/07/2011	Shire of Pingelly	Ordinary pay run for week ending 5 July 2011	36,668.70
19384	05/07/2011	Shire of Pingelly	Payroll deductions	190.00
19385	05/07/2011	Child Support Agency	Payroll deductions	14.18
19386	05/07/2011	Prime Super	Superannuation contributions	130.70
19387	05/07/2011	WA Local Government Superannuation Plan	Superannuation contributions	7,262.01
19388	05/07/2011	LGRCEU	Payroll deductions	139.20
19389	08/07/2011	Pingelly Trading Co	IGA gift cards, newspapers and various goods for Council	729.95
19390	08/07/2011	Australia Post	Crime prevention pen mail out, postage, paper and envelope purchases	320.95
19391	08/07/2011	Arvidale Garden Centre	20 x trays of seedlings and June caravan park commission	1,080.75
19392	08/07/2011	Goldy's Electrics	Install power points shed at 17 Eliot street, 3 x power points to bus shed and smoke alarms at 42 Queen Street	1,403.85
19393	08/07/2011	Total Farming Services	4 x square mouth shovels, 20 litres soil wetter, rural joiner 1", 300m x 1.25mm tire wire, grating panel, channel joiner pipe, channel end cap, 80m x 6m storm PVC pipe, water can, 20 x fox baits and 4 x PVC elbows	1,387.91
19394	08/07/2011	Cancelled		
19395	08/07/2011	Westrac Equipment Pty Ltd	1 x part number 214-3279 hydraulic hose and 1 x part number 152-7217 air filter	214.66
19396	08/07/2011	Pacific Brands Sports & Leisure Pty Ltd - Workwear	2 x belts	46.53

19397	08/07/2011	The Churches' Commission on Education (Inc)	9 x people catering for Council meeting 20 April 2011	217.80
19398	08/07/2011	Department of Environment and Conservation	Pingelly waste management facility license	675.87
19399	08/07/2011	Narrogin Hire Service and Reticulation	Parts for retic in Memorial Park	58.88
19400	08/07/2011	Great Southern Fuel Supplies	Fuel purchases month of June 2011	2,988.21
19401	08/07/2011	Pingelly Quality Meats	30 x burgers for welcome and farewell BBQ	45.00
19402	08/07/2011	Flinn Health & Fitness	Low impact class 11 April and boxing for fitness 13 April 2011	160.00
19403	08/07/2011	Synergy	Electricity charges 22 April - 27 June 2011	5,466.80
19404	08/07/2011	AMD Chartered Accountants	Interim audit 2011 for year ending 30 June 2011, took place 2 and 3 June 2011	3,998.50
19405	08/07/2011	Pingelly Tyres Pty Ltd	2 x batteries for PCB3, tubeless tyre repair PDCEO7 and supply and fit tyre to fuel trailer	370.00
19406	08/07/2011	Avon Waste	Fortnightly recycling June 2011	100.00
19407	08/07/2011	Beaver Tree Services	Stump grinding for storm damage January 2011	5,280.00
19408	11/07/2011	Cancelled		
19409	08/07/2011	Shire of Wickepin	80 x days hire of sam trailer to assist with clean up after January 2011 storm	2,640.00
19410	08/07/2011	Orica Australia Pty Ltd	2 x service fee 1 June - 30 June 2011	75.24
19411	08/07/2011	Landgate	GRV schedule no. G2011/4	72.70
19412	08/07/2011	Perfect Computer Solutions Pty Ltd	2 x back up HDD	350.00
19413	08/07/2011	Sullivan Logistics Pty Ltd	Freight charges June 2011	1,163.70
19414	08/07/2011	Bron's Kitchen	RTG meeting and Council meeting meals	253.60
19415	13/07/2011	BOC Limited	Annual container service charge for period 1 July 2011 - 30 June 2012 for 1 x oxygen indust G size, 2 x dissolved acetylene G size and 2 x oxygen medical G size	765.22
19416	13/07/2011	Telstra	Harvest ban SMS - scene preservation training	22.00
19417	13/07/2011	GR Carter & EV McCahon	2 x 500 DLX envelopes and 1 x A4 financial year diary	73.95
19418	13/07/2011	IT Vision	Renew SynergySoft and Universe annual license fees to 30 June 2012	15,499.00
19419	13/07/2011	Pingelly Volunteer SES Unit	Reimbursements May and June 2011	719.44
19420	13/07/2011	West Coast Shade	Supply, fabricate and install shade sail structure, memorial park, pre primary, sports ground and swimming pool span shade	20,779.00
19421	13/07/2011	Bunnings Building Supplies	Sink mat	139.74
19422	13/07/2011	Department of Regional Development and Lands	Lease rent for six months 1 July - 30 December 2011	3,300.00
19423	13/07/2011	Security & Key Pty Ltd	2 x bi lock keys CA2	58.76
19424	13/07/2011	Gill Rural Traders	1 x dead lock	25.95
19425	13/07/2011	OCLC (UK) Ltd	Amlib annual maintenance 12 months from 1 July 2011	535.44

