



# Shire of Pingelly

## Minutes

Ordinary Council Meeting  
18 October 2017

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Chairman declared the meeting open at 2.09pm.

**2. ACKNOWLEDGEMENT OF COUNTRY**

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

**3. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

**3.1 Council Agenda Reports**

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

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

At the Ordinary Council Meeting held on 20 September 2017 the following leave of absence was approved:

***Cr Walton-Hassell requested to take leave from 19<sup>th</sup> October to 31<sup>st</sup> October 2017.***

***Council Decision:***

***12263 Moved Cr Mulroneu Secoded Cr Wood***

***That Council approve Cr Walton-Hassell taking leave from 19<sup>th</sup> to 31<sup>st</sup> October 2017.***

***Carried 7:0***

**MEMBERS PRESENT**

Cr SJ Lange	President
Cr WV Mulroneu	Deputy President
Cr DI Freebairn	
Cr EJ Hodges	
Cr RJ Marshall	
Cr PJ Wood	
Cr JM Walton-Hassell	
Cr LN Steel	

**STAFF IN ATTENDANCE**

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

**APOLOGIES**

Nil

**OBSERVERS & VISITORS**

Mr Bryan Hotham  
Mrs Jackie McBurney  
Mr Gary Bennell  
Mrs Gloria Bennell

## **5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **6. PUBLIC QUESTION TIME**

Public question time opened at 2.11pm.

### **6.1 Mr Gary Bennell**

#### *Summary of Question*

Mr Bennell stated that he thought the Noongar people would receive more help from the Shire President during her time on Council. He also mentioned the asbestos in houses in Paragon Street.

#### *Summary of Response*

The Shire President replied that she had phoned Mr Bennell on several occasions and had received no response. She had also mentioned to him many times that her door was always open or he could come to a Council meeting but didn't.

The CEO added that he disagreed with not helping the Noongar people in the community and that the Shire had the best interest of the community in mind. He added that the Shire have responded to requests made and gone out of their way to invite Mr Bennell to meetings about the PRACC.

Gloria Bennell left the meeting at 2.15pm and returned at 2.15pm.

#### *Summary of Question*

The Noongar people were asked to submit names for the new road at the PRACC. Noongar names were submitted but these were overlooked.

#### *Summary of Response*

The CEO responded by saying that everyone in the community was invited to submit names, not just the indigenous residents and offered to print the advertisement that was published in the Pingelly Times calling for road name suggestions. The CEO explained that the criteria is set by the State, not by the Council and that all names had to be approved by the Geographical Names Commission and that the Shire can only submit names for approval. The Shire have to meet the criteria of what the Geographical Names Committee set.

The CEO then asked how the Shire could engage the Noongar community better and that this could be discussed outside of this meeting. He offered to meet Mr Bennell in the office or at his home or another location. Mr Bennell stated he felt there was a barrier in place in the community and the CEO said he would like to break down that barrier. The CEO also added that an ex Councillor of the Shire was a Noongar man and he was very well supported by the Community and Councillors.

#### *Summary of Question*

Why does the Shire want the building on Parade Street?

#### *Summary of Response*

The CEO replied that rates were long overdue on all properties owned by PAPA and that consultation had been made, payment plans and direct debits had been offered, letters have been returned and there had been three and a half years of failed negotiations on trying to recover rates owing. The rates debt is quite considerable and the Shire needs to recover them. The commercial property was chosen as to not disrupt the tenants in the residential properties owned by PAPA.

#### *Summary of Question*

Can commercial properties be inhabited? There are other commercial properties in town that have people living in them.

*Summary of Response*

The CEO advised that it depended on the property and an inspection would have to be done by the Shire's Environmental Health Officer to determine if the property could be lived in.

The CEO asked to arrange a meeting with Mr Bennell next week. Mr Bennell replied that he would come and talk to the CEO next week.

