



Shire of Pingelly

Minutes

Ordinary Council Meeting
13 December 2017

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.09pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Council Agenda Reports

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

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

At the Special Meeting of Council held on 1 November 2017 the following was approved:

**12296 Moved: Cr Walton-Hassell Seconded: Cr McBurney
That Council approve Cr Wood taking leave from 12th to 13th December 2017 inclusive.
Carried 7:0**

MEMBERS PRESENT

Cr WV Mulroney	President
Cr DI Freebairn	Deputy President
Cr BW Hotham	
Cr J McBurney	
Cr LN Steel	
Cr JM Walton-Hassell	
Cr EJ Hodges	

STAFF IN ATTENDANCE

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

APOLOGIES

Cr PJ Wood

OBSERVERS & VISITORS

Nil

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

Public question time opened at 2.10pm. As there were no members of the public present question time closed at 2.10pm.

7. APPLICATIONS FOR LEAVE OF ABSENCE

12327 Moved Cr McBurney Seconded Cr Hodges

That Council approve Cr Freebairn taking leave from 21st to 29th December 2017 inclusive.

That Council approve Cr Freebairn taking leave from 21st June to 28th July 2017 inclusive.

Carried 7:0

12328 Moved Cr Steel Seconded Cr Walton Hassell

That Council approve Cr Hotham taking leave from 21st to 26th December 2017 inclusive.

That Council approve Cr Hotham taking leave from 2nd to 12th January 2018 inclusive.

Carried 7:0

12329 Moved Cr Hotham Seconded Cr Steel

That Council approve Cr Hodges taking leave from 14th to 23rd December 2017 inclusive.

Carried 7:0

12330 Moved Cr Freebairn Seconded Cr Hotham

That Council approve Cr McBurney taking leave from 1st to 31st January 2018 inclusive.

Carried 7:0

8. DISCLOSURES OF INTEREST

Nil.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 15 November 2017

Statutory Environment:

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

Voting Requirements:

Simple Majority

12331 Moved: Cr Steel Seconded: Cr Hotham

Recommendation and Council Decision:

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

Carried 7:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

- Audit Committee Full Council
- Recreation & Cultural Committee Member – Shire President
Member – Deputy President
- Bushfire Advisory Committee Member – Cr Freebairn
Deputy – Cr Hotham
- CEO Performance Review Committee Member – President
Member – Deputy President
Member – Cr Hodges

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

- Central Country Zone of WALGA Delegate – President
Delegate – Deputy President
Deputy – Cr Walton-Hassell
- Hotham-Dale Regional Road Sub-Group Delegate – President
Deputy – Cr McBurney
- Development Assessment Panel Delegate – Cr Mulroney
Delegate – Cr Freebairn

Deputy – Cr Hodges
Deputy – Cr Wood
- Pingelly Tourism Group Delegate – Cr McBurney
Deputy – Cr Freebairn
- Regional Waste Group Delegate – Cr Mulroney
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Shire President
Deputy – Cr Hodges
- Aged Care Planning Regional Sub-Group (BBP) Delegate – Shire President
Delegate – Cr Steel
Deputy – Cr Freebairn
- Youth Focus Group Delegate – Cr Walton-Hassell
Delegate – Cr McBurney
Deputy – Cr Steel
- Pingelly Somerset Alliance Delegate – Shire President
Deputy – Cr Hotham

13. REPORTS FROM COUNCILLORS

Cr William Mulronev (President)

November 2017

10th Sundowner for Jim Williams, Shire Depot
11th Auction of 18 Eliot Street, Pingelly
11th Remembrance Day Ceremony Memorial Park
15th Council Meeting and Corporate Discussion
16th Meeting with CEO
20th Meeting with CEO re Damage to Building and closure of Parade Street, Pingelly
21st Meeting with CEO
21st PRACC Board steering committee set up with Peter Kenyon
22nd Meeting with Federal Member for O'Connor Rick Wilson and CEO
28th PRACC Board Steering Committee Meeting re Constitution setup
29th Corporate Discussion – meeting with Trevor Moran Town Planner