19426	13/07/2011	Water Corporation	Annual service charge 1 July 2011 - 30 June 2012	12,956.15
19427	13/07/2011	Synergy	Streetlight charges 25 May - 24 June 2011 and swimming pool charges 3 May - 30 June 2011	2,847.05
19428	13/07/2011	Pingelly Community Resource Centre	Library running costs July, August and September 2011	5,087.50
19429	13/07/2011	Local Government Managers Australia	2011/2012 LGMA Council corporate membership subscription	740.00
19430	13/07/2011	Pingelly Trading Co Hardware	5 x 90mm PVC pipe and 3 x 90mm bends 90% storm water, 1 x 500ml white paint, 2 x paint brushes, 2 x coupling s/w threaded 90m, 2 x 4mm chain and 2 x 6m x 90mm PVC pipe	156.10
19431	13/07/2011	Pingelly General Practice	Hep B vac John Eastwell and Rodney Evenis	119.80
19432	13/07/2011	LGIS Insurance Broking Services of WA	Insurance payments, salary continuance, personal accident, marine cargo, councillors and officers liability, bush fire and motor vehicle	43,883.91
19433	20/07/2011	Shire of Pingelly	Ordinary pay run for week ending 19 July 2011	33,988.50
19434	20/07/2011	Shire of Pingelly	Payroll deductions	190.00
19435	20/07/2011	Child Support Agency	Payroll deductions	14.18
19436	20/07/2011	Prime Super	Superannuation contributions	150.33
19437	20/07/2011	WA Local Government Superannuation Plan	Superannuation contributions	7,047.39
19438	20/07/2011	LGRCEU	Payroll deductions	139.20
19439	21/07/2011	Hanson Construction Materials Pty Ltd	15m3 Pitt Street concrete 7 and 8 July 2011	4,793.25
19440	21/07/2011	J R & A Hersey	200 x red road delineator, 200 x white delineator	374.00
19441	21/07/2011	Great Southern Ranger Services	Ranger services 8 July 2011	429.16
19442	21/07/2011	Pacific Brands Sports & Leisure Pty Ltd - Workwear	Uniform Order Mick Oliver	249.62
19443	21/07/2011	Courier Australia	Freight charges 7 July 2011 JR & A Hersey	10.05
19444	21/07/2011	Gregory John Mulrone	Labour to erect chain mesh fence around industrial shed and machine use	4,720.00
19445	21/07/2011	WALGA	Membership subscription and fees for 1 July 2011 - 30 June 2012	20,020.00
19446	21/07/2011	Security & Key Pty Ltd	Bilock for Rec Ground tank	112.51
19447	21/07/2011	Maxivan	20 litres hand soap	130.90
19448		Cancelled		
19449	21/07/2011	Water Corporation	New development and standard water service 27A Queen Street	1,509.75
19450	21/07/2011	WA Country Health Service - Wheatbelt Region	Dr Surgery rent	476.66
19451	21/07/2011	Great Southern Waste Disposal	Rubbish collection 31 May - 28 June 2011	5,709.09
19452	21/07/2011	Covs Parts Pty Ltd	Bosch metal cut off grinder 355mm and welding helmet	637.59
19453	21/07/2011	LGISWA	Insurance payments, LGIS liability scheme, LGIS workcare scheme, LGIS property scheme and fidelity guarantee CEO	40,559.71

19454	21/07/2011	Maurie Leonard Thomas	Marshall road realignment land resumption 2,332m2	634.00
19455	21/07/2011	Goodyear Dunlop Tyres (Aust) Pty Ltd	4 new tyres and wheel alignment PMOW9	992.32
19456	21/07/2011	Cemeteries & Crematoria Assoc. of WA	Ordinary membership renewal 2011/2012	100.00
19457	21/07/2011	Local Government Managers Australia	2011/2012 LGMA Membership subscription Fellow M Oliver	408.00
19458	21/07/2011	M & V Ranieri	Remove storm damage roof on water tank at rec ground and replace	10,622.70
19459	21/07/2011	Stewart & Heaton Clothing Co Pty Ltd	3 x bushfire jackets, 3 x bushfire trousers	692.47
19460	21/07/2011	Page Truck Hire	Tree clearing after January 2011 storm, Napping Pool Road 27 June - 8 July 2011	39,845.00
19461	22/07/2011	Department of Regional Development and Lands	10% deposit for purchase of Lot 595 (27A) Queen Street	4,000.00
19462	22/07/2011	Fuel Distributors of WA Pty Ltd	Bulk fuel purchase 2,300 litres underground, 3,750 litres over head	8,387.18
19463	28/07/2011	Telstra	Various phone charges	687.25
19464	28/07/2011	Sunny Sign Company Pty Ltd	6 x Hazard marker sign for rural roads and 1 x Scudds Lane	470.95
19465	28/07/2011	Hanson Construction Materials Pty Ltd	4.80m3 concrete Pitt Street footpath	1,533.84
19466	28/07/2011	Pacific Brands Sports & Leisure Pty Ltd - Workwear	1x Work shirt	55.28
19467	28/07/2011	T & A Glassworks	2 x Glass for Cat loader and reglaze bathroom window 36B Sharow Street	634.50
19468	28/07/2011	WALGA	SES Tender advertisement The West Australian Saturday 18 and 25 June 2011 and Administration Officer Technical The West Australian Saturday 25 June and Narrogin Observer 29 June	2,765.10
19469	28/07/2011	Security & Key Pty Ltd	Re-keying sea container padlocks (pad6) to remove public access	95.59
19470	28/07/2011	Brookton Plumbing	Pump out effluent tank at oval after January 2011 storm	300.00
19471	28/07/2011	Pingelly Tyres Pty Ltd	6 x Dunlop tyres, supply, fit and balance for PT15, strip and repair 1TGJ857 and strip and repair minor plant	1,650.00
19472	28/07/2011	Avon Waste	Fortnightly recycling bulk bin fortnight ending 12 July 2011	100.00
19473	28/07/2011	Hendry Group (WA) Pty Ltd	Building license applications for various properties, 14 hours	1,386.00
19474	28/07/2011	L R Watts & Co	Burning roadside waste after January 2011	369.60
19475	28/07/2011	BT Equipment Pty Ltd - WA	2 x Disc brake pad	283.12
19476	28/07/2011	WA Country Builders	Deposit for Lot 604 Webb Street units	35,264.00
19477	28/07/2011	Perfect Computer Solutions Pty Ltd	Labour charges for jobs completed May 2011, end of financial year backups less charges for PDF editing 13 May 2011 that did not occur	503.75
19478	28/07/2011	Rocla Pipeline Products	Pipes and headwalls	2,435.83
19479	31/07/2011	Shire of Pingelly	BCITF and BRB commission for the month of July 2011	12.10
19480	31/07/2011	Construction Training Fund	BCITF collections for the month of July 2011	548.57