Gary and Gloria Bennell left the meeting at 2.27pm and did not return.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

**12281 Moved: Cr Marshall Seconded: E Hodges**

**That Council approve Cr Mulroney taking leave from 27<sup>th</sup> to 30<sup>th</sup> October 2017.**

**Carried 8:0**

**12282 Moved: Cr Wood Seconded: Cr Mulroney**

**That Council approve Cr Hodges taking leave from 27<sup>th</sup> October to 21<sup>st</sup> November 2017.**

**Carried 8:0**

**8. DISCLOSURES OF INTEREST**

Nil

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**9.1 Ordinary Meeting – 20 September 2017**

**Statutory Environment:**

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

**Voting Requirements:**

Simple Majority

**12283 Moved: Cr Mulroney Seconded: Cr Steel**

**Recommendation and Council Decision:**

**That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 20 September 2017 be confirmed.**

**Carried 8:0**

**10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

**12284 Moved: Cr Hodges Seconded: Cr Walton-Hassell**

**To table letter received from Mr Keith Burgham in relation to Item 16.2 Proposed Garage.**

**Carried 8:0**

## **11. REPORTS OF COMMITTEES OF COUNCIL**

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

## **12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES**

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

Gavin Pollock left the meeting at 2.46pm and returned at 2.48pm.

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

### **13. REPORTS FROM COUNCILLORS**

#### **Cr Shirley Lange (President)**

##### **September:**

20<sup>th</sup> CEO Performance Review  
20<sup>th</sup> Corporate Discussion  
20<sup>th</sup> “Turning the Sod” at the Age Appropriate Accommodation site  
20<sup>th</sup> Lunch with attendees, Councillors etc  
20<sup>th</sup> Council Meeting  
21<sup>st</sup> PAAA  
21<sup>st</sup> PRACC with Peter Kenyon  
28<sup>th</sup> CEO and Deputy President meeting  
29<sup>th</sup> CCZ Working Party – Review of LG Act – Brookton

##### **October:**

2<sup>nd</sup> Meeting CEO and Bryan Hotham  
2<sup>nd</sup> BBP Meeting – Beverley  
3<sup>rd</sup> Pingelly Development Association  
4<sup>th</sup> Corporate Discussion  
4<sup>th</sup> PRACC with Kim Buttfeld – SES  
9<sup>th</sup> Bryan Hotham – Declarations of Interest  
10<sup>th</sup> CEO and Deputy President meeting  
12<sup>th</sup> Agenda Review with CEO and Exec Staff  
13<sup>th</sup> Mental Health seminar – Chambers  
13<sup>th</sup> Farewell afternoon tea with staff  
16<sup>th</sup> Golden Outback tourism board meeting – Kalgoorlie  
18<sup>th</sup> CCZ Teleconference - Chambers  
18<sup>th</sup> Corporate Discussion and Council Meeting  
19<sup>th</sup> PAAA – VC – Chambers  
19<sup>th</sup> Somerset Alliance with Peter Kenyon  
19<sup>th</sup> PRACC with Peter Kenyon – SES  
20<sup>th</sup> Avon Radio, York - interview

#### **Cr William Mulroney (Deputy President)**

##### **September:**

20<sup>th</sup> Council Meeting and Corporate Discussion  
21<sup>st</sup> Peter Kenyon Bank of Ideas re PRAAC Management Committee board formulation  
28<sup>th</sup> Meeting with President and CEO

##### **October:**

4<sup>th</sup> Corporate Discussion - NBN Presentation by Rachael McIntyre  
4<sup>th</sup> Kym Buttfeld formulation of PRAAC Management Board  
5<sup>th</sup> Breakfast with Minister for Transport Hyatt Hotel, Perth with Cr Walton-Hassell and CEO  
10<sup>th</sup> Meeting with President and CEO  
11<sup>th</sup> Sustainable Health Review, Northam with Cr Freebairn  
12<sup>th</sup> Regional Waste Group, Cuballing with CEO

**Cr David Freebairn**

Nil

**Cr Evan Hodges**

Nil

**Cr Ray Marshall**

Nil

**Cr Lee Steel**

Nil

**Cr Michelle Walton-Hassell**

Nil

**Cr Peter Wood**

Nil

## **14 OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **14.1 Early Payment Rate Incentive Draw 2017**

**File Reference:** ADM0312  
**Location:** Shire of Pingelly  
**Applicant:** Gavin Pollock, Chief Executive Officer  
**Author:** Gavin Pollock, Chief Executive Officer  
**Date:** 12 October 2017  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** N/A

#### **Summary:**

To ratify the early rate payment incentive draw process for 2017.