December 2017

1st CCZ meeting Wagin
4th Meeting with CCDO re Presentation night at School and Australia Day events
4th Somerset Alliance Special Meeting
6th With Councillors and CEO Inspection of Construction of PAAA Units, Perth
6th Police Forum, Pingelly
11th Pingelly Primary School Presentation Night
12th LEMC Meeting, Pingelly
12th PRACC Board Steering Committee Meeting

Cr David Freebairn (Deputy President)

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

Meetings attended November:

17th WALGA training for new Councillors at the Perth Convention Centre

Cr Jackie McBurney

Meetings attended November:

17th WALGA training for new Councillors at the Perth Convention Centre

Cr Lee Steel

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Recreation and Cultural Committee Minutes

File Reference: ADM0523
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Kristel Steel, Community Club Development Officer
Date: 6 December 2017
Disclosure of Interest: Nil
Attachments: Recreation and Cultural Committee Minutes (Attachment 1 after red sheet under separate cover)

Summary:

Council is requested to adopt the recommendations from the Recreation and Cultural Committee Meeting held on 21 and 28 November 2017.

Background:

Meetings of the Recreation and Cultural Committee were held on Tuesday 21 and 28 November 2017 in the Council Chambers.

Comment:

The purpose of the meeting on the 21 November 2017 was to welcome the new committee members to the Recreation and Cultural Committee, elect a Committee Chairperson and discuss the direction the newly elected committee would be heading with regards to developing a management plan for the Pingelly Recreation and Cultural Centre.

The purpose of the meeting on the 28 November 2017 was to go through the draft constitution and make amendments ahead of the committees meeting with Linda Soerianto from Clubs WA on Tuesday 12 December 2017.

Consultation:

Peter Kenyon, Bank of Ideas

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12332 Moved: Cr Walton-Hassell

Seconded: Cr Freebairn

**Recommendation and Council Decision:
That Council**

- **Receive the Minutes of the Recreation and Cultural Committee Meeting of the Shire of Pingelly held in the Council Chambers on 21 and 28 November 2017.**
- **Endorse the Recreation and Cultural Committee recommendation on 21 November 2017 Item 3 appointment of Chairperson Mr Bruce Sewell.**

Carried 7:0

14.2 Minutes of Audit Committee and Annual Report 2017 & Annual Electors Meeting

File Reference:	ADM0074
Location:	Shire of Pingelly
Applicant:	Gavin Pollock, Chief Executive Officer
Author:	Gavin Pollock
Date:	4 December 2017
Disclosure of Interest:	Nil
Attachments:	Annual Report 2016/17 (Attachment 2 after purple sheet under separate cover)
Previous Reference:	Nil

Summary:

Council to receive the Auditors Report and accept the Annual Report 2017 which contains the Annual Financial Report for the 2016/17 financial year. Also, to set the date of the Annual Electors meeting.

Background:

Section 7.9 of the *Local Government Act 1995* requires an audit to be undertaken and, on its completion, submitted to the Shire President and Chief Executive Officer of the Local Government, and to the Minister for Local Government.

It is a requirement that the Annual Audit be completed by 31 December following the close of the financial year. The audit was commenced on-site by AMD Chartered Accountants on 9th October to 10th October 2017. The Statutory Report and Management letter has been completed by AMD Chartered Accountants and received by the Shire President, Chief Executive Officer and Director Corporate & Community Services. The Auditor's Management Report was submitted to the Shire of Pingelly Audit Committee.

Comment:

Local Government Act 1995, section 5.54 requires that this report be adopted by Council by 31st December – or within 2 months of the Auditor's report being received. Under section 5.27 Council is also required to hold the electors meeting within 56 days of the acceptance of the Annual Report for the previous year.

The Annual Report for 2016/2017 has now been completed and is included as an attachment to this document. This Report will be available to the Public and Electors prior to the Annual Electors Meeting, subject to its acceptance by Council.

Two (2) statutory non-compliance matters were raised in the Auditor's Management Report to the Executive team of the Shire of Pingelly.