19481	31/07/2011	Builders Registration Board of WA	BRB collections for the month of July 2011	36.00
19494	31/07/2011	Australian Taxation Office	GST collections for the month of July 2011	39,901.00
<b>Total Municipal Fund</b>				<b><u>529,160.92</u></b>
1587	07/07/2011	ER & G Parsons	Refund of cat trap bond	80.00
1588	14/07/2011	Shire of Pingelly	Reimbursement for missing crockery and cutlery from hire of community centre on 26 June and 6 July 2011	6.95
1589	14/07/2011	Isobel Dianne Hughes	Refund of cleaning, key and crockery bond less money for missing crockery and cutlery, hire of community centre 6 July 2011	379.35
1590	14/07/2011	Hazel Meeres	Refund of key and cleaning bond hire of town hall 6 and 8 July 2011	140.00
1591	14/07/2011	Pingelly Golf Club	Refund of cleaning, key, liquor and crockery bond less money for missing crockery, hire of community centre 26 June 2011	573.70
1592	21/07/2011	Ann Murray	Refund of cat trap bond	80.00
1593	25/07/2011	ST John Ambulance Australia (WA) Inc.	Refund of cleaning, key, liquor and crockery bond, hire of community centre 19 July 2011	380.00
1594	25/07/2011	Evan Hodges	Refund of key bond for refuse site key 13 - 22 July 2011	40.00
1595	25/07/2011	Michael James Hughes	Refund of cleaning, key, liquor and crockery bond, hire of community centre 9 July 2011	480.00
1596	25/07/2011	Shire of Pingelly	Proceeds from sale of land for unpaid rates for Shire rates	22,701.61
<b>Total Trust Fund</b>				<b><u>24,861.61</u></b>
11072011	11/07/2011	Department of Transport	Reconciliation of Transport Licensing 1 July 2011 - 6 July 2011	14,000.50
18072011	18/07/2011	Department of Transport	Reconciliation of Transport Licensing 7 July 2011 - 13 July 2011	6,816.65
25072011	25/07/2011	Department of Transport	Reconciliation of Transport Licensing 14 July 2011 - 20 July 2011	6,616.65
31072011	31/07/2011	Department of Transport	Reconciliation of Transport Licensing 21 July 2011 - 27 July 2011	3,867.30
<b>Total Trust Licensing</b>				<b><u>31,301.10</u></b>

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Bendigo Bank	EFT fee	7.81
Bendigo Bank	Bank fees	90.00
Bendigo Bank	Merchant bank fees	167.47
Westnet	Internet fees	184.84
Westnet	Internet fees governance	39.95
Gecca	Photocopier rental agreement	946.00
Centrelink	Processing Fees	19.80
<b>Total Direct Debit Payments</b>		<b><u>1,455.87</u></b>

### **9.3 Rate Charges Write-Off**

**File Reference:** A11912  
**Location:** 5 Thompson Road, East Pingelly  
**Applicant:** Darren Hunt  
**Date:** 10 August 2011  
**Author:** Simon Marshall, Deputy Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **Summary:**

Council to consider the writing off of \$211.95 in penalty interest and legal charges from rating assessment 11912.

#### **Background:**

The owner of 5 Thompson Road Pingelly (Assessment 11912) claims that he should not be liable for interest and legal charges on top of his rates charges, as his rates notice was, as he claims, sent to the wrong residential address. Consequently, the notice was apparently never received and therefore never paid.

#### **Comment:**

The 2010/11 Rates notices were issued on the 27 July 2010. The rates notice for Assessment 11912 was sent to a Brookton Post Office box.

Payment was not received by the due date (31 August 2010) and the outstanding rates were sent to Austral Mercantile (debt collection agency) to recover the outstanding charges.

Austral Mercantile were provided with an incorrect contact address as this had changed between the 2009/10 and 2010/11 rates issue, consequently the reminder notice sent by the collection agency went to an incorrect address.

On 21 March 2011 Austral Mercantile were given the owner's property address so that further action could be taken.

On the 26 July 2011 the owner approached Shire staff to query the debt collection process (a General Procedure Claim) which was served for outstanding rate payments. Advice was given that a written submission was required for any debt write off to be considered by Council.

There appears to have been a mistake made by Staff which has contributed to the collection of this rate account – and hence the interest charged.