#### **Background:**

As part of the rate collection process the Shire of Pingelly makes available to property owners who pay their rates in full by the due date for full payment the opportunity to win prizes provided by sponsoring organisations.

#### **Comment:**

In the last few years sponsors of the prize have been Bendigo Bank and Matthews Real Estate. As part of the sponsorship agreement material from the sponsors is enclosed with the rate notice. Staff have confirmed with the Department of Local Government that there is no legislation that prevents this happening and it is common practice in most local governments.

Providing an incentive for early payment of rates can increase the cash flow that comes in during the early part of the year prior to other revenue streams coming in.

It is proposed that rules be set for the prize process, so that there is clarity about eligibility and promotion of sponsors. Rules are detailed below:

- That ineligible ratepayers are:
- Owners of property that is not fully rated (subject to exemptions), Shire of Pingelly Councillors or Staff (or partners of).
- That sponsors materials be included in the envelope sent to ratepayers with the rate notices.
- That mention of the sponsors is made in the newsletter accompanying the rate notices.
- Entry into the Early Payment of Rates competition be offered to eligible ratepayers who have paid in full all rates and charges (including arrears) within 35 days of issue and that the draw be conducted at the Ordinary Council meeting following the close of the competition.
- That the Presiding Person at the meeting conducts the draw.
- The program Random Prize Draw be used to draw the winners.
- Staff to confirm the eligibility of the winners prior to the announcement of the winners.
- Should the assessment drawn be ineligible, then another draw will be done until eligible winners have been selected.
- When a winner is determined the name of the winners will be published in the Shire News via the Pingelly Times as well as an acknowledgement of the provision of prizes by the sponsors.

#### **Consultation:**

Director Corporate and Community Services – Stuart Billingham  
Department of Local Government

**Statutory Environment:**

N/A

**Policy Implications:**

Nil

**Financial Implications:**

Nil – The prizes are supplied by sponsors and included in the 2017/18 adopted budget.

**Strategic Implications:**

N/A

**Voting Requirements:**

Simple Majority

**12285 Moved: Cr Steel**

**Seconded: Cr Walton-Hassell**

**Recommendation and Council Decision:**

**That Council**

1. adopt the rules for the Early Payment Rate Incentive Draw:
  - That ineligible ratepayers are:
  - Owners of property that is not fully rated (subject to exemptions), Shire of Pingelly Councillors or Staff (or partners of)
  - That sponsors materials be included in the envelope sent to ratepayers with the rate notices.
  - That mention of the sponsors is made in the newsletter accompanying the rate notices.
  - Entry into the Early Payment of Rates competition be offered to eligible ratepayers who have paid in full all rates and charges (including arrears) within 35 days of issue and that the draw be conducted at the Ordinary Council Meeting following the close of the competition.
  - That the Presiding Person at the meeting conducts the draw.
  - The program Random Prize Draw be used to draw the winners.
  - Staff to confirm the eligibility of the winners prior to the announcement of the winners.
  - Should the assessment drawn be ineligible, then another draw will be done until eligible winners have been selected.
  - When a winner is determined the name of the winners will be published in the Shire News via the Pingelly Times as well as an acknowledgement of the provision of prizes by the sponsors.

**Carried 8:0**

**Mr Gavin Pollock left the room at 3.10pm.**

**12286 Moved: Cr Mulroney**

**Seconded: Cr Marshall**

2. endorse the Presiding Person at the meeting to conduct the early rate payment incentive draw.