- a. The Shire was due to have a review completed by 31 December 2016 as required by Local Government (Audit) Regulations 1996, however this timeframe was not met. We have since been engaged to complete a Regulation 17 review for the Shire and our onsite review procedures commenced 20 November 2017; and
- b. In accordance with the requirements of Regulation 33 of the Local Government (Financial Management) Regulations, Council's annual budget is to be submitted to the Department of Local Government within 30 days after Council acceptance. The Shire's budget for 30 June 2017 was adopted by Council on 12 August 2016 however was not submitted to the Department until 28 September 2016;

Refer to Audit Committee minutes for further commentary on these matters raised.

AMD's auditors indicated that procedures and controls in respect to the Shire of Pingelly internal processes, procedures and financial reporting framework are adequately designed and have been maintained to adequate standards throughout the audit period subject to the comments and recommendations within the Management Review Report.

Consultation:

AMD Chartered Accountants
Chief Executive Officer
Bob Waddell – Local Government Consultant

Statutory Environment:

Section 7.9(1) of the *Local Government Act* provides that an auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —

- (a) the mayor or president;
- (b) the CEO of the local government; and
- (c) the Minister.

Section 5.27 of the *Local Government Act* provides that:

- (1) a general meeting of the electors of a district is to be held once every financial year.
- (2) a general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) the matters to be discussed at general electors' meetings are to be those prescribed.

Section 5.29 provides that the CEO is to convene an electors' meeting by giving —

- (a) at least 14 days' local public notice; and
- (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.

The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

Section 5.53 requires a local government to prepare an annual report containing:

- (a) a report from the mayor or president;
- (b) a report from the CEO;
- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- (f) the financial report for the financial year;
- (g) such information as may be prescribed in relation to the payments made to employees;
- (h) the auditor's report for the financial year;
- (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- (i) such other information as may be prescribed.

Section 5.55 requires the CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Section 1.7 (local public notice) provides that:

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
 - (a) published in a newspaper circulating generally throughout the district;
 - (b) exhibited to the public on a notice board at the local government's offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
 - (a) published under subsection (1)(a) on at least one occasion; and
 - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

Policy Implications:

1.4 Audit Management and Specifications

Financial Implications:

Nil

Strategic Implications:

While there are no direct strategic implications in receiving the Shire of Pingelly Annual Report, the Auditors Management Report raises comment regarding the Shire's financial ratios.

“A review of Council's financial ratios as included within Note 19 of the financial report indicates that four of the seven ratios were within the recommended guidelines provided by the Department of Local Government and Communities, with the exceptions noted below:

- *The operating surplus ratio as at 30 June 2017 is calculated at -0.60 (recommended to between 0.01 and 0.15).*
- *The debt service ratio as at 30 June 2017 is calculated at 0.25 (a basic standard is achieved if the ratio is greater than or equal to 2, an advance standard is achieved if the ratio is greater than 5).*
- *The asset renewal funding ratio as at 30 June 2017 is calculated at 0.73 (recommended to be between 0.75 and 0.95).*

We recommend Council continue to consider the impact on ratios and long term sustainability when making decisions regarding asset renewal, additional borrowings and setting rates for future years.”

These concerns need to be taken into account when reviewing the Shire's Annual Budget, Integrated Planning Documents including Asset Management Plans, Corporate Business Plan and Long Term Financial Plan.

Voting Requirements:

Absolute Majority

12333 Moved: Cr Hodges

Seconded: Cr Steel

Recommendation and Council Decision:

That Council:

- 1. receives the minutes of the Audit Committee dated 13 December 2017.**
- 2. accepts the Shire of Pingelly Annual Report for the Financial Year ended 30th June 2017;**
- 3. receives the Audit Report for 2016/17 from AMD Chartered Accountants;**
- 4. advertises and holds its Annual Electors Meeting in the Council Chambers, 17 Queen Street, Pingelly to be held on Tuesday 6 February 2018 at 7:00pm;**
- 5. submits a copy of the Shire of Pingelly Statutory Annual Financial Report to the Director General of the Department of Local Government, Sport and Cultural Industries as required by Local Government (Financial Management) Regulations clause 51(2).**
- 6. notes the comments on the Audit Management Letter by management with no further actions required to be undertaken by the Chief Executive Officer.**

Carried 7:0

12334 Moved: Cr McBurney Seconded: Cr Steel

That pursuant to Section 5.23 of the Local Government Act 1995 this item be dealt with, with the public excluded as the item deals information relating to awards to be made prior to the public announcement of the recipients.

