

# Notice of Meeting



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Dear Councillor

The next Ordinary meeting of Council will be held on Wednesday, 19 October 2011 in the Council Chambers, 17 Queen Street, Pingelly commencing at 1.00pm.

Youthcare will be providing dinner.

## Schedule

12.00 noon	Lunch
12.45pm	New Councillor swearing-in ceremony
1.00pm	Council Meeting Corporate Discussion
6.30pm	Dinner

R.G. (Bone) Bone  
**Acting Chief Executive Officer**

13 October 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.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Pingelly during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Pingelly. The Shire of Pingelly warns that anyone who has an application lodged with the Shire of Pingelly must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Pingelly in respect of the application.

## **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?

**Swearing in Ceremony and Councillor Seating Arrangements**

Prior to the meeting, the newly elected Councillors from the elections on Saturday 15 October 2011 - \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ are to be sworn in by Mrs Cheryle Lee JP

Following the swearing in ceremony, a draw to determine seating arrangements in the Council Chamber is to be conducted by the Acting CEO.



## SHIRE OF PINGELLY

*Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday, 19 October 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. ELECTION OF PRESIDENT</b> .....	<b>1</b>
<b>5. ELECTION OF DEPUTY PRESIDENT</b> .....	<b>2</b>
<b>6. PUBLIC QUESTION TIME</b> .....	<b>3</b>
<b>7. APPLICATIONS FOR LEAVE OF ABSENCE</b> .....	<b>3</b>
<b>8. CONFIRMATION OF MINUTES AND REPORTS</b> .....	<b>3</b>
8.1 Ordinary Meeting – 21 September 2011 .....	3
<b>9. TECHNICAL SERVICES</b> .....	<b>4</b>
9.1 Road Closure – Pitt & Paragon Streets.....	4
9.2 Plant Replacement .....	7
9.3 Replacement of PN437 .....	9
9.4 Tender – Bitumen Supply 2011/12 .....	12
<b>10. COMMUNITY SERVICES</b> .....	<b>14</b>
10.1 Residential Land Subdivision.....	14
10.2 Proposed Carport, Shed Extension, Verandah and Relocating Existing Garage...15	
<b>11. FINANCIAL SERVICES</b> .....	<b>17</b>
11.1 Monthly Statement of Financial Activity .....	17
11.2 Accounts Paid by Authority .....	26
11.3 Budget 2012/13.....	34
<b>12. ADMINISTRATION SERVICES</b> .....	<b>35</b>
12.1 Council Committees & Delegates .....	35
12.2 Council Dinner .....	41
12.3 Policy Manual .....	42
12.4 Delegations .....	44
12.5 Early Payment of Rates Competition – Draw .....	49
12.6 Constitutional Recognition of Local Government .....	50
12.7 Local Laws Review.....	53
12.8 Spot Rating .....	55
12.9 Corporate Discussion Purpose .....	57
12.10 Town Hall – Christmas Decorations.....	59
12.11 “What’s On” Notice Boards .....	61
12.12 Ordinary Council Meetings .....	63
12.13 Central Country Zone - Election.....	65
<b>13. MEMBERS MOTIONS</b> .....	<b>67</b>
<b>14. NEW BUSINESS</b> .....	<b>67</b>
<b>15. MEMBERS REPORTS</b> .....	<b>67</b>
<b>16. CLOSURE</b> .....	<b>67</b>



## **1. OPENING & ANNOUCEMENTS**

The Acting Chief Executive Officer to declare the meeting open.

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

Nil

## **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. ELECTION OF PRESIDENT**

### **Background**

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

The term of the positions is for 2 years (until the next ordinary election).

### **Comment**

The process of election is the same *mutatis mutandis* as the process for election of that of a Councillor.

The CEO is to preside at the meeting until the Office of President is filled. Once a Councillor has been elected and completed the declaration, the President is to assume the Chair.

### **Statutory Implications**

Section 2 of Schedule 2.3 of the *Local Government Act* provides that, in relation to the Office of President:

- (1) The office is to be filled as the first matter dealt with —
  - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day.

Section 3 provides that the CEO is to preside at the meeting until the Office is filled.

Section 4 provides:

- (1) the Council is to elect a councillor to fill the office.
- (2) the election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) nominations for the Office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.

- (4) if a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) the councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

In relation to the role of the President Section 2.8 provides that:

- (1) The president —
  - (a) presides at meetings in accordance with this Act;
  - (b) provides leadership and guidance to the community in the district;
  - (c) carries out civic and ceremonial duties on behalf of the local government;
  - (d) speaks on behalf of the local government;
  - (e) performs such other functions as are given to the president by this Act or any other written law; and
  - (f) liaises with the CEO on the local government's affairs and the performance of its functions.

Section 5.34 provides that if —

- (a) the office of President is vacant; or
  - (b) the President is not available or is unable or unwilling to perform the functions of the mayor or president,
- then the deputy President may perform the functions of president.

Regulation 13 of the *Local Government (Constitution) Regulations* (Oaths, affirmations and declarations) provides that:

- (1) For the purposes of sections 2.29 and 2.42 —
  - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;
  - (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president; or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —

**“authorised person”** means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

## **5. ELECTION OF DEPUTY PRESIDENT**

### **Background**

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

### **Comment**

The process of election is the same as the process for election of that of President.

### **Statutory Implications**

In relation to the Office of Deputy President, Section 7 provides:

- (2) If the local government has a councillor president the office of deputy president is to be filled —
  - (a) as the next matter dealt with after the president is elected at the first meeting of the council after an ordinary elections day;

In relation to the role of the Deputy President Section 2.9 provides that the deputy President performs the functions of the President when authorised to do so under section 5.34.

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

- (1) For the purposes of sections 2.29 and 2.42 —
  - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;
  - (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president; or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —

**“authorised person”** means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

## **6 PUBLIC QUESTION TIME**

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

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

### **8.1 Ordinary Meeting – 21 September 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 21 September 2011, be confirmed.

## 9. TECHNICAL SERVICES

### 9.1 Road Closure – Pitt & Paragon Streets

**File Reference:** 14.00.03  
**Location:** Pingelly Townsite  
**Applicant:** Shire of Pingelly  
**Date:** 10 October 2011  
**Author:** M.G. Oliver, Chief Executive Officer  
 RG Bone, Acting Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Item 7.1 – 17 August 2011

#### **Summary:**

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

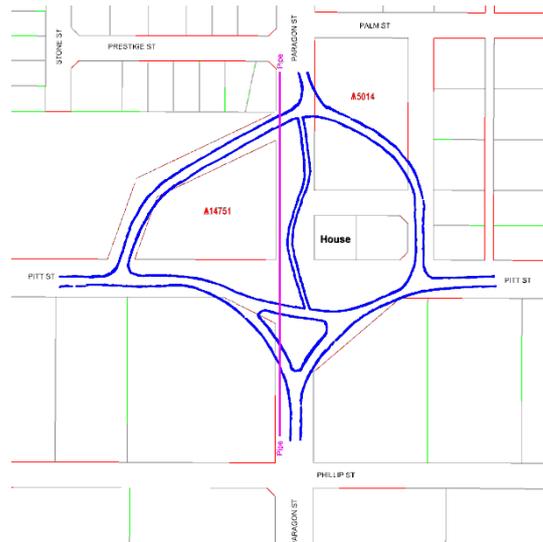
#### **Background:**

Note: (This item has originally had input from the CEO and more recently, from the Acting CEO).

Arising from the April 2011 Roads Inspection was the direction that the existing road system at Paragon Street/Pitt Street intersection be researched to consider the closure and cul-de-sac of Paragon Street and Pitt Street.

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

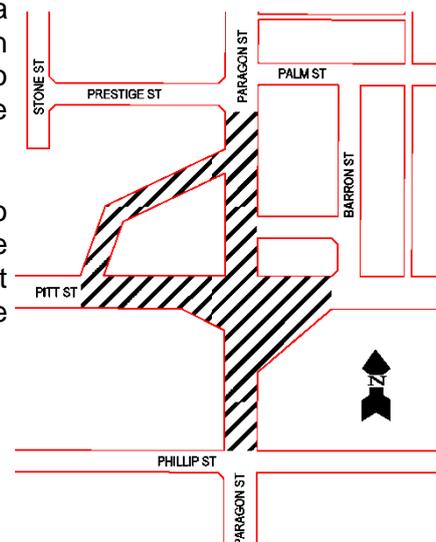
This sketch clearly shows that the existing road network traverses Reserve 5014 and likely other private property in the truncations. The *tracks* have been created to avoid the large rock outcrop near the surveyed intersection.



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.

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.

In August 2011 Council resolved 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 Barron Street and the unnamed road on the western side of Reserve 14751), be commenced.



The proposal was advertised in the *Pingelly Times* on 23 August 2011 and on the Shire of Pingelly Notice Board and utilities advised on 18 August 2011.

Responses have been received from the following service providers, without objection:

- Western Power
- Telstra

However, a letter of concern, (rather than an objection at this stage) has been received from Sheila Nicholls of 43 Paragon St, Pingelly. Mrs Nicholls has sought clarification as to how the proposed closure will affect her and access to her property.

**Comment:**

It would seem that rather than close the road reserves, the road reserves remain (to allow for future development should it ever occur) and the existing tracks be cul-de-sac'd to prevent the access across the private property etc. (as if the road reserves were closed). This will achieve Council's objective of preventing traffic from travelling across the private property and reserves whilst maintaining the right to construct roads on the road reserves should the need arise.

The proposal outlined above would appear to address most of the concerns expressed by Mrs Nicholls. However, her residence is situated at the corner of Phillip and Paragon Streets. While the house fronts Paragon St, a site inspection reveals the existence of a driveway entrance to both street frontages.

With this in mind and the proposal for cul-de-sacs rather than formal road closures, there would also be merit in placing the southern cul-de-sac for Paragon St at a point about 50m north of Phillip St. This would afford Mrs Nicholls with reasonable access to her 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 road reserves for 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), not be closed and that a cul-de-sac be created at the point where it was proposed they be closed, subject to the following:

- The cul-de-sac for the Phillip St end of Paragon St be constructed approximately 50 metres north of Phillip St.

## **9.2 Plant Replacement**

<b>File Reference:</b>	<b>File Reference</b>
<b>Location:</b>	<b>Location</b>
<b>Applicant:</b>	<b>Applicant</b>
<b>Author:</b>	<b>Wayne Jolly, Manager of Works</b>
<b>Date:</b>	<b>29 October 2011</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Item 7.3 – July 2011</b>

### **Summary:**

Council to consider a variation to Budgeted Plant replacement expenditure.

### **Background:**

Initially at time of preparing the Budget, it was determined that a like-for-like replacement of the Toyota Dyna truck (PT8) was necessary. Upon reassessing the garden maintenance team requirements, it has been determined that the purchase of a 4x2 Utility for use by the garden maintenance team, would be more practical.

### **Comment:**

It is the intention of staff to retain PT8 and in addition purchase a tip ute to be utilised by the garden maintenance team.

PT8 would then be utilised as a road maintenance vehicle with the addition of a post hole borer (as Budgeted) for installing and transporting signs and guide posts, thus allowing a one man operation. The truck could also be utilised for drain cleaning and transportation of pipes.

### **Consultation:**

Discussion has been with the ACEO, DCEO, Foreman and MOW.

### **Statutory Environment:**

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* *Absolute majority required.*

- (1a) In subsection (1) —
- additional purpose* means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

6.11. Reserve accounts

- (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.

\* *Absolute majority required.*

- (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.

### Policy Implications:

5.11 Purchasing

### Financial Implications:

	\$ ex. GST
<b>Budgeted Expenditure</b>	
Purchase of replacement for PT8	49,000
Trade-in of PT8	<u>(13,000)</u>
Change over	<u>36,000</u>

### Purchase Options:

<b>Option 1 - Great Wall 4x2 Ute</b>	<u>21,855</u>
Effect on 2011/12 Budget	<u><u>14,145</u></u>

<b>Option 2 - Ford Ranger 4x4 Ute</b>	<u>28,491</u>
Effect on 2011/12 Budget	<u><u>7,509</u></u>

<b>Option 3 – Nissan Navara 4x2 Ute</b>	<u>28,536</u>
Effect on 2011/12 Budget	<u><u>7,464</u></u>

**Strategic Implications:** Nil

**Voting Requirements:** Absolute Majority

### Recommendation:

That the Toyota Dyna truck (PT8) be retained for use as a Road maintenance vehicle and a Great Wall 4x2 Ute with tip tray be purchased for use by the Garden maintenance team. (Budget provision changeover for PT8 \$36,000 less purchase Great Wall Ute at \$21,855 for budget surplus of \$14,145)

### **9.3 Replacement of PN437**

<b>File Reference:</b>	<b>File Reference</b>
<b>Location:</b>	<b>Location</b>
<b>Applicant:</b>	<b>Applicant</b>
<b>Author:</b>	<b>Wayne Jolly, Manager of Works</b>
<b>Date:</b>	<b>10 October 2011</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>15 Year Plant Replacement Program (original &amp; amended)</b>
<b>Previous Reference:</b>	<b>Item 7.3 – July 2011</b>

#### **Summary:**

Council to consider a variation to budgeted Plant replacement expenditure.