**Carried 8:0**

**Mr Gavin Pollock, Mr Peter Narducci and Mr Keith McBurney entered the room at 3.11pm.**

**12287 Moved: Cr Steel**

**Seconded: Cr Wood**

- 3. endorse Kevin John Heazlewood Assessment 3161 as the first drawn eligible winner and Jangering P/L Assessment 22111 as the second drawn eligible winner.**

**Carried 8:0**

## **15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES**

### **15.1 Monthly Statement of Financial Activity - September 2017**

**File Reference:** ADM0075  
**Location:** N/A  
**Applicant:** Stuart Billingham, Director Corporate & Community Services  
**Author:** Stuart Billingham, Director Corporate & Community Services  
**Date:** 12 October 2017  
**Disclosure of Interest:** Nil  
**Attachments:** Monthly Statements of Financial Activity for the period 1 July 2017 to 30 September 2017 (Attachment 1 behind green sheet)  
**Previous Reference:** N/A

#### **Summary:**

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

The Monthly Statements of Financial Activity for the month of September 2017 is attached for Council consideration and adoption.

#### **Background:**

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

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

#### **Consultation:**

Chief Executive Officer

#### **Statutory Environment:**

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

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

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

(2) Each statement of financial activity is to be accompanied by documents containing -

- (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) An explanation of each of the material variances referred to in sub regulation (1) (d); and
- (c) Such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown -

- (a) According to nature and type classification;
- (b) By program; or
- (c) By business unit.

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), is to be -

- (a) Presented to the council -
  - (i) At the next ordinary meeting of the council following the end of the month to which the statement relates; or
  - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
- (b) Recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

**Policy Implications:**

There are no policy implications.

**Financial Implications:**

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council's adopted Budget 2017/2018.

**Strategic Implications:**

There are no known significant strategic implications.

**Voting Requirements:**

Simple Majority

**12288 Moved: Cr Mulroney**

**Seconded: Cr Hodges**

**Recommendation and Council Decision:**

**That with respect to the Monthly Statements of Financial Activity for the month ending 30 September 2017 be accepted and material variances be noted.**

**Carried 8:0**

## **15.2 Accounts Paid by Authority**

**File Reference:** ADM0066  
**Location:** Shire of Pingelly  
**Applicant:** Stuart Billingham, Director Corporate & Community Services  
**Author:** Rebecca Billingham, Senior Finance Officer  
**Date:** 12 October 2017  
**Disclosure of Interest:** Nil  
**Attachments:** List of Accounts (Attachment 2 behind yellow sheet)  
**Previous Reference:** N/A

### **Summary:**

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

### **Comment:**

Unless otherwise identified, all payments have been made in accordance with Council's 2017/18 Budget.

### **Consultation:**

Nil

### **Statutory Environment:**

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

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

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

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

**Policy Implications:**

There are no policy implications arising from this amendment.

**Financial Implications:**

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

**Strategic Implications:**

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

**Voting Requirements:**

Simple Majority

**12289 Moved: Cr Marshall                      Seconded: Cr Steel**

**Recommendation and Council Decision:**

**That Council endorse the Accounts for Payments for September 2017 as presented:**

<b>SEPTEMBER 2017</b>	
<b>MUNI - 117984856</b>	
EFT 4032 - 4074	\$752,884.22
CHEQUE 24480 - 24486	\$ 22,531.68
<b>TRUST ACCOUNTS</b>	
DEPT OF TRANSPORT – DD9219.1- DD9282.1	\$ 25,802.70
TRUST FUND – 1901	\$ 540.00
<b>DIRECT DEBIT -</b>	
DD9215.1 – DD9257.10, EFT4033 to 4077 – Pay and Super	\$ 23,876.06
<b>CREDIT CARD</b>	
DD9246.1	\$ 699.53
<b>GRAND TOTAL</b>	<b>\$826,334.19</b>