**Consultation:** N/A

#### **Statutory Environment:**

Section 6.12 of the *Local Government Act* provides:

- (1) Subject to subsection (2) and any other written law, a local government may —
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money, which is owed to the local government.
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

**Policy Implications:** Nil

**Financial Implications:**

\$211.95 in penalty interest and legal charges written off.

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That an amount of \$211.95 being penalty interest and legal charges in regards to rating assessment 11912 for 2010/11 rating year be written off.

## **9.4 Stallholder or Trader Permit Fee**

<b>File Reference:</b>	<b>01.03.01.06</b>
<b>Location:</b>	<b>Shire of Pingelly</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>M.G. Oliver, Chief Executive Officer</b>
<b>Date:</b>	<b>11 August 2011</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>

### **Summary:**

#### **Background:**

Clauses 6.2 and 6.3 of the Shire of Pingelly Activities In Thoroughfares And Public Places And Trading Local Law provides for a fee to be paid for a permit to conduct a stall in a public place. Charitable applicants are exempt the fee.

The permit is valid for up to a year.

No record can be found of Council setting a fee.

The penalty for trading without a permit is a maximum of \$5,000 plus a maximum of \$500 per day for continuation. The infringement amount for trading without a permit is \$300.

#### **Comment:**

The issue has come to fore following an interested party seeking permission to conduct trade from the back of a travelling truck.

#### **Consultation:** Nil

#### **Statutory Environment:** Nil

Clause 6.2 (Stallholder's permit) from the Shire of Pingelly Activities In Thoroughfares And Public Places And Trading Local Law provides:

- (1) A person shall not conduct a stall on a public place unless that person is—
  - (a) the holder of a valid stallholder's permit; or
  - (b) an assistant specified in a valid stallholder's permit.
- (2) Every application for a stallholder's permit shall—
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
  - (c) specify the proposed location of the stall;
  - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
  - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
  - (f) be accompanied by an accurate plan and description of the proposed stall.

Clause 6.3 (Trader's permit) provides:

- (1) A person shall not carry on trading unless that person is—
  - (a) the holder of a valid trader's permit; or
  - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall—
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
  - (c) specify the location or locations in which the applicant proposes to trade;

- (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
  - (e) specify the proposed goods or services which will be traded; and
  - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.
- (3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

**Policy Implications:** Nil

**Financial Implications:**

Minimal, if any.

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That a fee of \$150 for a stallholder or trader's permit under the Shire of Pingelly Activities In Thoroughfares And Public Places And Trading Local Law be included in the draft 2011/12 Budget.

## **9.5 2011/12 Budget**

**File Reference:** 06.07.00  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Pingelly  
**Author:** Simon Marshall, Deputy Chief Executive Officer  
**Date:** 10 August 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Item5.3 – 1 August 2011

### **Summary:**

Council to consider the adoption of the 2011/12 Budget.

### **Background**

The Local Government Act 1995, (s6.2) provides that a local government must, not later than 31 August in each financial year, or such extended time as the Minister allows, prepare and adopt (by an absolute majority), in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Council resolved at a Special Meeting on 1 August 2011 that a balanced draft 2010/11 Budget be prepared with for adoption by Council at the August 2011 Ordinary Council meeting.

### **Comment**

The draft 2011/12 Budget has been reformatted into the statutory requirements.

### **Financial Implications**

2011/12 Budget.

### **Policy Implications – Nil**

### **Strategic Plan Implications – Nil**

### **Future Plan Implications – Nil**

### **Community Consultation – Nil**

### **Statutory Environment**

Section 6.2 of the *Local Government Act* provides that:

- (1) Not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for principal activities accepted by a local government under section 5.58 and to prepare a detailed estimate for the current year of –
  - a. the expenditure by the local government;
  - b. the revenue and income, independent of general rates, of the local government; and
  - c. the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2) (a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

- (4) The annual budget is to incorporate –
  - a. Particulars of the estimated expenditure proposed to be incurred by the local government
  - b. Detailed information relating to the rates and service charges which will apply to land within the district including –
    - i the amount it is estimated will be yielded by the general rate; and
    - ii the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
  - c. the fees and charges proposed to be imposed by the local government;
  - d. the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
  - e. details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
  - f. particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - g. such other matters as are prescribed
- (5) Regulations may provide for –
  - a. The form of the annual budget;
  - b. The contents of the annual budget; and
  - c. The information to be contained in or to accompany the annual budget.

Section 6.11 provides:

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
  - (a) changes the purpose of a reserve account; or
  - (b) uses the money in a reserve account for another purpose,it must give one month's local public notice of the proposed change of purpose or proposed use.
- (3) A local government is not required to give local public notice under subsection (2) —
  - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
  - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Section 6.34 provides that unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency.

Regulation 32 of the *Local Government (Financial Management) Regulations* provides that a local government may exclude from the calculation of the budget deficiency (6.2(3)) —

- (a) money borrowed or to be borrowed, to the extent that it is proposed in the annual budget to remain unspent at the end of the financial year;
- (b) reserves, to the extent that they are proposed in the annual budget to remain unspent at the end of the financial year;
- (c) in relation to a land transaction or trading undertaking, assets and liabilities, to the extent to which they are proposed in the annual budget to remain restricted to the purposes of the land transaction or trading undertaking at the end of the financial year;
- (d) any proposed amounts of depreciation of non-current assets;
- (e) assets from grants or gifts or non-cash revenue or expenditure;

- (f) current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year; and
- (g) any other current assets which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain unused at the end of the financial year.