#### **Background:**

On 28 September 2011 the Mitsubishi Crew Cab Truck (PN437) was involved in a traffic incident which saw the Truck roll-over. All the occupants walked away from the accident with minor physical injuries.

An assessor from the Local Government Insurance Service has been out to assess the vehicle and it has been written off.

As a result, a payout of pre-loss value determined by the insurer as \$41,230 (including excess payment, excluding accessories) will be received in due course.

PN437 was due for replacement in 2017-18 as per the 15 year Plant Replacement Program.

#### **Comment:**

No suitable second hand vehicles have been able to be sourced so quotes for new vehicles have been obtained.

The specification of the quotes was for a 4 tonne Crew Cab Tipper:

<b>Supplier</b>	<b>Make/Model</b>	<b>GVM*</b>	<b>GCM**</b>	<b>Cost (ex. GST)</b>
Major Motors	2011 Isuzu NQR 450	8,700kg	12,200kg	\$79,450
Skipper Trucks	2011 Mitsubishi Fuso	7,500kg	11,000kg	\$68,546
WA Hino	2011 Hino 300 Series	7,995kg	11,500kg	\$72,049

\*GVM = Gross Vehicle Mass \*\*GCM = Gross Combination Mass

For comparison PN437 had a GVM of 7,500kg and a GCM of 11,000kg.

Based on the quotes received it is evident that the insurance payment will not be sufficient for new replacement. In addition, accessories including a 4,000L Water tank, pump and fittings, tow bar and safety lights will also have to be purchased, cost approximately \$5,500 (ex GST). Consequently, the balance of the purchase price will have to be drawn from the Plant Replacement Reserve.

Operation of either of the trucks quoted will not be an issue as the majority of the Works Crew have Heavy Rigid (HR) licence classifications.

Consideration has been given to the current and potential future uses of the replacement truck. Currently, the truck will be used as a substitute water carrier during the construction of the Grain Freight Route (Bulyee Road); following the completion of this project the truck will be utilised transporting pipes, culverts and headwalls as well as water cartage for future construction jobs. The truck will also act as a personnel carrier.

The early replacement of PN437 is not detrimental to the planned outcome of the 15 year Plant Replacement Program as shown in the amended 15 year Plant Replacement program.

Based on like for like replacement it is recommended that a new 2011 Mitsubishi Fuso, as specified above, be purchased.

**Consultation:** Nil

**Statutory Environment:**

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

- (1a) In subsection (1) —

*additional purpose* means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

6.11. Reserve accounts

- (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.

*\* Absolute majority required.*

- (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.

**Policy Implications:**

5.11 Purchasing

**Financial Implications:**

Up to \$35,000 unbudgeted funds from the Plant Replacement Reserve.

**Strategic Implications:** Nil

**Voting Requirements:** Absolute Majority

**Recommendation:**

That Council approve the unbudgeted transfer of up to \$35,000 (dependent on final accessory costs) from the Plant Replacement Reserve for the replacement of PN437.

**9.4 Tender – Bitumen Supply 2011/12**

**File Reference:** 05.00.00  
**Location:** Shire of Pingelly  
**Applicant:** Tenders  
**Author:** Wayne Jolly, Manager of Works  
**Date:** 7 October 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Nil

**Summary:**

Tenders for the Annual Supply of Bitumen for 2011/12 were advertised on 14 September 2011 and closed on 5 October 2011.

**Background:**

Tenders were for the supply and full service of 131,670 litres of 95/5 hot bitumen received from:

- Boral Asphalt(WA)
- RNR Contracting Pty Ltd
- Fulton Hogan

All Tenders met with Selection Criteria specified in the tender document.

**Comment:**

Tender details as follows:

TENDERS FOR ANNUAL SUPPLY OF BITUMEN 2011/12						
TENDERER	COMPLIANCE CRITERIA YES/NO			WEIGHTING %		
	SPECIFICATION	CONDITIONS OF TENDERING	PRICE SCHEDULE	QUALATIVE CRITERIA	PRICE PER LITRE	FIXED PRICE?
Boral Asphalt(WA)	Yes	Yes	Yes	100	\$1.05	No*
Fulton Hogan	Yes	Yes	Yes	100	\$1.881	Yes
RNR Contracting Pty Ltd	Yes	Yes	Yes	100	\$1.16	No*

\*subject to rise and fall

**Consultation:**

No consultation required or was sought on this matter.

**Statutory Environment:**

Section 3.57(1) of the *Local Government Act* requires tenders to be invited for a contract of a prescribed kind.

Regulation 11(1) of the *Local Government Act (Functions and General) Regulations* requires all goods and services with a value in excess of \$100,000 to be subject to a public tender.

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That the tender from Boral Asphalt (WA) of \$1.05 per litre for hot bitumen, be accepted.

## **10. COMMUNITY SERVICES**

### **10.1 Residential Land Subdivision**

**File Reference:** A8060 & A9174  
**Location:** Townsite  
**Applicant:** Landvision  
**Author:** RG Bone, Acting Chief Executive Officer  
**Date:** 4 October 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Item 8.1 – 17 August 2011

#### **Summary:**

Council to resolve the rezoning amendment for Reserves 23053 and 10946 to change the zoning to residential.

#### **Background:**

At the August 2011 meeting Council resolved that a rezoning application be initiated for Reserves 23053 and 10946 to change the zoning to residential.

#### **Comment:**

Following on from the August 2011 meeting, Landvision have now prepared:

- Local Planning Scheme No 3 – Amendment No 3
- Amendment Report
- Adoption Document (used later in the process)

On the basis that Council will now amend (resolve to) the local planning scheme, the Shire will then seek preliminary consent from the WAPC to advertise the proposed amendment.

**Consultation:** Nil

#### **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:**

The Shire of Pingelly under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above local planning scheme by removing:

1. Reserve No 23053 Park Street, Pingelly from a reserve for a Public Purpose – Civic and placing it in a Residential Zone with a coding of Residential R12.5/25.
2. Reserve No 10946 Quartz Street, Pingelly from a reserve for Recreation and Open Space and placing it in the Residential Zone with a Residential coding of R12.5/R25.

## **10.2 Proposed Carport, Shed Extension, Verandah and Relocating Existing Garage**

**File Reference**                    **A2759**  
**Location:**                       **Lot 667 Review Street Pingelly**  
**Applicant:**                      **Mrs Elizabeth Tetlow**  
**Date:**                             **4 October 2011**  
**Author**                            **Sheryl Squiers, Administration Officer Technical**  
**Disclosure of Interest:**   **Nil**  
**Attachments:**                 **Nil**

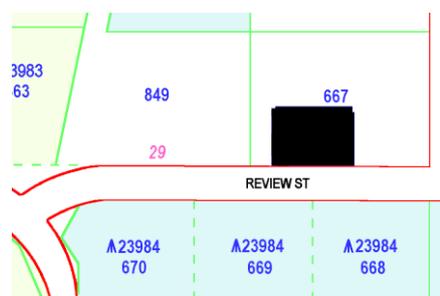
### **Summary:**

Council to consider an application for planning approval for the relocation of existing garage, building a new carport, verandah and shed extension.

### **Background:**

An application for planning consent has been received for the relocation of an existing garage and replacing with a carport, a shed extension and a verandah at 667 Review Street Pingelly.

The existing garage is to be relocated 35m to the north of its present position, one wall will be removed to convert to a hay and feed shelter. The garage will be replaced with a carport attached to the dwelling. The existing garage covers an area of 27m<sup>2</sup> and the new carport will cover an area of 57m<sup>2</sup>.



The extension to the north end of existing multipurpose shed is to conceal a sea container and provide run-off for rainwater. The size of the extension will cover an area of 87.75m<sup>2</sup>.

The verandah is to be attached to west side off existing multipurpose shed to protect the door from the weather. This verandah will cover an area of 18m<sup>2</sup>.

Lot 667 is located at the eastern end of Review St with the southern boundary on Review St, eastern boundary adjoining the general agriculture zone and western and northern boundaries fronting the golf course.

### **Comment:**

Lot 667 Review St is zoned Rural Residential. The proposed additions comply with the minimum boundary setbacks for the zoning.

Clause 5.19.3 of the *Shire of Pingelly Local Planning Scheme No 3* states that in assessing applications for development/or subdivision of Rural Residential Zone, Council will consider the following:

Outbuildings will not be granted planning approval on any lot within the Rural Residential zone, unless a single dwelling exists on the lot, or is to be constructed as the first stage of the development proposal.

A residence was constructed on this property in 1966.

**Consultation:** Nil.

### **Statutory Environment:**

*Shire of Pingelly Local Planning Scheme No 3*

**Policy Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That planning approval be given to relocate garage, build new carport, extend shed and erect a verandah at Lot 667 Review St, subject to the following conditions:

1. A Building License be obtained prior to relocation of garage and construction of carport shed extension and verandah.
2. The garage, carport, extension and verandah be located in accordance with the applicant's site plan.

## **11. FINANCIAL SERVICES**

### **11.1 Monthly Statement of Financial Activity**

**File Reference:** 06.15.01  
**Location:** N/A  
**Applicant:** N/A  
**Date:** 5 October 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 30 September 2011.

**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 30 September 2011 be accepted and material variances be noted.

<b>SHIRE OF PINGELLY NET CURRENT FUNDING POSITION FOR THE PERIOD ENDING 30 September 2011</b>			
	<b>ACTUAL 2011/12</b>	<b>BUDGET 2011/12</b>	<b>ACTUAL 2010/11</b>
<b>CURRENT ASSETS</b>			
Cash - Unrestricted			
- Municipal Fund Bank	1,372,135.48	150,983	412,221.64
- Petty Cash & Till Floats	450.00	450	450.00
Cash - Restricted	0.00		0.00
- Restricted Municipal Fund Bank	0.00	0	0.00
- Restricted Reserves	811,279.80	1,492,013	787,842.58
Receivables			
Sundry Debtor Rates	392,791.94	0	69,892.05
Sundry Debtor Rubbish	15,324.83		
Sundry Debtor Recycling	985.52		
Sundry Debtor SSL	9,887.95		
Sundry Debtor Other	52,298.54	72,559	101,225.45
Pensioner Rebate (to be claimed)	1,303.46		
GST (to be claimed)	0.00		
Investments	5,000.00	5,000	5,000.00
Inventories	6,459.86	8,154	8,153.62
<b>TOTAL CURRENT ASSETS</b>	<b>2,667,917.38</b>	<b>1,729,159</b>	<b>1,384,785.34</b>
<b>LESS CURRENT LIABILITIES</b>			
Creditors	13,069.57	(135,408)	(127,286.63)
Borrowings	(9,887.95)	(52,312)	0.00
Provisions	(146,318.00)	(146,318)	(146,318.00)
<b>NET CURRENT POSITION</b>	<b>2,524,781.00</b>	<b>1,395,121</b>	<b>1,111,180.71</b>
Less Cash Restricted	(811,279.80)	(1,492,013)	(787,842.58)
<b>SURPLUS/(DEFICIT)</b>	<b>1,713,501.20</b>	<b>(96,892)</b>	<b>323,338.13</b>