<b>Notification</b>	<b>Explanation</b>
Nil	

Carried 8:0

## **16. DIRECTORATE OF TECHNICAL SERVICES**

### **16.1 Application for an Exemption for Four Dogs**

**File Reference:** A4799  
**Location:** Lot 525 – 4 Sharow Street  
**Applicant:** Mr J Ruddy  
**Author:** Sheryl Squiers, Administration Officer Technical  
**Date:** 3 October 2017  
**Disclosure of Interest:** Nil  
**Attachments:** Report from Ranger - Attachment 3 behind red sheet

#### **Summary:**

Council to consider an application for an exemption to keep four dogs at Lot 525 – 4 Sharow Street, Pingelly.

#### **Background:**

The applicant has written to Council requesting an exemption to keep four dogs at Lot 525 – 4 Sharow Street, Pingelly. Two of the four dogs belonged to the applicant's late father and the applicant for this reason would like to keep the two extra dogs.

#### **Comment:**

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

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

The following conditions to be stipulated on the approval:

- That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption, and
- That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.
- That the exemption applies only to the dogs nominated by the applicant.
- Each dog on the property must be micro chipped and registered with the Shire of Pingelly if not already completed.
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.
- That the property has adequate fencing to ensure it is suitable for keeping dogs within the property boundary.

Public comment was sort on the matter from the residents living in close proximatey to the above property. Written of emailed submissions were requested to be submitted by 15 September 2017.

Letters were sent to nine property owners in the vicinity of Lot 525 – 4 Sharow Street, with two responses from the neighbours with the following replies:

- One who had no issues with the four dogs being located at the premises; and

- The other response indicated they were not happy with the idea of four dogs on the premises but would not like the applicant to make a choice of which two dogs to retain so are happy for the four dogs to be located at 4 Sharow Street and when two were sold or passed away that only two dogs be the maximum number for the premises.

The two existing dogs are English Blue Staffies which are a small dog breed growing to a maximum height of 450mm. These two of the dogs are currently registered with the Shire of Pingelly and named Bella and Arman.

The two dogs which the owner is applying for an exemption did belong to the applicant's late father, and are Blue American Staffies. The female dog is named Tazar and the other a male dog named Tapout, both dogs are 7½ years old, sterilized and microchipped.

Ranger Services have not received any complaints of barking issues, dog attack reports or any other complaints and the fence provides adequate security to contain the dogs within the property and see no reason why Council approval should not be granted. See *Shire Rangers Report in Council Attachments*

The applicant had six dogs on moving to Pingelly but has since given two of the English Blue Staffies to his brother who also resides in Pingelly, these dogs are registered with the Shire of Pingelly.





**Consultation:**

Barry Gibbs – Director Technical Services

*Dog Act (1976)*

Matt Sharpe – WA Contract Ranger Services

Various Property Owners in the Vicinity of 4 Sharow Street

**Statutory Environment:**

**DOG ACT 1976 - SECT 26**

**26 Limitation as to numbers**

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

**Penalty:**

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

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

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

### **Pingelly Shire Council Dogs Local Law (2000) Section 3.2**

#### **Limitation on the number of dogs**

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

#### **Financial Implications:**

Nil

#### **Strategic Implications:**

*Dog Act 1976 (As Amended)*

*Shire of Pingelly's Dogs Local Law (2003)*

#### **Voting Requirements:**

Simple Majority

**12290 Moved: Cr Steel**

**Seconded: Cr Hodges**

#### **Recommendation:**

**That Council grant an exemption for the keeping of four dogs at 4 Sharow Street subject to the following conditions:**

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

#### **Council Decision:**

**12291 Moved: Cr Walton-Hassell Seconded: Cr Mulroney**

**To lay the item on the table to allow additional information to be presented back to Council regarding number of dogs.**

**Carried 8:0**

## **16.2 Proposed Garage**

**File Reference:** A3281  
**Location:** Lot 269 – 6 Stratford Street  
**Applicant:** Ms F Stafford  
**Author:** Sheryl Squiers, Administration Officer Technical  
**Date:** 9 October 2017  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

### **Summary:**

Council to consider an application for a proposed garage over 60m<sup>2</sup> at Lot 269 – 6 Stratford Street, Pingelly.