Carried 7:0

The meeting closed at 2.43pm.

Prior to consideration of item 14.3, Cr Steel disclosed an interest in this matter due to being paid to oversee the community car project which involved one of the nominees.

14.3 Confidential Item - Australia Day Awards 2017

File Reference:	ADM0280
Location:	Shire of Pingelly
Applicant:	Community
Author:	Gavin Pollock, Chief Executive Officer
Date:	13 December 2017
Disclosure of Interest:	Nil
Attachments:	To be presented at the meeting

12335 Moved: Cr Hodges Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

That Council endorse:

- 1. the Community Service Award be presented as agreed**
- 2. the Sportsperson of the Year Award be presented as agreed**

Carried 7:0

12335 Moved: Cr Hodges Seconded: Cr McBurney

Meeting to be open again to the public at 2.59pm.

Carried 7:0

12336 Moved: Cr Walton-Hassell Seconded: Cr Steel

That the meeting be adjourned at 3pm.

Carried 7:0

3.58 pm – The meeting reconvened with all those being present before the adjournment returning to the meeting.

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – November 2017

File Reference:	ADM0075
Location:	N/A
Applicant:	Stuart Billingham, Director Corporate & Community Services
Author:	Stuart Billingham, Director Corporate & Community Services
Date:	4 December 2017
Disclosure of Interest:	Nil
Attachments:	Monthly Statements of Financial Activity for the period 1 July 2017 to 30 November 2017 (Attachment 3 Following orange Heading Sheet Under Separate Cover)
Previous Reference:	N/A

Summary:

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

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

Background:

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

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

Consultation:

Chief Executive Officer

Statutory Environment:

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

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

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

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

Policy Implications:

There are no policy implications.

Financial Implications:

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

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority

12337 Moved: Cr Hodges

Seconded: Cr Hotham

Recommendation and Council Decision:

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

Carried 7:0

15.2 Accounts Paid by Authority

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 4 December 2017
Disclosure of Interest: Nil
Attachments: List of Accounts (Attachment 4 Following Yellow Heading Sheet Under Separate Cover)
Previous Reference: N/A

Summary:

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

Comment:

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

Consultation:

Nil

Statutory Environment:

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

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

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

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

Policy Implications:

There are no policy implications arising from this amendment.

Financial Implications:

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

Strategic Implications:

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

Voting Requirements:

Simple Majority

12338 Moved: Cr Steel Seconded: Cr McBurney

Recommendation and Council Decision:

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

OCTOBER 2017	
MUNI - 117984856	
EFT 4173 - 4290	\$1,119,575.33
CHEQUE 24499 - 24504	\$ 15,995.47
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD9357.1- DD93419.1	\$ 25,730.30
TRUST FUND – Nil	\$ 0.00
DIRECT DEBIT -	
DD9374.1 – DD9374.11,DD9407.1- DD9407.11, ET4172 to 4178,4196,4227,4248,4256,4257 – Pay and Super	\$ 23,005.37
CREDIT CARD	
DD9383.1	\$ 3,451.81
GRAND TOTAL	\$1,187,758.28

Notification	Explanation
Nil	

Carried 7:0

15.3 Addition to 2017/18 Fees & Charges

File Reference: ADM0067
Location: Shire of Pingelly
Applicant: Bush Fire Advisory Committee
Author: Sheryl Squiers, Administration Officer Technical
Date: 22 November 2017
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to endorse the addition of amended fees charged for private property hazard reduction burns carried out by the Pingelly Volunteer Fire & Rescue Service.

Background:

A fee is currently charged to property owners who put in a request for the Pingelly Volunteer Fire & Rescue Service to carry out a hazard reduction burn on their property. These hazard reduction burns are carried out in within the Townsite and Pingelly Heights only.

The current fees charged are as follows:

- \$150 for 1,012m² block
- \$300 for blocks up to 2.5ha.

Larger block sizes i.e. 5 hectares, 10ha etc by quotation only.

Comment:

Following the recent BFAC meeting it has been decided that the above costs for the hazard reduction burns being increased due to the amount of volunteer and administration hours taken up to provide this service.