Section 6.35 provides:

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
  - (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
  - (a) to land rated on gross rental value;
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.

Section 6.47 provides that subject to the *Rates and Charges (Rebates and Deferments) Act*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

**Voting Requirements:** Absolute Majority

**Recommendation:**

That the draft 2011/12 Budget, inclusive of accounting policies, be adopted.

**9.6 Draft 2011/12 Budget – Public Submissions**

**File Reference:** 06.07.01  
**Location:** N/A  
**Applicant:** Various  
**Date:** 4 July 2011  
**Author:** Simon Marshall, Deputy Chief Executive Officer  
**Disclosure of Interest:** Nil

**Summary:**

Council to consider community requests for the draft 2011/12 Budget.

**Background:**

Submissions for the draft 2011/12 Budget were invited via the Pingelly Times on 17, 24 and 31 May 2011 with submissions requested by 7 June 2011. The following submissions were received after the 7 June deadline:

**From: Central Agcare Inc**

That a donation of \$2,000 be made to Central Agcare Inc to assist with general administration, fuel, training and seminar/workshop expenses.

**Community Benefit:**

Central Agcare Inc is a non-profit organisation providing family counselling services to the Corrigin, Kulin, Kondinin, Narembeen, Bruce Rock, Quairading, Brookton, Pingelly and Wickiepin Shires.

Estimate of Cost: \$3,600 per rock wall (ex. GST)

**Comment:**

Central Agcare Inc has been previously supported (donation of \$650), the last time being in the 2008/09 Financial year.

Central Agcare Inc was not supported in 2009/10 or 2010/11.

**Consultation:** Nil**Statutory Environment:**

Section 6.7(2) (Municipal fund) of the *Local Government Act* provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government.

**Policy Implications:**

Policy 5.5 (Donations) provides that Council may sponsor members of the community or provide financial assistance to community organisations for the provision of services that are of benefit to the community. Requests for financial assistance will be invited in March and are to be in writing for consideration by Council at the April meeting.

**Financial Implications:**

2011/12 Budget.

**Strategic Implications:** Nil**Voting Requirements:** Simple Majority**Recommendation:**

That Central Agcare Inc be informed that their application was declined due to the draft 2011/12 Budget submission period closing on 7 June 2011.

## **9.6 Donation – Pingelly Badminton Club**

**File Reference:** 06.02.01  
**Location:** N/A  
**Applicant:** Various  
**Date:** 10 August 2011  
**Author:** Simon Marshall, Deputy Chief Executive Officer  
**Disclosure of Interest:** Nil

### **Summary:**

Council to consider contributing to the Pingelly Badminton Club's Open Day prize pool.

### **Background:**

The Pingelly Badminton Club holds "open days" to encourage potential members to join the club. The encourage attendance the Club offers the chance to win donated prizes by way of a raffle, door prize and competition placings (i.e. first, second, third & wooden spoon).

In return for prize donations, contributors are advertised at the event and in the Pingelly Times.

The Pingelly Badminton Club has not stipulated the value of donation they are after.

### **Comment:**

The Pingelly Badminton Club Open Day has not previously been supported.

There is no allowance for general donations in the draft 2011/12 Budget.

### **Consultation:** Nil

### **Statutory Environment:**

Section 6.7(2) (Municipal fund) of the *Local Government Act* provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government.

### **Policy Implications:**

Policy 5.5 (Donations) provides that Council may sponsor members of the community or provide financial assistance to community organisations for the provision of services that are of benefit to the community. Requests for financial assistance will be invited in March and are to be in writing for consideration by Council at the April meeting.

### **Financial Implications:**

Minimal unbudgeted expenditure.

### **Strategic Implications:** Nil

### **Voting Requirements:** Simple Majority

### **Recommendation:**

That the Pingelly Badminton Club's request for a donation towards their Open Day be declined.

**10. ADMINISTRATION SERVICES****10.1 Country Local Government Fund – 2011-12**

**File Reference:** 01.00.21  
**Location:** Shire of Pingelly  
**Applicant:** Department of Regional Development & Lands  
**Author:** M.G. Oliver, Chief Executive Officer  
**Date:** 21 July 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Item 10.5 – 20 July 2011

**Summary:**

Council to consider project/s for the regional component of the Country Local Government Fund for 2011/12.

**Background:**

Through Royalties for Regions, the State Government has created the Country Local Government Fund to address infrastructure issues in rural areas. In 2011/12 the funds will be split 50:50 on local and regional projects – with the Shire of Pingelly being allocated \$321,530 for each area. Unless there is any change, the local funds are to be used to fund the projects identified in the Forward Capital Works Plan projects (adopted by Council in December 2010). For 2011/12 these are:

	Expenditure	Income		
		CLGF Regional	CLGF Local	Other
Funds available		\$321,530	\$321,530	
Forward Capital Works Plan projects				
40ML Dam	\$150,000		\$150,000	
Aldersyde Pingelly Rd	\$77,469			\$51,646
Bullaring Rd	\$223,410			\$148,940
Caravan Park	\$10,000			
Sewer Sump	\$25,000			
Hotels' footpaths	\$60,000			
Memorial Park	\$35,000			
Outside Staff Crib Room	\$28,000			
Recreation Ground Pavilion	\$750,000		\$500,000	\$166,666
Swimming Pool	\$30,000			
Wickepin Pingelly Rd	\$77,469			\$51,646

In addition, is the carried over project from 2010/11 CLGF Regional funding of \$196,953 for the waste transfer station and the 2010/11 CLGF Local funding of \$335,769 for the duplex and \$30,000 towards the \$81,773 footpaths project.