### **Background:**

Ms Frith Stafford has submitted an application for planning consent for a garage which will take the total outbuilding area for the property over the maximum 60m<sup>2</sup> as set out in the Residential Design Codes.

### **Comment:**

The proposed garage will be located at Lot 269 – 6 Stratford Street, Pingelly, which is zoned residential with a total area of 2428m<sup>2</sup> consisting of amalgamated Lot 270 – 8 Stratford street.

The proposed garage will be located on the southern side of the property with a total area of 105m<sup>2</sup>, a wall height of 3.1m with the gable height of 4.16m. There is an existing older shed at the rear of the property which has a total area of 61.25m<sup>2</sup>, this gives a total proposed outbuilding are of 166.25m<sup>2</sup>.

The setbacks comply with the Shire of Pingelly's Local Planning Scheme for outbuildings in residential zones, the proposed shed will be setback 26.270m from Stratford Street, 23.580m from Realm Street, 1.540m from southern boundary and 3.300m from rear of dwelling.

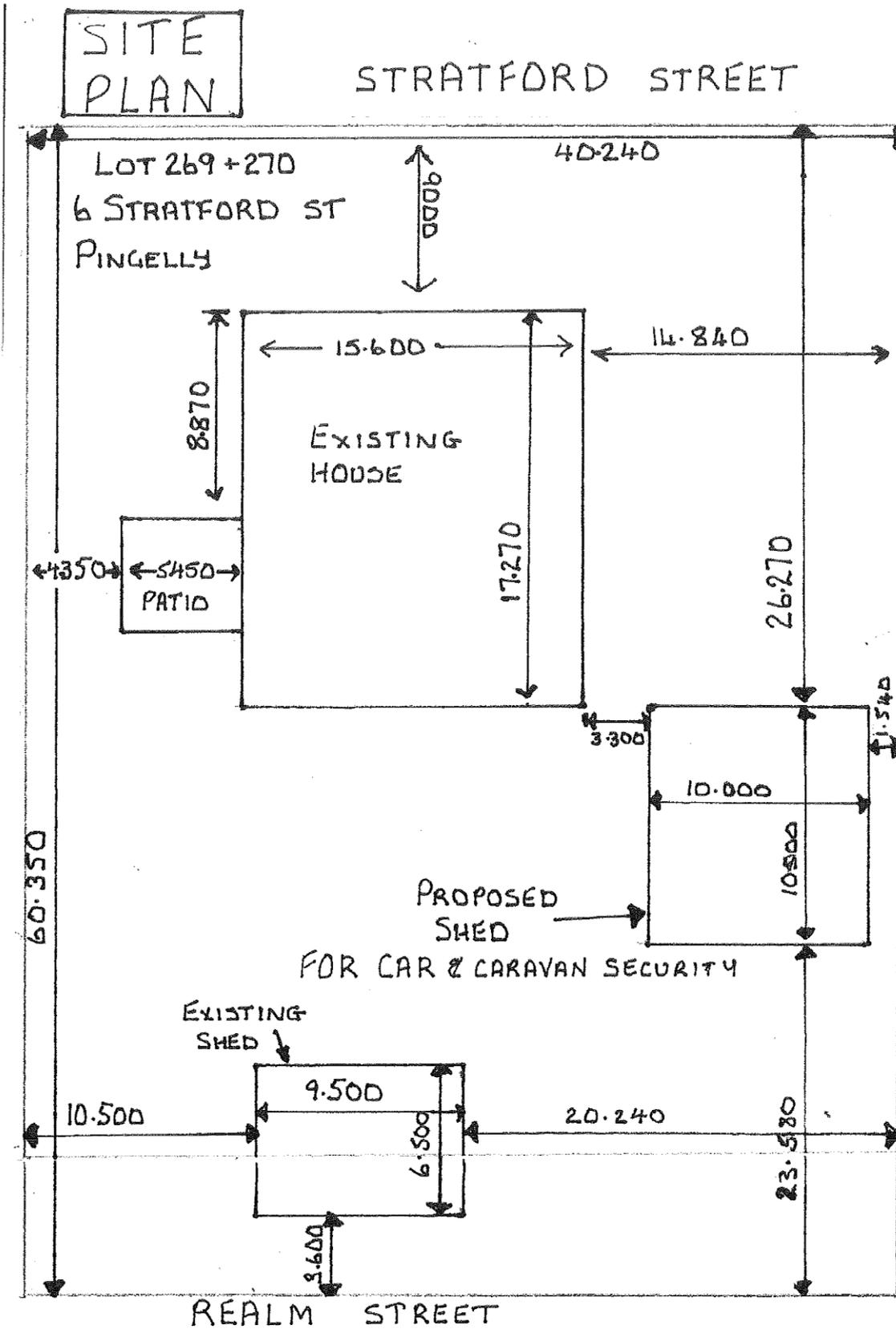
The applicant requires a larger garage as the existing shed is too small to accommodate the caravan and vehicles.