SHIRE OF PINGELLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 September 2011							
	SCHED#	YTD ACTUAL 2011/12	YTD BUDGET 2011/12	VARIANCE		BUDGET 2011/12	NOTE#
				>10%	>\$5000		
<b>OPERATING REVENUE</b>							
Governance	4	382,944.47	386,284			2,336,240	
General Purpose Funding	3	1,525,584.59	1,523,225			2,148,450	
Law, Order & Public Safety	5	10,543.43	12,922	82%		828,190	
Health	7	672.00	546	123%		2,200	
Welfare & Education	8	570.00	375	152%		18,749	
Community Amenities	10	132,005.80	134,493			150,360	
Recreation & Culture	11	26,261.16	25,661			47,620	
Transport	12	412,768.13	411,555			2,354,540	
Economic Services	13	13,089.60	13,218			52,900	
Other Property & Services	14	23,586.42	9,387	251%	14,199	37,570	1
<b>Sub Total</b>		<b>2,528,025.60</b>	<b>2,517,666</b>			<b>7,976,819</b>	
<b>OPERATING EXPENDITURE</b>							
Governance	4	(156,624.63)	(154,529)			(628,506)	
General Purpose Funding	3	(17,103.82)	(16,782)			(67,160)	
Law, Order & Public Safety	5	(39,723.10)	(36,161)			(905,361)	
Health	7	(18,672.36)	(10,499)	178%	(8,173)	(153,045)	2
Welfare & Education	8	(3,488.47)	(4,248)	82%		(33,587)	
Community Amenities	10	(50,531.33)	(51,948)			(206,416)	
Recreation & Culture	11	(102,832.78)	(106,522)			(550,252)	
Transport	12	(500,740.61)	(500,253)			(1,390,540)	
Economic Services	13	(41,379.50)	(40,716)			(153,870)	
Other Property & Services	14	(43,848.98)	(27,269)	161%	(16,580)	(90)	3
<b>Sub Total</b>		<b>(974,945.58)</b>	<b>(948,927)</b>			<b>(4,088,827)</b>	
<b>NET OPERATING</b>		<b>1,553,080.02</b>	<b>1,568,739</b>			<b>3,887,992</b>	

SHIRE OF PINGELLY STATEMENT OF FINANCIAL ACTIVITY (Continued) FOR THE PERIOD ENDING 30 September 2011							
	SCHED#	YTD ACTUAL 2011/12	YTD BUDGET 2011/12	VARIANCE		BUDGET 2011/12	NOTE#
				>10%	>\$5000		
<b>CAPITAL REVENUE</b>							
Governance	4	0.00	0			828,215	
General Purpose Funding	3	0.00	0			0	
Law, Order & Public Safety	5	0.00	0			27,209	
Health	7	0.00	0			20,000	
Education & Welfare	8	0.00	0			9,888	
Community Amenities	10	0.00	0			0	
Recreation & Culture	11	0.00	0			0	
Transport	12	0.00	0			33,000	
Economic Services	13	0.00	0			0	
Other Property & Services	14	0.00	0			0	
<b>Sub Total</b>		<b>0.00</b>	<b>0</b>			<b>918,312</b>	
<b>CAPITAL EXPENDITURE</b>							
Governance	4	(90,922.62)	(86,456)			(1,078,223)	
General Purpose Funding	3	0.00	0			0	
Law, Order & Public Safety	5	(1,899.00)	(2,100)			(29,309)	
Health	7	0.00	0			(30,000)	
Education & Welfare	8	0.00	0			(9,888)	
Community Amenities	10	0.00	0			(578,453)	
Recreation & Culture	11	0.00	0			(210,000)	
Transport	12	(122,374.05)	(119,910)			(2,438,442)	
Economic Services	13	(4,720.00)	0			0	
Other Property & Services	14	0.00	0			0	
<b>Sub Total</b>		<b>(219,915.67)</b>	<b>(208,466)</b>			<b>(4,374,315)</b>	
<b>TOTAL CAPITAL</b>		<b>(219,915.67)</b>	<b>(208,466)</b>			<b>(3,456,003)</b>	
<b>TOTAL Net Operating &amp; Capital</b>		<b>1,333,164.35</b>	<b>1,360,273</b>			<b>431,989</b>	
<b>ADJUSTMENT FOR NON-CASH ITEMS</b>							
Add Depreciation		80,435.94	80,200			439,468	
Transfer from/(to) Reserves		(23,437.22)	(23,440)			(704,170)	
Adjust Provisions/Accruals		0.00	0			0	
Asset Disposal (Profit)/Loss		0.00	0			(602,200)	
<b>Total Adjustment for Non-Cash</b>		<b>56,998.72</b>	<b>56,760</b>			<b>(866,902)</b>	
Opening Surplus/(Deficit)		323,338.13	338,021			338,021	
<b>Closing Surplus/(Deficit)</b>		<b>1,713,501.20</b>	<b>1,755,054</b>			<b>(96,892)</b>	

<b>SHIRE OF PINGELLY NOTES TO MATERIAL VARIANCE FOR THE PERIOD ENDING 30 September 2011</b>			
<b>Note #</b>			<b>Variation</b>
	<b>OPERATING REVENUE</b>		
	Governance		
	Primary Reason	N/A	
	Budget Impact	N/A	
	General Purpose Funding		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Law, Order & Public Safety		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Health		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Welfare & Education		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Community Amenities		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Recreation & Culture		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Transport		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Economic Services		
	Primary Reason	N/A	
	Budget Impact	N/A	
1	Other Property and Services		Over
	Primary Reason	January 2011 Storm Damage Reimbursement - Offset by Expenditure.	14,199
	Budget Impact	Revenue over Budget	

<b>SHIRE OF PINGELLY</b>			
<b>NOTES TO MATERIAL VARIANCE (Continued)</b>			
<b>FOR THE PERIOD ENDING</b>			
<b>30 September 2011</b>			
<b>Note #</b>			<b>Variation</b>
	<b>OPERATING EXPENDITURE</b>		
	Governance		
	Primary Reason	N/A	
	Budget Impact	N/A	
	General Purpose Funding		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Law, Order & Public Safety		
	Primary Reason	N/A	
	Budget Impact	N/A	
2	Health		Over (8,173)
	Primary Reason	Repairs to Doctor's Car - Offset by Insurance reimbursement.	
	Budget Impact	Expenditure over Budget	
	Welfare & Education		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Community Amenities		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Recreation & Culture		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Transport		
	Primary Reason	N/A	
	Budget Impact	N/A	
	Economic Services		
	Primary Reason	N/A	
	Budget Impact	N/A	
3	Other Property & Services		Over (16,580)
	Primary Reason	January 2011 Storm Expenditure - Offset by Insurance reimbursement.	
	Budget Impact	Expenditure over Budget	

**SHIRE OF PINGELLY**  
**NOTES TO MATERIAL VARIANCE (Continued)**  
**FOR THE PERIOD ENDING**  
**30 September 2011**

<b>Note #</b>		<b>Variation</b>
	<b>CAPITAL REVENUE</b>	
	Governance	
	Primary Reason	N/A
	Budget Impact	N/A
	General Purpose Funding	
	Primary Reason	N/A
	Budget Impact	N/A
	Law, Order & Public Safety	
	Primary Reason	N/A
	Budget Impact	N/A
	Health	
	Primary Reason	N/A
	Budget Impact	N/A
	Welfare & Education	
	Primary Reason	N/A
	Budget Impact	N/A
	Community Amenities	
	Primary Reason	N/A
	Budget Impact	N/A
	Recreation & Culture	
	Primary Reason	N/A
	Budget Impact	N/A
	Transport	
	Primary Reason	N/A
	Budget Impact	N/A
	Economic Services	
	Primary Reason	N/A
	Budget Impact	N/A
	Other Property & Services	
	Primary Reason	N/A
	Budget Impact	N/A

**SHIRE OF PINGELLY**  
**NOTES TO MATERIAL VARIANCE (Continued)**  
**FOR THE PERIOD ENDING**  
**30 September 2011**

**CAPITAL EXPENDITURE**

Governance		
Primary Reason		N/A
Budget Impact		N/A
General Purpose Funding		
Primary Reason		N/A
Budget Impact		N/A
Law, Order & Public Safety		
Primary Reason		N/A
Budget Impact		N/A
Health		
Primary Reason		N/A
Budget Impact		N/A
Welfare & Education		
Primary Reason		N/A
Budget Impact		N/A
Community Amenities		
Primary Reason		N/A
Budget Impact		N/A
Recreation & Culture		
Primary Reason		N/A
Budget Impact		N/A
Transport		
Primary Reason		N/A
Budget Impact		N/A
Economic Services		
Primary Reason		N/A
Budget Impact		N/A
Other Property & Services		
Primary Reason		N/A
Budget Impact		N/A

<b>SHIRE OF PINGELLY INVESTMENT SUMMARY FOR THE PERIOD ENDING 30 September 2011</b>				
<b>Investment Description</b>	<b>Balance @ 30 September 2011</b>	<b>Investment Term</b>	<b>Investment Maturation</b>	<b>Interest Rate PA</b>
<b>Municipal Bank</b>	\$372,135.48	Rolling	Rolling	Varying
<b>Municipal Term Deposit</b>	\$1,000,000.00	3 Months	12-Dec-11	5.75%
<b>Reserves Term Deposit</b>	\$811,279.80	6 Months	27-Jan-12	5.90%
<i>All Investments are held with the Bendigo Bank.</i>				

<b>Significant Expenditure Items for the month of September 2011</b>		
<b>Supplier</b>	<b>Description</b>	<b>Expenditure</b>
Page Truck Hire	January 2011 Storm Clean-Up	\$110,070.00
K Melvin	Gravel for Bulyee Road	\$21,000.00
Wheatbelt Electrics	Replacement Lightpole at Oval	\$20,834.00
West Coast Shade	Swimming Pool Shade Sail	\$19,800.00
Rocla	Drainage Pipes for Bulyee Road	\$14,140.91
Pingelly Engineering	Picnic table canopies for Townscape	\$10,200.00
	<b>Total</b>	<b>\$196,044.91</b>

## **11.2 Accounts Paid by Authority**

**File Reference:** 06.15.03  
**Location:** N/A  
**Applicant:** N/A  
**Date:** 4 October 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 September 2011.

### **Comment:**

Unless otherwise identified, all payments have been made in accordance with Council's 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 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:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That the List of Accounts as presented:

- (1) Municipal Fund – Account 117984856  
vouchers 19585 – 19691 inclusive totalling \$450,972.22 - previously paid.
  - (2) Trust Fund – Account 117984872  
vouchers 1605 – 1621 inclusive totalling \$1,629.45 - previously paid.
  - (3) Trust Fund Department of Transport – 123395691  
totalling \$43,840.20; and
  - (4) Direct Debit Payments  
totalling \$1,554.84 – previously paid
  - (5) Credit Card Payments  
totalling \$908.92 – previously paid
- be authorised.

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

19585	05/09/2011	Telstra	Various phone charges CEO, MOW and EHO	111.44
19586	05/09/2011	Sunny Sign Company Pty Ltd	1 x Waste management facility sign	209.00
19587	05/09/2011	Pingelly Engineering	1xc10012 c-channel for depot and 600x600x5mm checker plate for town streets	117.20
19588	05/09/2011	Bunnings Building Supplies	Light solar security, 5 x conduit mounting saddle for 24 Shire Street, table blow mould marquee for office and fork garden sikars	98.70
19589	05/09/2011	Water Corporation	Water use charges 21 April 2011 to 10 August 2011	5,154.20
19590	05/09/2011	Gainsborough Graphics	250 Single sided colour business cards on 300gsm gloss	40.00
19591	05/09/2011	Please Pay Cash - Pingelly Shire	Petty cash recoup August 2011	150.50
19592	05/09/2011	Sportspower Narrogin	Portable basketball system to replaced damaged one from January 2011 storm	499.00
19593	05/09/2011	Fire & Emergency Service Authority of WA	2011/12 ESL B Contribution	46,637.89
19594	05/09/2011	Page Truck Hire	Storm clearing of rural roads after January storm Merwanga and Zig Zag Roads, 8 - 19 August 2011	41,720.00
19595	05/09/2011	Pingelly General Practice	Pre employment medical Robert Howard	121.00
19596	05/09/2011	Rocla Pipeline Products	Concrete pipes for Grain Freight Route	8,193.52
19597	08/09/2011	Arvidale Garden Centre	Caravan Park commission August 2011 and 2 x pruning shears	518.15
19598	08/09/2011	Sheridan's for Badges	New name badge Lee Steel and engraving on Lisa Kirk wall plate	76.74
19599	08/09/2011	J R & A Hersey	1 x small banister brush, 36 x cowgrain rigger xl, 24 x spectacle w/round poly smoke, 2 x s/vest 2xl, 2 x s/vest 3xl, 2 x s/vest 4xl. 2 x rake garden/nail 16t, 2 x shovel deep hole, 12 x PVC 45 gloves, 4 x disposable coveralls for depot	847.55
19600	08/09/2011	Pingelly Transport	Cartage of culvert pipes from Rocla for Grain Freight Route	940.50
19601	08/09/2011	Sullivan Logistics Pty Ltd	Freight charges August 2011	155.50
19602	08/09/2011	Raymond John Marshall	Sitting fee July - September 2011	750.00
19603	08/09/2011	Great Southern Fuel Supplies	Fuel purchases for the month of August 2011	2,064.64
19604	08/09/2011	Lee Nora Steel	Sitting fee July - September 2011	750.00
19605	08/09/2011	Flinn Health & Fitness	Boxing for fitness 15 August 2011, 22 August 2011, low impact fitness 17 August 2011 and 24 August 2011	320.00
19606	08/09/2011	Noel Cowcher	Sitting fee July - September 2011	750.00
19607	08/09/2011	Contract Aquatic Services	12 x 40kg drums dry chlorine	2,376.00
19608	08/09/2011	Synergy	Streetlight account 23 July 2011 to 24 August 2011 and other various power accounts 1 July 2011 - 29 August 2011	9,568.20