Other known capital works projects include:

- SES building (partially funded by FESA SSL)
- Police Staff House (funded by GROH SSL)
- Duplex Units (funded by Reserve funds to be replenished by the sale of 3 houses)

Regional funds are intended for larger scale infrastructure projects that clearly demonstrate wider community benefits across their region (for example, infrastructure developments that attract industry, such as upgrades to ports, roads, rail, communications or power).

Together, the Shire of Pingelly and the Shire of Brookton are the Region.

In June 2011 following an approach from the Shire of Wickpin, Council resolved that discussions be undertaken with the Shire of Brookton in relation to possible projects, including the Shire of Wickpin's mobile telephone network improvement proposal. Those discussions are still to be held.

In July 2011 Council noted the following:

- Housing – doctor, aged, young professionals, joint venture with Cottage Homes
- Industrial land subdivision

and resolved that the issue lay on the table until July 2011.

**Comment:**

Nil

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That Council nominate projects for consideration for Country Local Government Fund – Royalties For Regions funding from the regional component in 2011/12, for discussion with the Shire of Brookton.

## **10.2 CEO Performance Review**

<b>File Reference:</b>	<b>PERSONAL FILE</b>
<b>Location:</b>	<b>Shire of Pingelly</b>
<b>Applicant:</b>	
<b>Author:</b>	<b>M.G. Oliver, Chief Executive Officer</b>
<b>Date:</b>	<b>21 July 2011</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Item 10.3 – 20 July 2011</b>

### **Summary:**

Council to adopt the Performance Review of the Chief Executive Officer.

### **Background:**

In May 2011 Council resolved that an external facilitator be appointed to complete the Annual Performance Review of the Chief Executive Officer at a time before the 10 May 2011 and that the review be presented to the 18 May 2011 Ordinary Meeting of Council.

Council further resolved that a Committee consisting of Cr Lange, Cr Marshall and Cr Mulroneu be appointed to appoint the facilitator to conduct the Annual performance Review of the CEO.

On 3 May 2011 an email decision was made by Crs Lange, Marshall and Mulroneu to appoint Simon White from WALGA to undertake the review. This decision was agreed to by the CEO.

On 6 May 2011 the review process was commenced by Simon White.

The review was discussed with Councillors on 18 June 2011 and a final report was to be drafted.

On 20 July 2011 Council resolved the KPIs to be included for 2011/12.

**Comment:** Nil

**Consultation:** Nil

### **Statutory Environment:**

Section 5.38 of the *Local Government Act* provides that the performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Section 5.41 provides that the CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and

- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

Regulation 18D of the *Local Government (Administration) Regulations* provides that a local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

**Policy Implications:**

Policy 10.16 – Chief Executive Officer Annual Performance Review, provides that at least once annually the performance of the Chief Executive Officer is to be reviewed by a Committee of the President and two Councillors appointed by Council.

Prior to review all Councillors and the Chief Executive Officer are to complete the performance indicators sheet.

The review is to be conducted in a manner described in the relevant Contract of Employment.

Council is to be informed of the result of the review at the next Council Meeting. Council is then required to accept the review, with or without modification or to reject the review. (*Regulation 18A – Local Government Administration Regulations*).

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That the Performance Review of the CEO be accepted.

### **10.3 Climate Change Declaration**

**File Reference:** 14.03.06  
**Location:** Shire of Pingelly  
**Applicant:** WALGA  
**Author:** M.G. Oliver, Chief Executive Officer  
**Date:** 26 July 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **Summary:**

Council to consider adopting a climate change declaration promoted by WALGA.

#### **Background:**

Over the past ten years, local governments in Western Australia have made significant commitments to and investments in climate change action, in both mitigation and adaptation actions. Many members have policies, projects and officers dedicated to climate change management.

In May 2008 WALGA endorsed the resourcing of a climate change specific position to assist the Local Government sector to respond to the impacts and opportunities inherent in climate change management. In 2009 WALGA endorsed a Policy Statement for the Association on Climate Change.

In order to consolidate this work, and create a strong advocacy position for the sector, the WALGA has developed for the sector a 'Local Government Climate Change Declaration', based on the Nottingham Declaration, to which 90% of UK Councils are signatories. The Declaration provides local government with a platform from which to assert their commitment to leadership on appropriate and collective climate change management.

The Declaration can be amended to suit the level of commitment of individual local governments.

The Declaration is voluntary, and states the high level 'political' commitment of Local Governments to acknowledging the impacts of Climate Change on Local Governments, and to developing locally appropriate climate change management strategies. It does not, however, specifically articulate actions that Local Governments will take in order to respond to climate change at a local level.

The Declaration is designed to strengthen local governments advocacy position by articulating a shared political commitment across the sector.

The Declaration is consistent with the intent of the WALGA's endorsed Climate Change Policy Statement.

WALGA will design and develop the draft wording into framed documents for each signatory local government to display as part of its commitment, to be presented at a signing ceremony in early 2012.

All local governments are encourage to demonstrate their commitment to leadership on appropriate and collective climate change management through this Declaration.