There will be no over shadowing issues with neighbouring properties as Lot 271 – 10 Stratford Street is currently vacant land and the rear of the property abuts Realm Street with Linear Park on the other side of Realm Street.

Council has approved similar applications previously for increased wall and gable heights.



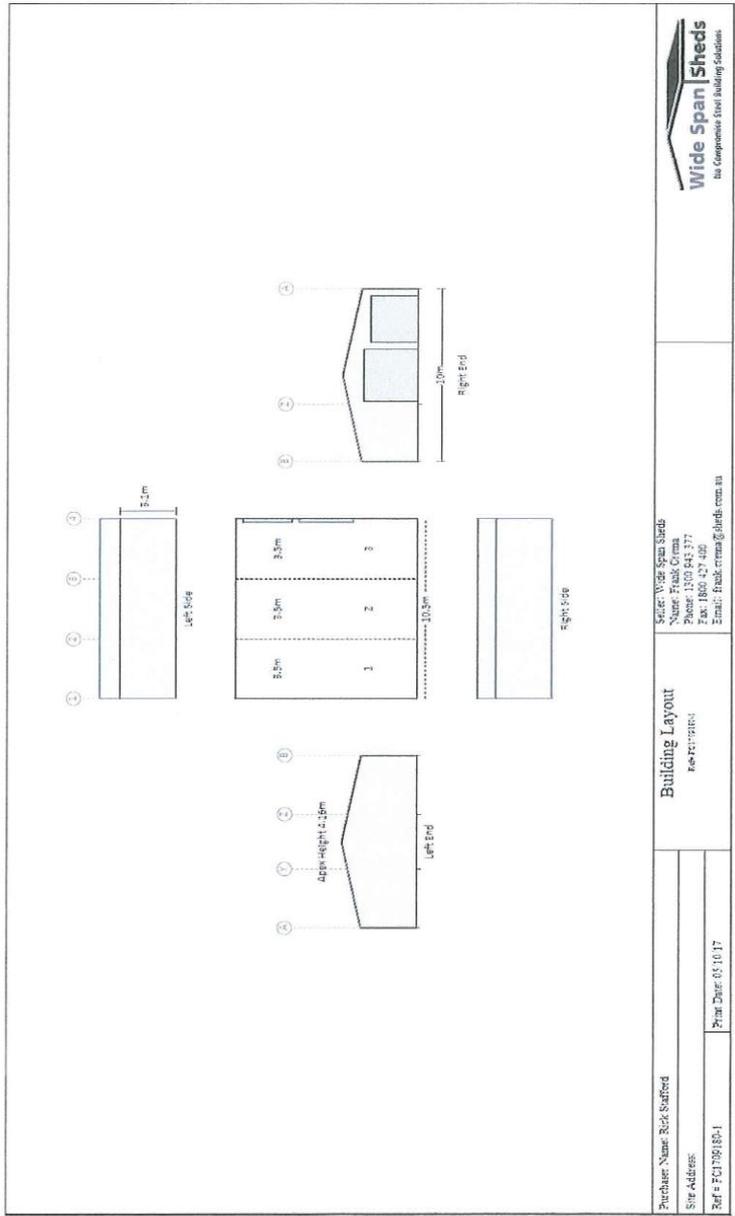
Landgate plan of Lot 269 – 6 Stratford Street.