19609	08/09/2011	Pingelly Tyres Pty Ltd	2 x rubber fill for lawn mower tyres, solid fill for PROM6 and strip and repair, code 4 patch, O ring on rim for PG6	431.00
19610	08/09/2011	Avon Waste	Fortnightly bulk bin recycling service week ending 23 August 2011	100.00
19611	08/09/2011	Pingelly Mens Shed	Restoration of piano stool from town hall	50.00
19612	08/09/2011	GJ & RJ Ward	Refund of development application fee for single dwelling 68 Ward Road East Pingelly, building license 08.11-006 rec 18426	907.50
19613	08/09/2011	Central Country Zone WALGA	Annual subscription 2011/2012	3,080.00
19614	08/09/2011	Midalia Steel (Wagin)	2 x I beams, 7x 50x50x2 galv square and 8 x 3000x2400 G113 gal weldmesh, 3.15mm wire 25mmx25mm for swimming pool	3,357.05
19615	08/09/2011	Merv Beard	President allowance and sitting fee July - September 2011	1,800.00
19616	08/09/2011	Shirley Lange	Deputy president allowance and sitting fee July - September 2011	825.00
19617	08/09/2011	Orica Australia Pty Ltd	Service fee 2 x chlorine gas bottles 1 August - 31 August 2011	77.75
19618	08/09/2011	IT Vision User Group (Inc)	Annual subscription 2011/2012	522.50
19619	08/09/2011	William Vincent Mulrone	Sitting fee July - September 2011	750.00
19620	08/09/2011	Page Truck Hire	Road clearing after January 2011 storm, Vitasovic, Walwalling and Kulyalling roads. 22 August 2011 to 2 September 2011	33,010.00
19621	08/09/2011	Landgate	Rural unimproved valuations schedule R2011/4, dated 16 July - 12 August 2011	58.00
19622	14/09/2011	Shire of Pingelly	Payroll deductions	190.00
19623	14/09/2011	Child Support Agency	Payroll deductions	14.18
19624	14/09/2011	Prime Super	Superannuation contributions	150.32
19625	14/09/2011	WA Local Government Superannuation Plan	Superannuation contributions	7,803.01
19626	14/09/2011	LGRCEU	Payroll deductions	139.20
19627	14/09/2011	Shire of Pingelly	Ordinary pay run for week ending 13 September 2011	38,806.73
19628	15/09/2011	Pingelly Trading Co	Various goods for Council, refreshments, newspapers and dry cleaning for the month of August 2011	191.12
19629	15/09/2011	Australia Post	Paper, envelopes, rates and normal postage	655.16
19630	15/09/2011	Landmark	2 x Sout farm gate w/broker 4.8m vee brace, 2 x sout tubular strainer 80/40 for rural roads and 1 x 45kg gas bottle caravan park	726.20
19631	15/09/2011	Fuel Distributors of WA Pty Ltd	Bulk fuel purchase 2,300 litres underground and 3,700 overhead	8,383.20
19632	16/09/2011	BOC Limited	Agrosheid universal G size annual container service charge 1 September 2011 - 31 August 2012	189.55

19633	16/09/2011	Total Farming Services	Double eye pad bolt 200mm for rec ground, alert 20kg for pound, roundup powermax 20l, metsulfuron 600 WG herbicide. gloves super chemical resistant 10 for road spraying, 3 x roller multipurpose for depot	1,877.10
19634	16/09/2011	Pingelly Engineering	50 x 5 x 3m flat bar off and off cut sheet metal for depot	29.78
19635	16/09/2011	Westrac Equipment Pty Ltd	1 x hose part # 8W-4342 for PL5	11.83
19636	16/09/2011	West Coast Shade	Supply, fabricate and install shade sail structure for swimming pool	19,800.00
19637	16/09/2011	Major Motors Pty Ltd	Filter kit, outer air filter and inner air filter for PBF6	168.30
19638	16/09/2011	Flinn Health & Fitness	Boxing for fitness 29 August and low impact classes 31 August 2011	160.00
19639	16/09/2011	Greenline Ag Pty Ltd	1.5 x suction and return line 1-1/2 for PT16	155.10
19640	16/09/2011	Keith the Maintenance Man Pty Ltd	Fit door closer to external door of Council chambers	233.48
19641	16/09/2011	Perlex Holdings Pty Ltd	Adult bouncy castle for 8 October 2011 day	415.00
19642	16/09/2011	Bron's Kitchen	Various meals for August 2011, Council, Budget, FCO and RTG meetings	589.50
19643	16/09/2011	Digga West	Brush poly 20' one piece suit 1700 broom for skid steer	605.00
19644	16/09/2011	WA Country Health Service - Wheatbelt Region	Rent for Dr surgery July 2011	476.66
19645	16/09/2011	Pingelly Community Resource Centre	Contribution to purchase of museum computer program, storage containers etc and cost for museum to date and costs for museum group to date i.e. 25 x cotton gloves, office works goods and Pingelly Trading Co goods	1,582.28
19646	16/09/2011	Avon Waste	Fortnightly bulk bin recycling week ending 6 September 2011	100.00
19647	16/09/2011	Small Business Factors	Remove and replace damaged parts PDOC6 and repair tray on PMOW9	6,827.73
19648	16/09/2011	Midland Cement Materials	5 x 50m x 4m builder's film 200um, 3 x 100mm x 50m socked draincoil RTA class 400 for Webb Street units	748.00
19649	16/09/2011	I Sweep Town & Country	Sweeping of town commencing 8 September 2011, 20.5 hours	2,818.75
19650	16/09/2011	Pingelly Trading Co Hardware	40 x BGC fast setting cement for townscape, 18 x BGC grey cement for rural roads and 1 x 45kg gas bottle for caravan park	567.60
19651	16/09/2011	Perfect Computer Solutions Pty Ltd	Labour 14 July Upgrade network drives on server, 8 August save synergy EOY backups on DVD, 24 August resolve email syncing errors AO	232.50
19652	16/09/2011	Pingelly Community Craft Centre	Management expenses towards the maintenance of the Pingelly tourist information centre, public budget submission	1,000.00
19653	22/09/2011	Telstra	Various telephone accounts	666.44

19654	22/09/2011	Sunny Sign Company Pty Ltd	Off road vehicles signs for track behind refuse site	654.50
19655	22/09/2011	Pingelly Engineering	5 x shelters for Pingelly townscape	10,200.00
19656	22/09/2011	Westrac Equipment Pty Ltd	Various seals and bolts for central lock cylinder PG5	206.06
19657	22/09/2011	Pacific Brands Sports & Leisure Pty Ltd - Workwear	4 x shirts for Mick Oliver	226.86
19658	22/09/2011	Courier Australia	Freight 8 September 2011 from Stewart and Heaton bush fire brigade clothes	10.05
19659	22/09/2011	Host Direct	Vacuum bag for office, 12 x princessa dessert spoons, 12 x princessa table knife for community centre	46.97
19660	22/09/2011	Great Southern Waste Disposal	Rubbish and recycling collection 26 July 2011 - 30 August 2011	6,672.14
19661	22/09/2011	Corporate Express	Foreman diary, 2 buckets x urinal blocks, 2 x 15l disinfectant, 2 boxes x toilet paper, 2 boxes x hand towel for depot, mapping pins, 1 x box binding coils 10mm, binding back covers, 6 x black pen refills, 20 x receipt rolls, 1 packet x tube clip and 10 x telephone message pads for office	380.95
19662	22/09/2011	Pingelly Tyres Pty Ltd	3 x supply & fit grader tyre 1400-24, 3 x dispose of 1400-24 old grader tyres for PG5, 1 x balance and rotate, 1 x tubeless plug for PC13 and wheel alignment PCEO7	3,535.00
19663	22/09/2011	Kim Melvin	20,000 cubic meters of gravel for Grain Freight Route	21,000.00
19664	22/09/2011	G & S Lange	Water for rural roads	800.00
19665	22/09/2011	Rapid Plastics (WA) Pty Ltd	10,000 litres baffled free standing cartage tank (3500L x 2100W x 1800H)	7,396.40
19666	22/09/2011	Stewart & Heaton Clothing Co Pty Ltd	2 x R107 gold trousers and 2 x 107 gold jackets for Milton fire brigade	461.65
19667	22/09/2011	Shire of Cuballing	Private works hire of truck shoulder grading bridge works	1,608.75
19668	22/09/2011	Edwards Motors Pty Ltd	3,000km service of PDCEO8	66.90
19669	22/09/2011	Rocla Pipeline Products	Concrete pipes and rubber band for Grain Freight Route	14,140.91
19670	28/09/2011	Shire of Pingelly	Payroll deductions	200.00
19671	28/09/2011	Child Support Agency	Payroll deductions	14.18
19672	28/09/2011	Prime Super	Superannuation contributions	150.32
19673	28/09/2011	WA Local Government Superannuation Plan	Superannuation contributions	7,991.38
19674	28/09/2011	LGRCEU	Payroll deductions	139.20
19675	28/09/2011	Shire of Pingelly	Ordinary pay run for week ending 27 September 2011	41,127.18
19676	29/09/2011	Westrac Equipment Pty Ltd	Cylinder and pin for locking system PG5	513.05
19677	29/09/2011	Pingelly Volunteer SES Unit	Various SES purchases	4,120.76

19678	29/09/2011	Kirralee Transport	Transport roller from North Wandering Road back to Pingelly 10 August 2011 and transport roller from Napping Pool road to Tamma Grains 18 August 2011	660.00
19679	29/09/2011	Total Eden Pty Ltd	25 x sprinkler gear drive adj PGJ04, 20 x sprinkler gear drive ultra hunter for various parks and gardens and swimming pool	1,097.96
19680	29/09/2011	Flinn Health & Fitness	Boxing for fitness 5 September and low impact 7 September 2011	240.00
19681	29/09/2011	Gill Rural Traders	20 x cutting discs, 1 x box cut wheels for swimming pool, 3 x 90o Elbows PVC 80mm, 1 x valve socket, 1 x 3" cam lock, 1 x 80mm x4450 elbow PVC for plant	298.80
19682	29/09/2011	Stihl Shop Redcliffe	2 x transfer pump 3 inch inlet and out, 4 x filter oval Honda GX120-140-180 for new water tank on back of truck	2,182.20
19683	29/09/2011	Corporate Express	1 x packet clear binding covers and calculator for AOT	50.70
19684	29/09/2011	Wheatbelt Electrics	Supply and install light pole at oval, include RCD protection to light circuit	20,834.00
19685	29/09/2011	Covs Parts Pty Ltd	7 leaf spring for bitumen trailer	69.30
19686	29/09/2011	Sheina Anne Diamond	4 x shower curtains for caravan park	69.80
19687	29/09/2011	RL & SM Allen	44 loads of sand from M Hughes for Webb Street units pad	4,840.00
19688	29/09/2011	Shire of Williams	N Cowcher nomination for Central Country Zone Golf Day 23 September 2011	40.00
19689	29/09/2011	Page Truck Hire	Road clearing after January 2011 storm, Kulyalling, Avery and Aldersyde roads, 5 September - 16 September 2011	35,340.00
19690	29/09/2011	Landgate	Title search A7329 for sale of land	24.00
19691	29/09/2011	Pingelly General Practice	Stay on your feet presentation by the Doctor	110.00
<b>Total Municipal Fund</b>				<b><u>450,972.22</u></b>
1605	01/09/2011	Pingelly Masonic Lodge Inc	Refund of key, cleaning, liquor and crockery bond less money for missing or broken crockery and cutlery. Hire of Community Centre 20 August 2011.	478.45
1606	05/09/2011	Lisa Narelle Kirk	Footy tipping winnings 2011 round 3 and 9	20.00
1607	05/09/2011	Sara Ward	Footy tipping winnings 2011 round 11	10.00
1608	05/09/2011	Noel Cowcher	Footy tipping winnings 2011 round 14	10.00
1609	05/09/2011	Deanna Lee Hathaway	Footy tipping winnings 2011 round 6, 8 and 16	30.00
1610	05/09/2011	Rodney Evenis	Footy tipping winnings 2011 overall third place	15.00
1611	05/09/2011	Simon Kristoffer Marshall	Footy tipping winnings 2011 overall first place and round winner 1, 7, 10 and 13	88.00
1612	05/09/2011	Eric Wayne Jolly	Footy tipping winnings 2011 round 4 and 18	20.00