At the present time significant political action is underway on climate change at both a national and state-wide level, and Local Governments will need a strong, consolidated position from which to continue their leadership position on climate change.

In particular, new Commonwealth legislation on the Carbon Farming Initiative, Carbon Tax and transition to an Emissions Trading Scheme, and the current development and consultation on the State Climate Change Adaptation and Mitigation Strategy will present both risks and opportunities, which will be better met with a sector wide, consistent approach.

This Declaration will stand as a voluntary opportunity for local governments to demonstrate their political commitment to climate change management, and to participate in a sector wide leadership approach.

The Association will encourage all local governments to become signatories to the Climate Change Declaration, which will also support the Association's policy and advocacy work on this issue, including the development of a funded sector-wide program to assist local governments to respond to climate change risks and impacts.

More information on WALGA's Climate Change policies and projects is available from [www.walgaclimatechange.com.au](http://www.walgaclimatechange.com.au).

The draft declaration wording is:

Shire/City/Town of *[insert]* acknowledges that:

- Evidence shows that climate change is occurring.
- Climate change will have significant effects on the Western Australian environment, society and economy, and the Local Government sector.
- Human behaviours, pollution and consumption patterns have both immediate and future impacts on the environment.

Shire/City/Town of *[insert]* supports the:

- Environmental, social and economic benefits of addressing climate change immediately.
- Opportunity for Local Government to demonstrate leadership in climate change management at a community level.
- Development of equitable and implementable State and Commonwealth strategies for climate change management.

Shire/City/Town of *[insert]* commits from date of signing to:

- Set an appropriate, individual Local Government emissions reduction target and work toward its achievement.
- Work with State and Federal Government to ensure achievement of greenhouse gas emissions reduction targets as set of in key National and International agreements.
- Work with State and Federal Government to implement key actions and activities for climate change management at a local level.
- Assess the regionally specific risks associated with climate change and implications for Local Government services, and identify areas where appropriate mitigation and/or adaptation strategies should be applied.
- Develop an internal Climate Change Action Plan (CCAP) for climate change actions across all Local Government functions, with a focus on the two, five and ten year future.
- Ensure that, at appropriate review intervals, the strategic plan and policies for the Local Government are reviewed and amended to reflect climate change management priorities and emissions reduction targets.
- Encourage and empower the local community and local businesses to adapt to the impacts of climate change and to reduce their greenhouse gas emissions.
- Monitor the progress of climate change initiatives and ensure full communication of achievements for Council and Community.

**Comment:**

This is an issue that has not been previously discussed and, being of a political nature, a recommendation has not been provided.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That Council determine a position on climate change and WALGA's draft declaration wording.

## **10.4 On-Line Licensing Agency**

**File Reference:** 01.00.01B  
**Location:** Shire of Pingelly  
**Applicant:** Pingelly Brookton Community Financial Services Ltd  
**Author:** M.G. Oliver, Chief Executive Officer  
**Date:** 21 July 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

### **Summary:**

Council to consider a proposal for the on-line licensing Agency to be transferred to the community bank.

### **Background:**

Pingelly Brookton Community Financial Services Ltd note that there is an increasing number of community banks assuming the role of licensing within their districts and that with this in mind, they have sought any interest in the Shire of Pingelly divesting licensing services. It is also noted that some of their Staff are already trained as they undertake licensing services in Brookton.

### **Comment:**

A provision of \$25,000 income has been included in the 2011/12 Budget for licensing commissions. It has long been accepted that this *return* does not cover the costs – but it is another service provided by the local government.

However, it is assumed that this option has been previously discussed and not pursued?

The Staff position partially funded by this service allows more flexibility in the Office management.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:**

Revenue neutral.

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

### **Recommendation:**

That Council consider the proposal by the Pingelly Brookton Community Financial Services for the divesting of the on-line licensing agency.

## **10.5 Children Facilities**

**File Reference:** 01.00.18  
**Location:** Shire of Pingelly  
**Applicant:** M Kilminster  
**Author:** M.G. Oliver, Chief Executive Officer  
**Date:** 26 July 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

### **Summary:**

Council to consider suggestions for children related facilities.

### **Background:**

Council's attention is drawn to the lack of change tables in either the Town Hall or the Community Centre – requiring the nappy changing for children on the floor or table.

Council's attention is also drawn to the use of sand rather than the recycled spongy tyre material in play grounds – noting that:

- Sand harbours sticks and sharp materials. When a child walks in the sand without shoes they stand on sticks that litter the area. Also, disposed needles are readily spotted in the tyre material.
- Sand is unhygienic – animal faeces and rubbish can litter the sand and cause disease. The tyre material is easily hosed down rather than raking sand and hoping to remove debris.
- Temperature in summer – sand can be very hot and scorch children's feet. Alternatively in winter, the sand becomes wet and children become very dirty quickly. The tyre materials are fairly comfortable under foot and children remain relatively clean and dry.

### **Comment:**

Whilst the Community Centre ablutions have room to install a fold-down change table the Town Hall ablutions do not have sufficient space.

Recycled rubber matting for playgrounds involves the installation of 80-100mm rock dust base layer (drainage), a soft rubber base (shock pad) followed by a more durable (and coloured) topping. A boundary mechanism (kerbing or limestone block) is also required. The cost of the shock pad and topping layer is around \$170/m<sup>2</sup> plus travel and accommodation. This is in addition to the drainage layer and edging.