Site plan for proposed garage.

6 STRATFORD ST, PINGELLY

**Building Layout**



Purchaser Name: Rick Stafford Site Address: Ref # FCJ790180-1	Building Layout REF: 2017-03	Shire of Wide Span Sheds Name: Frank Crona Phone: 1300 843 377 Fax: 1800 427 400 Email: frank.crona@sheds.com.au	Wide Span Sheds the Comprehensive Steel Building Solutions
		Print Date: 01/10/17	

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 [www.sheds.com.au](http://www.sheds.com.au)

Plan of proposed garage.

**Consultation:**

Barry Gibbs – Director Technical Services  
 Residential Design Codes

**Statutory Environment:**

*Shire of Pingelly Local Planning Scheme No.3*

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Voting Requirements:**

Simple Majority

**12292 Moved: Cr Hodges**

**Seconded: Cr Steel**

**Recommendation:**

**Council grant planning consent for the proposed garage at Lot 269 – 6 Stratford Street with increased outbuilding area for the lot.**

**Note tabled document as detailed in item 10.**

**12293 Moved: Cr Walton-Hassell    Seconded: Cr Wood**

**To lay the item on the table so the Chief Executive Officer can investigate this matter further and report back to Council on the proposed location.**

**Carried 8:0**

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

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

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

**12294 Moved: Cr Walton-Hassell  
To receive New Business**

**Seconded Cr Mulroney**

**Carried 8:0**

**12295 Moved: Cr Hodges   Seconded: Cr Walton Hassell  
To suspend standing orders.**

**Carried 8:0**

**18.1 Swearing in of Councillors Elect**

Undertaken by Mr Peter Narducci, Justice of the Peace.

Mrs Lee Steel, Mr David Freebairn, Mr Peter Wood, Mr Bryan Hotham and Mrs Jackie McBurney were sworn in to commence their terms from 12.01am Sunday 22 October 2017.

Morgan Rapana, Kristel Steel, Rebecca Billingham, Cos Cutri, Sheryl Squiers and Rachel Anthony entered the room at 3.45pm.

A presentation was then made to thank the Shire President, Cr Shirley Lange and Cr Ray Marshall for their time on Council as they are both retiring as Elected Members as of Sunday 22 October 2017.

Rebecca Billingham left the room at 3.50pm and returned at 3.58pm.

Morgan Rapana, Kristel Steel, Rebecca Billingham, Cos Cutri, Sheryl Squiers, Rachel Anthony, Peter Narducci and Keith McBurney left the meeting at 4.10pm and did not return.

Cr Mulroney asked that it be recorded that a presentation was made to the retiring Councillor – Cr Ray Marshall and the Shire President Shirley Lange. Your efforts over the years have been noted.

Cr Walton-Hassell moved a vote of thanks for the retiring Councillors for their time, effort, enthusiasm, encouragement and mentoring. Cr Mulroney seconded this vote of thanks and it was carried 8:0.

The CEO thanked the Shire President on behalf of himself and the staff for all her support and guidance over the time that he has been working for the Shire and to Cr Marshall for being Deputy President, and his support and efforts to the Shire as a Councillor it has been greatly appreciated. You will both be sadly missed.

**20. CLOSURE OF MEETING**

The Chairman declared the meeting closed at 4.14pm.

These minutes were confirmed by Council at the  
Ordinary Council Meeting held on 15 November 2017

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