1613	05/09/2011	Peter and Fran Ibbott	Footy tipping winnings 2011 Peter Ibbott overall second place and round winner 2, 19 and 24. Footy tipping winnings 2011 Fran Ibbott round 17 and 21.	80.00
1614	05/09/2011	Siobhan Acton	Footy tipping winnings 2011 round 5	10.00
1615	05/09/2011	Alysha Jolly	Footy tipping winnings 2011 round 15 and 20	20.00
1616	05/09/2011	Thomas Jeffrey	Footy tipping winnings 2011 overall last place	3.00
1617	05/09/2011	Shirley Lange	Footy tipping winnings 2011 round 12, 22 and 23	30.00
1618	13/09/2011	ER & G Parsons	Refund of cat trap bond, original refund cheque lost	80.00
1619	20/09/2011	Simon Kristoffer Marshall	Winning of footy tipping finals round	15.00
1620	20/09/2011	Brookton Pingelly Football Club	Refund of key and crockery bond hire of community centre 10 September 2011	240.00
1621	26/09/2011	Raymond John Marshall	Refund of cleaning, liquor, keys and crockery bond hire of community centre 17 September 2011	480.00
<b>Total Trust Fund</b>				<b>1,629.45</b>
12092011	12/09/2011	Department of Transport	Reconciliation of Transport Licensing 18 August 2011 to 7 September 2011	18,881.30
19092011	19/09/2011	Department of Transport	Reconciliation of Transport Licensing 8 September 2011 to 14 September 2011	6,814.05
26092011	26/09/2011	Department of Transport	Reconciliation of Transport Licensing 15 September 2011 to 21 September 2011	9,346.60
30092011	30/09/2011	Department of Transport	Reconciliation of Transport Licensing 22 September 2011 to 28 September 2011	8,798.25
<b>Total Trust Licensing</b>				<b>43,840.20</b>
01.09111		Bendigo Bank	EFT fee	7.59
01.09112		Bendigo Bank	Bank fees	50.00
09.0911		Bendigo Bank	Merchant bank fees	354.63
03.09111		Westnet	Internet fees	134.89
03.09112		Westnet	Internet fees governance	39.95
05.0911		Gecca	Photocopier rental agreement	946.00
11.0911		Centrelink	Processing Fees	21.78
<b>Total Direct Debit Payments</b>				<b>1,554.84</b>
DD4371.1	21/09/2011	Tiger Lil's Tavern	CEO meals Local Government Week	102.25
DD4371.2	21/09/2011	Belgian Beer Cafe Westend	CEO meals Local Government Week	115.50
DD4371.3	21/09/2011	Tony Roma's	CEO & councillor meals Local Government Week	280.20
DD4371.4	21/09/2011	City of Perth	CEO parking fee Local Government Week	5.10
DD4371.5	15/09/2011	Pingelly Roadhouse	Fuel for CEO vehicle	116.50
DD4371.6	21/09/2011	Gull Karragullen Motor	Fuel for CEO vehicle	90.72
DD4371.7	21/09/2011	Officeworks	Reflex paper & stationary for administration office	194.65
DD4371.8	21/09/2011	Bendigo Bank Credit Cards	Card fee	4.00
<b>Total Credit Card Payments</b>				<b>908.92</b>

### **11.3 Budget 2012/13**

**File Reference:** 06.12.01  
**Location:** N/A  
**Applicant:** Town of Narrogin  
**Author:** Simon Marshall, Deputy Chief Executive Officer  
**Date:** 6 October 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

**Summary:**

Council to consider the request from the Town of Narrogin for a \$2,000 contribution towards the purchase of a new Community Assisted Transport Service (CATS) Vehicle for the 2012/13 financial year.

**Background:**

CATS offers a transport service to people without private transport and who require specialised medical treatment in Bunbury and Perth.

CATS services residents in the Shire and Town of Narrogin as well as the Shires of Williams, Boddington, Lake Grace, Wagin, Cuballing, West Arthur and Pingelly.

Last year four trips were made from Pingelly, servicing four community members.

CATS relies wholly on volunteers and the vehicle is in use four days per week. Patients are charged \$60 to cover operating costs with this charge being refundable through the WA Country Health Service's Patient Assisted Travel Scheme (PATS).

The service is managed by the Town of Narrogin's Narrogin Homecare and has operated successfully since 2007. The CATS Vehicle has been changed over several times with assistance from non-profit organisations such as the Narrogin Rev Heads Foundation.

**Comment:**

CATS has not been previously supported. It has been advised that the Pingelly community under utilises the service as it is not actively promoted.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:**  
Draft 2012/13 Budget

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That the Town of Narrogin's request for \$2,000 towards the purchase of a new CATS vehicle be included in the draft 2012/13 Budget.

## **12. ADMINISTRATION SERVICES**

### **12.1 Council Committees & Delegates**

**File Reference:** 04.02.01  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Pingelly  
**Author:** RG Bone, Acting Chief Executive Officer  
**Date:** 4 October 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **Summary:**

Council to consider appointing members, delegates and deputies to Committees (internal and external).

#### **Background:**

Up until 2009, Council has had three Committees:

- Audit Committee Full Council  
**Charter:**  
 To:
  - assist the auditor and ensure that audits are conducted successfully and timely;
  - meet with the auditor at least once a year;
  - examine the auditor's report and ensure appropriate action is taken; and
  - report on actions taken in respect of any issues raised by the auditor to council.
  
- Sports & Recreation Committee  
**Charter:** Cr SJ Lange  
 To provide recommendations to the Shire of Cr NP Cowcher  
 Pingelly on sport and recreation matters Cr RJ Marshall  
Cr L Kirk
  
- Bushfire Advisory Committee Cr Beard  
**Charter:** Cr Cowcher  
 To advise Council on all matters relating to:
  - the prevention, controlling and extinguishing of bush fires;
  - prosecutions for breaches of the Bush Fire Act;
  - the formation and de-formation of bush fire brigades;
  - the co-ordination of the efforts and activities of the bush fire brigades; and
  - any other matter relating to bush fire control

Council has previously appointed Delegates to:

- Central Country Zone of WALGA Cr MT Beard  
Cr SJ Lange  
General Deputy Cr LN Steel
  
- Development Assessment Panel Cr SJ Lange  
Cr RJ Marshall  
General Deputy Cr WV Mulroney  
General Deputy Cr NP Cowcher
  
- Dryandra Country Visitors Centre Cr SJ Lange
  
- Hotham-Dale Regional Road Sub-Group Cr MT Beard  
Cr SJ Lange  
General Deputy Cr WV Mulroney

- Pingelly Cottage Homes Committee  
Cr MT Beard  
Vacant  
Mr DI Freebairn
- Pingelly Development Association  
Cr SJ Lange  
Cr MT Beard  
General Deputy Cr WV Mulroney
- Pingelly Telecentre & Community Resource Facility  
Cr WV Mulroney
- Regional Waste Group  
Cr WV Mulroney
- Regional Transition Group  
Cr SJ Lange  
Cr LN Steel  
General Deputy Cr WV Mulroney

Since the October 2009 meeting, Council has seen fit to appoint two further committees being:

- Duplex Building Committee  
**Charter:** To review and report on the tenders.  
Cr NP Cowcher  
Cr RJ Marshall  
Cr WV Mulroney

This committee has fulfilled its task and does not need to be reappointed.

- Public Servant Housing Committee  
**Charter:** To determine the tenders.  
Cr NP Cowcher  
Cr RJ Marshall  
Cr WV Mulroney

This committee was appointed on 20 April 2011 to consider the tenders for GROH (Police Housing). The minutes of the Committee meeting held on 18 May 2011 indicates an intent to have a further meeting to resolve borrowing arrangements. Consequently, there is a need to reappoint this committee.

In addition to the foregoing, one further committee needs to be appointed. This is the Local Emergency Management Committee (LEMC). (Apparently one was appointed some time after the Emergency Management Act 2005 came into operation.)

Section 38 and 39 of the Emergency Management Act requires that a local government establish one or more local emergency management committees, established in accordance with a constitution determined by the State Emergency Management Committee. The role of the Local Emergency Management Committee is to advise, assist and liaise with public authorities in the development, review and testing of local emergency management arrangements.

However, the local circumstance is a little different in that there is a joint LEMC with the Shire of Wandering. The composition of the existing Joint LEMC is a typical arrangement consisting of representatives from:

- Both shires (elected members and staff)
- Emergency Service Agencies (Police, SES, VF & RS, St John Ambulance and FESA)
- State Government Agencies (Department for Child Protection)

**Comment:**

It is appropriate that deputies be appointed for all delegates.

**Consultation:** Nil

**Statutory Environment:**

Section 5.8 of the *Local Government Act* (Establishment of committees) provides that a local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

*\*Absolute majority required.*

Section 5.9 (Types of committees) provides that:

- (1) In this section **other person** means a person who is not a council member or an employee.
- (2) A committee is to comprise —
  - (a) council members only;
  - (b) council members and employees;
  - (c) council members, employees and other persons;
  - (d) council members and other persons;
  - (e) employees and other persons; or
  - (f) other persons only.

Section 5.10 (Appointment of committee members) provides that:

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

*\*Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Section 5.11A (Deputy committee members) provides:

- (1) The local government may appoint a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.

*\*Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —
  - (a) if the member of the committee is a council member — a council member; or
  - (b) if the member of the committee is an employee — an employee; or
  - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
  - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.

- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

#### Section 5.11 (Tenure of committee membership)

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
  - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
  - (b) the person resigns from membership of the committee;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
  - (a) the term of the person's appointment as a committee member expires;
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,whichever happens first.

#### Section 5.12 (Election of presiding members and deputies)

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
  - (a) to "office" were references to "office of presiding member";
  - (b) to "council" were references to "committee"; and
  - (c) to "councillors" were references to "committee members".
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
  - (a) to "office" were references to "office of deputy presiding member";
  - (b) to "council" were references to "committee";
  - (c) to "councillors" were references to "committee members"; and
  - (d) to "mayor or president" were references to "presiding member".

Section 5.15 (Reduction of quorum) provides that the local government may reduce\* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

*\*Absolute majority required.*

#### Section 5.16 (Delegation of some powers and duties to certain committees) provides that:

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.  
*\*Absolute majority required.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
  - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

**Section 5.17 (Limits on delegation of powers and duties to certain committees)**

- (1) A local government can delegate —
  - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
    - (ii) any other power or duty that is prescribed;
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - (i) the local government's property; or
    - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

Section 5.19 (Quorum for meetings) provides that the quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

**Section 7.1A (Audit committee) provides that:**

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed \* by the local government and at least 3 of the members, and the majority of the members are to be council members.  
\*Absolute majority required.
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

**Section 67 of the *Bush Fires Act* provides that:**

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind, as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
  - (a) make rules for the guidance of the committee;
  - (b) accept the resignation in writing of, or remove, any member of the committee; and
  - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
  - (a) may from time to time meet and adjourn as the committee thinks fit;
  - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;

- (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** N/A

**Voting Requirements:** Absolute Majority

**Recommendation 1:**

That members and general deputies be appointed for:

- Audit Committee
- Sports & Recreation Committee
- Bushfire Advisory Committee
- Public Service Housing Committee

That delegates and general deputies be appointed for:

- Central Country Zone of WALGA
- Hotham-Dale Regional Road Sub-Group
- Pingelly Development Association Inc
- Pingelly Cottage Homes Committee
- Pingelly Telecentre & Community Resource Facility Inc

**Recommendation 2:**

That Council:

1. In accordance with provisions of Section 5.8 of the *Local Government Act 1995* and section 38 of the *Emergency Management Act 2005*, establishes the Shires of Pingelly and Wandering Joint Local Emergency Management Committee;
2. In accordance with provisions of Section 5.9 of the *Local Government Act 1995* resolves that the Committees is to comprise of Councillors, Staff and Other Persons;
3. In accordance with provisions of Section 5.10(1)(a) of the *Local Government Act 1995* resolves that the Committee shall have as its Members:
  - Councillor Mulroney (as the Chairperson) and Councillor
  - Chief Executive Officer (Pingelly) and Chief Executive Officer (Wandering)Other Persons Being representatives from:
  - Emergency Service Agencies; and
  - State Government Agencies.