The Shire of Pingelly has playgrounds (with approximate area) at:

- Reserve 10946 Quartz Street (156m<sup>2</sup>)
- Reserve 34570 Brown Street (Pioneer Park) (136m<sup>2</sup>)
- Lot 134 Pasture Street (63m<sup>2</sup>)
- Reserve 23983 Somerset Street (154m<sup>2</sup>)

The cost to provide for Reserve 10946 Quartz Street would be \$26,520 plus travel plus accommodation plus drainage layer plus edging.

It is likely that some grant funding would be available for the playground surfaces.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:**

There is no provision in the 2011/12 Budget for these works.

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That M Kilminster be advised that the change tables will be referred to the draft 2012/13 Budget process and that the rubberised playground surfaces will not be pursued as the costs are prohibitively expensive.

## **10.6 Dual Fire Control Officers**

**File Reference:** 03.02.05  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Corrigin  
**Author:** M.G. Oliver, Chief Executive Officer  
**Date:** 2 August 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

### **Summary:**

Council to consider a request for the appointment of two fire control officers from the Shire of Wickepin as dual fire control officers in the Shire of Pingelly.

### **Background:**

Seeking the appointment of fire control officers:

- Greg Evans
- Wes Baker

as dual fire control officers with the Shire of Pingelly

### **Comment:**

In April 2011 Council resolved to seek the appointment of Pingelly fire control officers with the Shire of Corrigin – which was agreed to by the Shire of Corrigin.

**Consultation:** Nil

### **Statutory Environment:**

Section 40 of the Bush Fires Act provides that:

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

### **Policy Implications:**

Council's Policy provides that:

1. Council will not appoint or reappoint a person as a Fire Control Officer unless they have completed a Fire Control Officer's training course certified by FESA within the previous five years. Proof of satisfactory completion of the course is required.
2. It is desirable that Dual Fire Control Officers nominated by neighbouring Shires have completed a Fire Control Officer's training course certified by FESA within the previous five years. The Chief Executive Officer is to seek training status details from the nominating Shire.

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

### **Recommendation:**

That Shire of Wickepin fire control officers:

- Greg Evans
- Wes Baker

be appointed as dual fire control officers with the Shire of Pingelly

## **10.7 Local Laws Review**

**File Reference:** 01.03.01  
**Location:** Shire of Pingelly  
**Applicant:** N/A  
**Author:** M.G. Oliver, Chief Executive Officer  
**Date:** 9 August 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

### **Summary:**

Council to consider the review of the Shire of Pingelly's local laws.

### **Background:**

Legislation requires local laws to be reviewed every 8 years (from the date of gazettal).

The Shire of Pingelly has the following local laws:

- By-law relating to Fire Control Matters (gazetted 7 November 1995)
- Local Government Property Local Law (gazetted 22 July 2003)
- Activities In Thoroughfares And Public Places And Trading Local Law (gazetted 22 July 2003)
- Dogs Local Law (gazetted 22 July 2003)
- Cemeteries Local Laws (gazetted 22 July 2003)
- Pest Plant Local Laws (gazetted 22 July 2003)
- Health Local Laws (gazetted 22 July 2003)

### **Comment:**

The local laws are essentially required to be reviewed by July 2011.

Amendments were commenced 2000 for the By-law Relating to Fire Control Matters (7 November 1995) to, amongst other things, change it to a local law. However, there is no evidence in the Shire of Pingelly's records of the changes being gazetted. The Department of Local Government's Local Law Register for the Shire of Pingelly does not show the amendment being gazetted. State Law Publisher's website (where gazettal notices can be searched by locality) only extends back to 1 January 2002. The By-law (with or without the 2000 local law amendment) does not reflect current practice and will need major revision.

There are no known issues with the other local laws.

The proposed 1999 Fencing Local Law and proposed 2000 Standing Orders Local Law which were not completed, could also be re-commenced.

### **Consultation:** Nil

### **Statutory Environment:** Nil

Section 3.16 of the Local Government Act provides that:

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government is to give Statewide public notice stating that -
  - (a) the local government proposes to review the local law;
  - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
  - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.

**Policy Implications:** Nil

**Financial Implications:**

No provision has been made in the 2011/12 Budget for this project. Advertising costs will be required once a draft review has been completed.

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That a formal review of the Shire of Pingelly local laws be commenced.

**11. MEMBERS MOTIONS**

Nil

**12. NEW BUSINESS**

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).

**13. MEMBERS REPORTS****Cr SJ Lange**

- 19 July 2011 Dryandra Country Visitor Centre
- 27 July 2011 Brookton and Pingelly – re second Doctor
- 1 August 2011 Budget meeting
- 2 August 2011 CCZ Health MOU, Northam
- 2 August 2011 Development Association meeting
- 3 August 2011 Ministerial Round table – Ministers Marmion and Collier
- 3 August 2011 Central Country Zone meeting
- 4-6 August 2011 Local Government Meeting
- 9 August 2011 RTG – Brookton

**Cr WV Mulroney**

- 22 July 2011 Waste Management Meeting – Wagin
- 29 July 2011 DAP's Training – Northam
- 1 August 2011 Draft Budget Meeting
- 4-6 August 2011 WALGA Convention – Perth
- 9 August 2011 RTG Councillor Workshop - Brookton

**14. CLOSURE**

The Chairman to declare the meeting closed.