## **12.2 Council Dinner**

**File Reference:** 04.02.05  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Pingelly  
**Author:** RG Bone, Acting Chief Executive Officer  
**Date:** 5 September 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

### **Summary:**

Council to consider hosting a dinner for past Councillors.

### **Background:**

Council's Policy provides that, following any election, Council may host a dinner.

### **Comment:**

Although not stated, it would seem the Policy is to recognise past Councillors.

**Consultation:** Nil

**Statutory Environment:** Nil

### **Policy Implications:**

Council's Policy 4.4 – Council Dinner – provides that:

Following any election Council may host a dinner with invitations being extended to (together with their partners):

- Councillors;
- Chief Executive Officer and Senior Staff;
- Immediate past Councillors; and
- Others as determined by the President.

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

### **Recommendation:**

That:

- Councillors;
- Chief Executive Officer and Senior Staff;
- Immediate past Councillors; and
- Others as determined by the President, including partners, be invited to the November Ordinary Council meeting dinner.

### **12.3 Policy Manual**

**File Reference:** 01.00.17  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Pingelly  
**Author:** RG Bone, Acting Chief Executive Officer  
**Date:** 29 September 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Item 5.1 – 21 April 2010

**Summary:**

Council is to consider a review of its Policy Manual.

**Background:**

Council policy provides that a review of the Policy Manual is to be carried out in April each year.

**Comment:**

The last full review of the manual was undertaken at a Special Council Meeting on 21 April 2010. Subsequently, a number of Policy additions and changes have been made.

Insofar as a periodic reviews of the Policy Manual, it is of course a discretion open to Council as to when and how this is performed. Currently Policy 2.1 prescribes a review to be an annual event and this has probably taken a lead from the statutory requirement for at least an annual review by Council of delegations to the CEO.

However, on reflection, it is debateable that an annual review of the Policy Manual is warranted because of the following circumstances:

- The current Policy Manual is relatively recent (January 2005)
- The last “annual” review was carried out in April 2010
- New and amended policies have been dealt with regularly and on an “as need” basis, thereby providing an effective review

Therefore, if Council accepts the foregoing as a reasonable and justifiable position, it would then be appropriate to set down a different timeline than that currently in Policy 2.1. There is nothing inherently wrong with conducting a Policy Manual Review – perhaps just the frequency of the task. It is also clear Council has in the past decided to treat variations to policy in the same way as delegations are assessed – via absolute majority decision, although in the former case, this is not a statutory requirement.

A further consideration is the prospect of amalgamation with Brookton. As a detailed review if the Policy Manual entails a fair amount of assessment, it is open to interpretation that such a review would be perhaps a waste of effort as the new local government would have to formulate (or combine) the policies of both Brookton and Pingelly.

A final consideration is that while life has to go on, whether now is the best time to conduct a review. This comment is made on the basis of the ordinary elections about to be held and an influx of new councillors with little experience in the operations of local government.

Having taken all these matters into account, April emerges again as a time when a review is practicable according to the Shire’s workload. How often? Given that policy is really under review on a year round basis, then prospectively it could be given a “full” review at least every 8 years putting it on the same footing as reviews for local laws and wards and representation.

**Consultation:** Nil

**Statutory Environment:** Section 2.7 (2)(b) of the *Local Government Act* provides that one of the functions of a council is to determine the local government's policies.

**Policy Implications:**

Policy 2.1 – Policy Manual

Council shall maintain a manual and up to date recording of the various policies of Council.

1. Additions, deletions and amendments to Council policy shall only be effected by an absolute majority of Council.
2. The Policy Manual shall be reviewed in April each year, and updated as and when a policy is varied by Council.
3. The Policy Manual shall be available for public inspection and comment free of charge at the Shire Administration Office. Copies will be made available for sale at a cost set by the Shire of Pingelly's current fees and charges.

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Absolute Majority (*via Council policy on this subject*)

**Recommendation:**

That Policy 2.1 – Policy Manual – be amended as follows:

Delete – “(2) the Policy Manual shall be reviewed in April each year and updated as and when a policy is varied by council”

Insert – “(2) the Policy Manual shall be next reviewed in April 2013, but nevertheless updated as and when a policy is varied by Council.

## **12.4 Delegations**

**File Reference:** 04.02.01  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Pingelly  
**Author:** RG Bone, Acting Chief Executive Officer  
**Date:** 3 October 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Item 10.7 – 17 November 2010

### **Summary:**

The review and reaffirming of delegations to the Chief Executive Officer (CEO), other Officers/Persons, made under the *Local Government Act 1995* and various other legislation.

### **Background:**

Delegations were last reviewed by Council on 17 November 2010 (Item 10.7).

The *Local Government Act* requires local governments to review their delegation of powers/authority to the Chief Executive Officer at least once in every twelve months and then for the Chief Executive Officer to review his delegation of authority to other Staff within the same review period. It is appropriate that this also be done following the bi-annual elections – which puts the timing in November each year.

The *Local Government Act* only provides for delegation by Council to the Chief Executive Officer – who in turn is able to delegate to another employee.

Section 48 of the *Bush Fires Act* provides for the delegation of all functions to the CEO.

### **Comment:**

A copy of Council's current delegations has been provided to Councillors. The delegations have been reviewed and apart from Delegation C27, no other amendments are proposed.

It is now proposed that Delegation C27 - Prohibited & Restricted Burning Times, be revamped to provide delegation to the President in conjunction with the Chief Bush Fire Control Officer, the power to vary restricted burning periods pursuant to Section 17(10).

Of the 61 delegations to the CEO, 28 have been delegated to various employees, either completely or in part. Part of the review process for delegations includes a requirement for the CEO to review delegations made by him. The following details the list of delegations currently authorised to the CEO and other Officers/Persons.

### **Delegations to the CEO**

- C1 To call Tenders
- C3 Building Licence Extension
- C4 Uncompleted Buildings
- C5 Buildings - Certain Actions after Conviction
- C6 Building Notices
- C7 Demolition License
- C8 Issue of Section 401 Notices
- C9 Stop Work Orders
- C10 Dangerous Buildings
- C11 Removal of Neglected and Dilapidated Buildings
- C12 Certificates of Classification of Buildings
- C13 Licence to Deposit Materials on or Excavate Adjacent to a Street
- C14 Bond Refunds
- C15 Undertaking Private Works

- C16 Plant & Equipment
- C17 Plant & Equipment Hire
- C18 Replacement Plant Hire
- C19 Rigid and Articulated Vehicle Movements
- C20 Temporary Road Closure
- C21 Temporary Closure of Roads for Public Events
- C22 Liquor Permits
- C23 Impounding
- C24 Small Outstanding Balances
- C25 Control of Fires
- C26 Harvest Bans
- C27 Prohibited & Restricted Burning Times
- C28 Fires at Refuse Disposal Site
- C29 Fire Breaks
- C30 Infringements
- C31 Signing of Purchase Orders
- C32 Common Seal
- C33 Legal Advice
- C34 Administration Centre
- C35 Administration of Local Laws
- C36 Enter Land in Emergencies
- C37 Tree Safety
- C38 Notices
- C39 Renewing Licences
- C40 Administration of Health
- C41 Development Applications
- C42 Subdivision Clearance
- C43 Second Hand Fencing
- C44 Private Swimming Pools
- C45 Licences, Signs and Hoardings
- C46 Wildflower & Native Seed Permits
- C47 Payment of Accounts
- C48 Credit Card / Fuel Card
- C49 Investing Surplus Funds
- C50 Electronic Funds Transfer (EFT)
- C51 Employers Warrant
- C52 Appointment of Authorised Persons – Enforcement and Legal Proceedings
- C53 Execution of Documents
- C54 Destruction of Records
- C55 Cost Recovery
- C56 Rate Book
- C57 Assistance to Community Organisations and Events
- C58 Debt Collection
- C59 Sale of Surplus Equipment, Materials and Scrap
- C60 Conferences, Seminars & Training Courses
- C61 Street Appeals
- C62 Travel and Accommodation Arrangements

#### Delegations to other Officers – By Council for other Acts

- C2 Issue of Building Permits

#### **Consultation:**

No public consultation is required on this matter. Appropriate staff have been consulted as to the relevance and/or updating of the existing delegations.

#### **Statutory Environment:**

Section 5.42 of the *Local Government Act* provides that:

- (1) A local government may delegate (by Absolute Majority) to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Section 5.43 provides that a local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

Section 5.44 provides that:

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) "conditions" includes qualifications, limitations or exceptions.

Section 5.45 provides that:

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

Section 5.46(2) of the *Local Government Act* provides that:

- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Section 17(7) of the *Bush Fires Act* provides that:

- (a) subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the

local government may, after consultation with an authorised *CALM Act* officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —

- (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or
  - (ii) imposing a further period of prohibited burning times.
- (b) A variation of prohibited burning times shall not be made under this subsection if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.

Section 17(8) provides that where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —

- (a) the local government —
  - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
  - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
  - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
- (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
  - (i) to rescind the variation; or
  - (ii) to modify the variation in such manner as is specified in the notice;
- (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
  - (i) rescind or modify the variation as directed in the notice; and
  - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.

Section 17(10) provides that a local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

Section 18(5) provides that:

- (a) Subject to paragraph (b) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised *CALM Act* officer if forest land is situated in its district—
  - (i) vary the restricted burning times in respect of that year in the district or a part of the district by—
    - (A) shortening, extending, suspending or reimposing a period of restricted burning times; or
    - (B) imposing a further period of restricted burning times;or
  - (ii) vary the prescribed conditions by modifying or suspending all or any of those conditions.
- (b) A variation shall not be made under this subsection if that variation would have the effect of—
  - (i) shortening the restricted burning times by; or
  - (ii) suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under this subsection, be part of the restricted burning times for that zone in that year.

Section 48 of the *Bush Fires Act* provides that:

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection(1)—
  - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
  - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to sub delegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

**Policy Implications:** Nil

**Financial Implications:**

The delegations allow staff to authorise expenditure, raise income, invest monies, write off monies and issue infringements in regards to various areas of operation.

**Strategic Implications:** Nil

**Voting Requirements:** Absolute Majority

**Recommendation:**

That Council, pursuant to sections 5.42 and 5.46(2) of the *Local Government Act* and section 48 of the *Bush Fires Act*:

1. Reaffirms Delegations C1, C3, C26, C28 and C62 to the Chief Executive Officer,
2. Reaffirms Delegation C2 to the Building Surveyor; and
3. Deletes Delegation C27 and replaces it with the following:  
“C27: Prohibited and Restricted Burning Times  
Delegates to the President in conjunction with the Chief Bush Fire Control Officer, the power to vary restricted burning periods pursuant to section 17(10) of the *Bush Fires Act*.”

## **12.5 Early Payment of Rates Competition – Draw**

**File Reference:** 07.01.09  
**Location:** Pingelly  
**Applicant:** Shire of Pingelly  
**Date:** 30 September 2011  
**Author:** S.K. Marshall, Deputy Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

### **Summary:**

Council to undertake the draw for the Early Payment of Rates Competition.

### **Background:**

Offered to ratepayers as an incentive to pay their rate accounts in full within the 35 days were 3 prizes provided by local and other businesses as follows:

- Bendigo Bank –\$350 savings account
- Matthews Reality – \$200 cash
- Esplanade River Suites – One nights' accommodation in a Deluxe Studio Room

As at the end of the 35 days (due date) the net rates and charges collected was 70.48%.

**Comment:** Nil

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

### **Recommendation:**

That Council undertake the draw of the 3 prizes from those eligible ratepayers in the following order:

- First draw                      Bendigo Bank –\$350 savings account
- Second draw                    Matthews Reality – \$200 cash
- Third draw                        Esplanade River Suites – One nights' accommodation

## **12.6 Constitutional Recognition of Local Government**

**File Reference:** 03.02.020  
**Location:** Location  
**Applicant:** ALGA  
**Author:** RG Bone, Acting Chief Executive Officer  
**Date:** 5 October 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Item 10.1 – 16 March 2011

### **Summary:**

Council to prepare a submission to the Expert Panel on constitutional recognition of Local Government.

### **Background:**

Council at its March 2011 meeting has previously considered the vital principle of constitutional recognition of local government.

This action followed a direct approach to all local governments by the Australian Local Government Association (ALGA) whereby it recorded that following the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The ALGA has indicated that the challenge for local government is now threefold: to ensure the referendum is held; to ensure that the type of recognition is sought meets our requirements; and to make sure we have a positive result in the referendum itself.

The ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform.

The fundamental question driving the case is:

### **What would constitutional recognition of local government mean for Australians?**

Recognising local government in the Constitution through a change to section 96 will allow local governments – and more importantly local communities – to continue to receive funding directly from the Australian Government to meet their local service and infrastructure needs.

Against this background, Council responded to the ALGA call for all local governments to pass a resolution endorsing the position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government. At Minute 10581 Council resolved as follows:

“That the Shire of Pingelly declares its support for financial recognition of local government in the Australian Constitution so that Federal Government has the power to fund local government directly and also for inclusion local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.”

### **Comment:**

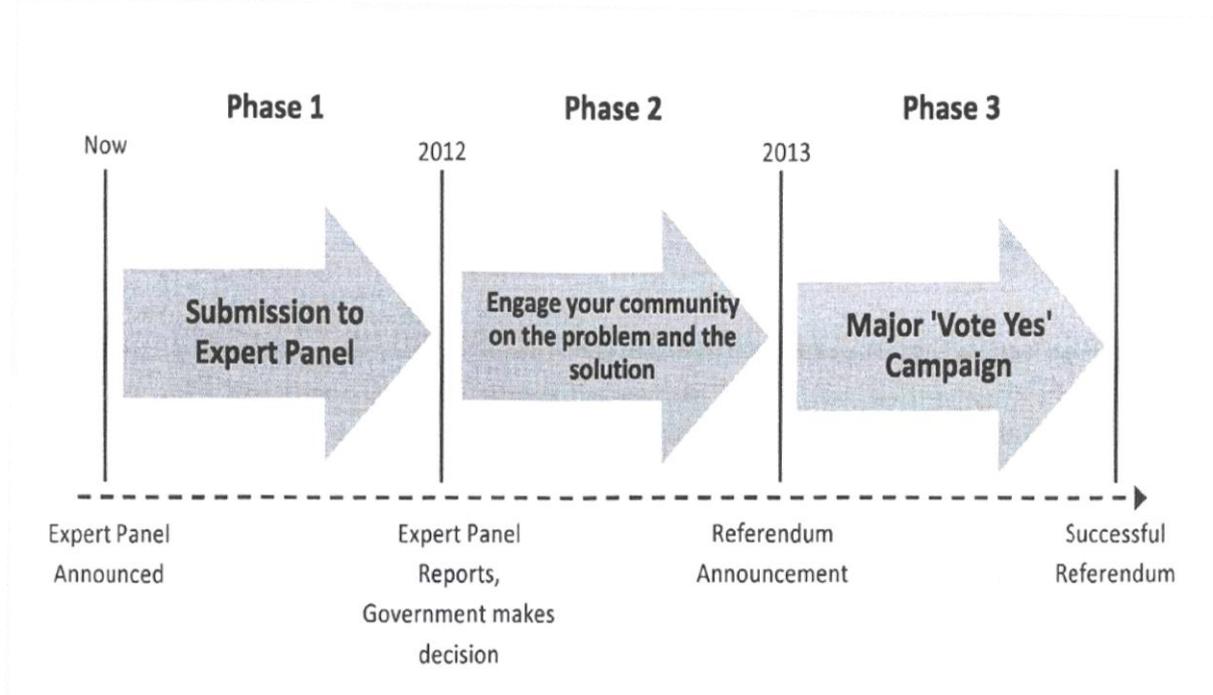
An Expert Panel on Constitutional Recognition of Local Government has been set up by the Commonwealth Government to gauge whether Australians believe local government should be recognised in the Constitution. This has begun (30 September in Dubbo, NSW) with the first of a series of community meetings consulting the public.

In addition the Expert Panel encourages submissions on its discussion paper by 4 November 2011. The ALGA via its advocacy, also encourages each and every Council to make a

submission. While the ALGA will be making its own submission on the Panel's Discussion Paper, they have also forwarded a kit of information to assist councils in supporting the campaign.

The ALGA also advise that how they take their campaign for constitutional recognition forward, will depend on the conclusion and recommendations of the Expert Panel early in 2012 and the Government's response to these recommendations.

The ALGA campaign is poised to step into a higher gear and they will be asking councils to assist at each stage. The process will be broken into three phases as illustrated below:



Over the coming months, there are a number of key activities each council can be involved in as part of the constitutional recognition campaign. These are:

**\*Phase 1 Make a submission to the Expert Panel.** Councils are encouraged to make a submission in response to this by 4 November. It doesn't have to be a long submission, it just needs to send the message to the Expert Panel that local government is committed to achieving financial constitutional recognition, that as a sector our preferred model is one to secure continued direct Commonwealth funding for local communities and you are committed to supporting your community to achieve a Yes vote in the referendum.

**\*Phase 2 Engage your community on the problem and the solution.** Winning the support your community is essential if the campaign for constitutional recognition is to be successful. ALGA research shows that the general public are not aware of why recognition of local government is required and that our reform is to ensure that programs like Roads to Recovery can continue to be funded by the Commonwealth Government through local government. This is now in doubt because of a recent High Court Case known as the Pape case. The problem needs to be fixed. Financial recognition under the Australian Constitution is the solution.

**\*Phase 3 Major Vote yes campaign.** Once the Government announces the referendum date, ALGA will be working with your state and territory local government associations on a major "vote yes" campaign. Details of this will be available at the appropriate time.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** The need for constitutional recognition of local government was highlighted in stark terms in 2009 by the decision of the High Court in the *Pape V Federal Commissioner of Taxation*. In that case, the High Court set out the limitations of the Australian Government's powers and in doing so, clearly indicated that the Australian Government does not have the power to fund local government directly.

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That the Acting CEO prepare a submission to the Expert Panel on Constitutional Recognition of Local Government supporting the need for financial recognition of local government in the Australian Constitution.

## **12.7 Local Laws Review**

**File Reference:** 01.03.01  
**Location:** Shire of Pingelly  
**Applicant:** N/A  
**Author:** RG Bone, Acting Chief Executive Officer  
**Date:** 5 October 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Item 10.7 – 17 August 2011

### **Summary:**

Council to determine if it wishes to use a consultant to undertake the review of the Shire's Local Laws.

### **Background:**

As advised at the August meeting, 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)

While Council resolved at Minute 10739 to commence a formal review of its local laws, so far this has not been actioned. Corporate Discussion on 21 September 2011 also touched on the subject resulting in a request to the Acting CEO to obtain quotes from suitable consultants who might perform the task.

### **Comment:**

Essentially the local laws were due for review by July 2011, however thin resources pose a quandary as to when and how the review may be undertaken.

WALGA were able to submit a short list of consultants who can do this sort of work and the following quotes have now been received:

- |  |                        |
|--|------------------------|
| • CRL Hilbury Consulting (Chris Liversage) | \$1120 (excluding GST) |
| • BHW Consulting (Bruce Wittber)           | \$8250 (excluding GST) |

Neither of the above quotes include any disbursements such as travelling, accommodation, advertising etc.

As noted in 'Financial Implications', there is no provision in the 2011/12 Budget for outsourcing of the local laws review. However, from a Compliance Audit perspective, it will be desirable if the funding can be provided to get on with the task.

Section 6.8(1)(b) of the *Local Government Act* provides that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution.

### **Consultation:**

Liaison with the prospective consultants.

**Statutory Environment: Nil**

Section 3.16 of the *Local Government Act* sets out the procedure for the review of local laws.

Section 6.8 requires expenditure for an additional purpose to be authorised in advance by resolution.

**Policy Implications: Nil**

**Financial Implications:**

No provision has been made in the 2011/12 Budget for this project. Should Council supply the provisions of section 6.8 it is suggested the authority be for up to \$1500.

**Strategic Implications: Nil**

**Voting Requirements: Absolute Majority**

**Recommendation:**

That Council:

1. Engage CRL Highbury Consulting to perform the review of the Shire of Pingelly Local Laws at the quoted fee of \$1120; and
2. Authorise additional expenditure at account 106070 – Consultant Fees of \$1500 for the local laws review.

## **12.8 Spot Rating**

<b>File Reference:</b>	<b>07.01.12</b>
<b>Location:</b>	<b>Shire of Pingelly</b>
<b>Applicant:</b>	<b>Shire of Pingelly</b>
<b>Author:</b>	<b>RG Bone, Acting Chief Executive Officer</b>
<b>Date:</b>	<b>5 October 2011</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Item 10.1 – 20 October 2010</b> <b>Item 10.6 – 21 September 2011</b>

### **Summary:**

Council to determine if it wishes to submit a proposal to the Minister for Local Government for a change to the method for valuing land.

### **Background:**

Last month, Council was provided with a report on the procedures to *spot rate* properties and also the localities in the Shire where GRVs are applied.

This situation arose from a query as to why A11467 (Lot 1 of Avon Location 7124 Yenellin Road) had been spot rated to GRV (Government Gazette 26 May 1995, P.1956/7).

The CEO reported to the September Council Meeting (item 10.6), that staff have researched records to establish why the Yenellin Road property is *spot rated* to GRV. Whilst a full record had not been found, it would seem that Council chose to *spot rate* and apply GRVs to the remote town sites to address a situation where some unusually high valuations supplied by the Valuer General's Office had resulted in unacceptable rate impositions on some owners, in one instance, nearly eight times a similar property. The spot rating also included a further four locations adjacent to the Moorumbine town site.

Lot 1 of Avon Location 7124 Yenellin Road is a *homestead* lot where a house had been split of a broad acre farm. As such it is similar in area to typical rural residential lots, however is remote from Pingelly town site and the other town sites mentioned above.

Minute 10771 (21 September 2011) requested further information be researched regarding the existence of other homestead lots currently being UV rated to determine whether the method of rating should be changed to GRV.

### **Comment:**

Further investigation has revealed just one other lot that staff are aware of similar to the Yenellin Road lot. This is A22436 and being Avon 13 Dwarlarking Road. Avon 13 has a UV of \$33,000 (\$258.79) and is therefore on the minimum rate of \$620.

By comparison, A11467 Location 7124 Yenellin Road has a GRV of \$6,500 and attracts rates of \$707.98. Contact with Landgate revealed an indicative UV of \$45,000 or \$352.89 rated equivalent meaning that if a UV were in place, this location would too be on the minimum of \$620 rates.

As Council is already aware, the *Local Government Act* requires the Minister to determine the rating system for a local government on the general principle that:

- (a) Where the land is used predominately for rural purposes, the unimproved value of the land system (UV) is to be used; and
- (b) Where the land is used predominantly for non-rural purposes, the gross rental value of the land system (GRV) is to be used.

While Pingelly town site has long been on the GRV system, it was only in 1995 that Pingelly Heights and the lesser town sites of Dattening and Moorumbine (plus the 4 adjacent locations at Moorumbine and Yenellin Rd Location 7124) were also brought onto GRV. This action clearly had regard to the principle in (b) above.

Consequently and from a budget perspective, the GRV rural residential approach can be tabulated as follows:

Pingelly town site and Pingelly Heights	(general rate)	71 lots
Pingelly town site and Pingelly Heights	(minimum rate)	15 lots
Other town sites etc	(general rate)	10 lots
	(minimum rate)	9 lots
(Dattening, Moorumbine plus the 4 lots adjacent to Moorumbine and Location 7124 Yenellin Road)		
		105 lots

In the future, the Shire's Local Planning Strategy will facilitate the creation of more rural residential lots on the periphery of Pingelly town site. When this comes about, it will then be appropriate to seek a further extension the GRV area.

Consequently the outcome of all the foregoing is that the Yenellin Road lot can really be identified as rating anomaly. It is a singular remote lot rated on GRV and should be treated no differently than the neighbouring locations or for that matter, the Dwarlarking Road lot (A22436). In other words, Yenellin Road lot should revert to UV which would actually save the owners about \$88 on current rating.

**Consultation:** None at this stage.

#### **Statutory Environment:**

Section 6.28 of the Local Government Act provides that:

- (1) The Minister is to —
  - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
  - (b) publish a notice of the determination in the Government Gazette.
  
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —
  - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
  - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.

**Policy Implications:** Nil

#### **Financial Implications:**

A change of method of valuation for A22436 would translate to a reduction of rating revenue of about \$88 in 2011/12 terms.

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

#### **Recommendation:**

That Council resolve to prepare a submission to the Minister for Local Government to change the method of valuation for Avon Location 7124 Yenellin Rd (A11467) from GRV to UV.

## **12.9 Corporate Discussion Purpose**

**File Reference:** 04.05.00  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Pingelly  
**Author:** RG Bone, Acting Chief Executive Officer  
**Date:** 11 October 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Nil

### **Summary:**

Amendment to Corporate Discussion definition (purpose).

### **Background:**

Over a number of years, many local governments have introduced procedures that allow elected members and officers to meet and discuss matters relating to the operation and affairs of their local government outside of the formal council meeting framework. This “forum” approach has allowed the ordinary meeting of council to focus on the decision-making needs of the local government.

At the August 2011 Corporate Discussion session, Councillors expressed a desire to give Corporate Discussion a more strategic focus. It was felt there was a need to review the various plans of the Shire of Pingelly leading up to a review of the Strategic Plan – or more particularly, the development of the long term Financial Planning, asset management planning and workforce planning as part of the new Integrated Planning and Reporting Framework required.

In the light of this, the definition of Corporate Discussion needs to be reviewed.

### **Comment:**

The current definition (or purpose) of Corporate Discussion is set out below:

*Corporate Discussion is to allow Councillors to receive an update on activities, pose questions to Staff and allow issues to be talked about in detail, allowing time for Councillors to obtain contrary views. No decisions are to be made.*

During debate on the topic at September’s Corporate Discussion, the following was put forward for consideration by Council:

*Corporate Discussion is to allow Councillors to receive an update on activities, pose questions to Staff, allow current and emerging issues to be talked about in detail and allow time for Strategic Planning. No decisions are to be made.*

**Consultation:** Nil

### **Statutory Environment:**

Section 3.1 of the *Local Government Act* provides:

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That Council adopt the following amended definition (purpose) of Corporate Discussion:

- Corporate Discussion is to allow Councillors to receive an update on activities, pose questions to Staff, allow current and emerging issues to be talked about in detail and allow time for Strategic Planning. No decisions are to be made.

## **12.10 Town Hall – Christmas Decorations**

**File Reference:** A8793  
**Location:** Town Hall  
**Applicant:** Lee Steel  
**Author:** RG Bone, Acting Chief Executive Officer  
**Date:** 11 October 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Nil

### **Summary:**

Permission is sought to affix Christmas decorations to the Town Hall.

### **Background:**

Over the past 8 years, a group of community members have put up street decorations to herald the coming of the festive season. Basically this consisted of erecting wreaths down the main street; however the wreaths have weathered with age and will now need to be discarded.

Recently, several community members went to Perth to look at new decoration options and have come back enthused at an opportunity to create a “wow” type display.

This will involve still decorating the main street with small displays, but the majority of funds would be spent acquiring decorations to be mounted on the Town Hall. The Town Hall would be the centre attraction being decorated from roof to pavement with both colourful day displays as well as being lit up at night to create a spectacular street feature.

### **Comment:**

Christmas decorations in the main street has been a joint project with many community groups involved and has had overwhelming support from main street businesses. The Community Resource Centre has in the past 12 months overseen fund raising for the new decorations and to date, the community has raised approximately \$7000 plus (this amount includes a commitment by the Shire of \$2000).

The decorations intended for the Town Hall would involve affixing several mounting brackets on the front or side walls and roof; these would remain permanently and if visible could be painted to blend with the existing paint work. The community group have arranged for the electrician to advise what will be required for power access and electrical safety. It is anticipated that all work will be carried out in consultation with Shire staff.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

### **Financial Implications:**

The budget of Account 1 0832 0 – Community Resource Centre, has provision of \$2,000 to replace Christmas decorations.

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That permission be granted to the community group to affix Christmas decorations to the Town Hall.

## **12.11 “What’s On” Notice Boards**

<b>File Reference:</b>	<b>01.06.01</b>
<b>Location:</b>	<b>Pingelly</b>
<b>Applicant:</b>	<b>Shire of Pingelly</b>
<b>Author:</b>	<b>RG Bone, Acting Chief Executive Officer</b>
<b>Date:</b>	<b>11 October 2011</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Item 10.9 – 7 December 2011</b>

### **Summary:**

Consideration of a draft policy for the “What’s On” notice boards.

### **Background:**

At the September Corporate Discussion session, a number of queries were posed as to the type and supply of information (events) that might appear on the “What’s On” notice boards on the entry to town.

Councillors noted during the discussions that Pingelly had no particular annual events such as a Show Day, Wine Festival, Gymkana or Field Day etc. Consequently, events that might be publicised on the notice boards are more likely to be activities of local importance, than of significance to the broader public.

Of note, there was some earlier exposure to the topic at Corporate Discussion in April 2010. At the time it was noted that possible events to be displayed on the “What’s On” sign included:

- Market Days
- Concerts
- Major Sporting Events (Grand Finals, Triathlon)
- Anzac Day
- Garden Days
- Cup of Tea for Cancer

The April 2010 meeting also determined that there should be five signs – one for each arterial entrance to the town. An inspection reveals that the two on Great Southern Highway (north and south) plus the one on Aldersyde Rd, bear the “What’s On” message. The remaining two signs on Brown St & Park St (east and west entrances) are plain and do not have a “Welcomes You” or “What’s On” message.

Against this background and at the September 2011 Corporate Discussion session, Councillors were of the opinion that a policy would be desirable to facilitate usage of the “What’s On” notice boards.

### **Comment:**

I would think the type of events listed above would all be worthy contenders for display on the “What’s On” boards. A possible addition to these could also be council elections.

However, in working towards the development of a draft policy, there are clearly a number of points to first consider/be aware of. These are:

- Board size - the message has to be short. There is limited board space (870mm). E.g. “ANZAC Day March – 25 April. Letters will have a maximum height of 75mm.
- The Shire, as the “owner” of the notice boards, needs to take on the responsibility of preparing and erecting the actual signs following an application by a club or organization.
- Who will make the signs?

- Should the applicant pay for the cost of the signage? (bearing in mind there are 5 sign locations)

It is the production of the sign board (and the cost) that is causing the most difficulty. I believe the intent with the “What’s On” boards is to use the same sort of boards and lettering for the directional signage as was shown to the Councillors at the September meeting. A difficulty with this approach is that the boards cannot be easily reused.

An alternative would be to use magnetic letters, however the existing boards are not suitable as they are made of aluminium. For this option, steel boards would have to be obtained.

A final frustration at this point of time has been an inability to ascertain the base cost of the “stick-on” direction signs. We can’t locate an invoice for this work and the suppliers have not been able to respond to this query either!

Notwithstanding the above issues, it would appear the best approach would be to use magnetic letters for the “What’s On” boards due to the recycling advantage.

In summary, there are too many unanswered matters at this stage to allow the formulation of a new policy. It is therefore suggested that Council provide whatever direction it can in regard to the policy issues and that staff further research the costing issues with the aim of presenting a further item to Council at the November meeting.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That Council provide direction in regard to the policy issues for the “What’s On” notice boards.

## **12.12 Ordinary Council Meetings**

<b>File Reference:</b>	<b>04.05.00</b>
<b>Location:</b>	<b>Shire of Pingelly</b>
<b>Applicant:</b>	<b>Shire of Pingelly</b>
<b>Author:</b>	<b>RG Bone, Acting Chief Executive Officer</b>
<b>Date:</b>	<b>12 October 2011</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous References:</b>	<b>Item 10.3 – 16 June 2011</b> <b>Item 10.2 – 21 September 2011</b>

### **Summary:**

Council to consider changing the start time for Ordinary Council meetings.

### **Background:**

Arising from recent governance training undertaken by Councillors followed by Corporate Discussion, a change in the starting time for Ordinary Council meetings is proposed.

Currently, Ordinary Council meetings are held on the third Wednesday of each month (except for January), commencing at 1.00pm. It is proposed that the commencement time be changed to 2.00pm.

Last month, Council resolved to hold this item over to the October meeting in order that the new Councillors (there will be at least three) will be able to express a viewpoint on time commitments etc.

### **Comment:**

It is proposed that the commencement time for Corporate Discussion remain at 12 noon.

### **Consultation:** Nil

### **Statutory Environment:**

Section 5.25(1)(g) of the *Local Government Act* provides:

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
  - (g) the giving of public notice of the date and agenda for council or committee meetings;

Regulation 12 of the *Local Government (Administration) Regulations* provides:

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Section 5.24 of the *Local Government Act* provides that:

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
  - (a) every ordinary meeting of a council; and
  - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Regulation 5 of the *Local Government (Administration) Regulations* provides for the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Regulation 6 of the *Local Government (Administration) Regulations* provides:

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

**Policy Implications:**

Policy 4.1 – “Ordinary Meetings of Council” - provides that Ordinary meetings of Council shall be held on the third Wednesday of each month, except for January.

Policy 2.1 – “Policy Manual” - provides that additions, deletions and amendments to Council policy shall only be effected by an absolute majority of Council.

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Absolute Majority

**Recommendation:**

That from November 2011 onwards, Council meetings be held on the third Wednesday each month (except January), commencing at 1pm.

**12.13 Central Country Zone - Election**

**File Reference:** 03.02.02G  
**Location:** N/A  
**Applicant:** Central Country Zone  
**Author:** RG Bone, Acting Chief Executive Officer  
**Date:** 13 October 2011  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous References:** Nil

**Summary:**

The Central Country Zone (CCZ) Executive Officer has called for nominations from delegates (see agenda item 12.1) to the Zone for the positions of representative and deputy representative to State Council.

**Background:**

At the CCZ meeting at Wickepin on 30 September, the Zone adopted the following arrangements for the election of the Zone representative and deputy representative to State Council:

- a) The Executive Officer write to all Member Councils by Monday 17 October 2011 seeking details of the name of delegates to the Central Country Zone for each Member Council;
- b) The Executive Officer write to all Member Councils by Friday 21 October 2011 calling for nominations from delegates to the Zone for the positions of representative and deputy representative to State Council;
- c) Nominations too be submitted to the Executive Officer by Friday 18 November 2011;
- d) The Executive Officer provides written advice to all Member Councils of the details of the nominations received by Monday 21 November 2011; and
- e) That the ballot for the election of Zone representative and deputy representative to State Council be conducted, if required, as the first item of business at the Zone meeting to be held on Friday 25 November 2011.

**Comment:**

The Shire's delegates to the CCZ will be determined by Council when it deals with agenda item 12.1.

If Council wishes it can also make nominations from delegates (i.e. all delegates of the Zone) for the positions of representative and deputy representative to State Council.

Should an election be required for the above, this will be held at the Zone meeting on 25 November 2011. (Note: if Council wishes its delegates to vote in a certain direction, these instructions can be resolved at the next Council meeting on 16 November 2011).

**Consultation:** Nil

**Statutory Environment:**

Section 9.58(7) of the *Local Government Act* enables that WALGA may do all things necessary or convenient to be done to enable it to achieve its objects and perform its functions.

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Voting Requirements:** Simple Majority

**Recommendation:**

That Council determine if it wishes to make any nominations (from its delegates) for the positions of representative and deputy representative to State Council.

### **13. MEMBERS MOTIONS**

Nil

### **14. 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).

### **15. MEMBERS REPORTS**

#### **Cr SJ Lange**

- 22 September – Dryandra Country Visitor Centre Narrogin
- 24 September – Netball Grand Final Pingelly
- 30 September – Central Country Zone meeting Wickopin
- 5 October – Sport and Recreation meeting with Department officers
- 5 October – Pingelly Development Association Special meeting
- 11 October – Health MOU Northam
- 11 October – RTG Board meeting Brookton and Pingelly

### **16. CLOSURE**

The Chairman to declare the meeting closed.