The new fees will be:

- \$300 for 1012m² block.
- \$600 for blocks up to 2.5ha

Larger block sizes. i.e. 5 hectares, 10ha etc. by quotation only.

Consultation:

Bush Fire Advisory Committee
Pingelly Volunteer Fire & Rescue Service
Paul Blechynden - DFES

Statutory Environment:

Section 6.16 of the *Local Government Act* provides that:

- (1) a local government may impose (by absolute majority) and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
- (2) A fee or charge may be imposed for the following:
 - a. Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government
 - b. Supplying a service or carrying out work at the request of a person
 - c. Subject to section 5.94, providing information from local government records;
 - d. Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorization or certificate;
 - e. Supplying goods;
 - f. Such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be –
 - a. Imposed (by absolute majority) during a financial year; and
 - b. Amended (by absolute majority) from time to time during a financial year.

Section 6.17 further provides:

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –
 - a. The cost to the local government of providing the service or goods;
 - b. The importance of the service or goods to the community; and
 - c. The price at which the service or goods could be provided by an alternative provider.
- (2) A high fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service –
 - a. Under section 5.96;
 - b. Under section 6.16 (2) (d); or
 - c. Prescribed under section 6.16 (2) (f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service
- (4) Regulations may –
 - a. Prohibit the imposition of a fee or charge in prescribed circumstances; or
 - b. Limit the amount of a fee or charge in prescribed circumstances.

Regulation 2 of the *Local Government (Financial Management) Regulations* (2) provides that the CEO is to —

- (a) ensure that the resources of the local government are effectively and efficiently managed;
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and

Section 6.19 of the *Local Government Act* provides that if a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12339 Moved: Cr Freebairn

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council:

- **gives 14 days local public notice of its intention to introduce a new increased fee for private property hazard reduction burns ,which will be applicable from 30 March 2018 and**
- **subject to no submissions being received during the advertising period, endorses the new fees for private property hazard reduction burns in the 2017/18 fees and charges:**
 - **\$300 for 1012m² block.**
 - **\$600 for blocks up to 2.5ha**

Larger block sizes. i.e. 5 hectares, 10ha etc. by quotation only.

Carried 7:0

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Ranger Authorisation

File Reference:	ADM0306
Location:	Shire of Pingelly
Applicant:	Mr Matthew Sharpe, WA Contract Ranger Services
Author:	Sheryl Squiers, Administration Officer Technical
Date:	22 November 2017
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	N/A

Summary:

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

Background:

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

Comment:

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

Mr Sercombe is currently working as a City Assist Officer for the City of Kwinana and was previously employed in as a ranger for the City of Perth. Mr Sercombe has also worked as an Occupational Health & Safety & Quality Inspector.

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

- Dog Act 1976
- Cat Act 2011
- Bush Fire Act 1954
- Litter Act 1979
- Caravan and Camping Act 1995
- Control of Vehicles (Off Road Areas) Act 1978
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Animal Welfare Act 2002

Consultation:

Gavin Pollock – Chief Executive Officer

Matthew Sharpe – WA Contract Ranger Services

Statutory Environment:

Dog Act 1976
Cat Act 2011
Bush Fire Act 1954
Litter Act 1979
Caravan and Camping Act 1995
Control of Vehicles (Off Road Areas) Act 1978
Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960
Animal Welfare Act 2002

Policy Implications:

Nil

Financial Implications:

Cost of service provision – 2017/18 budget

Strategic Implications:

Shire of Pingelly Workforce Plan

Voting Requirements:

Simple Majority

12340 Moved: Cr Hodges

Seconded: Cr Hotham

Recommendation and Council Decision:

That:

Council endorse the appointment of Mr Kevan Sercombe as an Authorised Officer for the Shire of Pingelly pursuant to the following Acts:

- **Dog Act 1976**
- **Cat Act 2011**
- **Bush Fire Act 1954**
- **Litter Act 1979**
- **Caravan and Camping Act 1995**
- **Control of Vehicles (Off Road Areas) Act 1978**
- **Local Government Act 1995**
- **Local Government (Miscellaneous Provisions) Act 1960**
- **Animal Welfare Act 2002**

Carried 7:0

16.2 Proposed Home Business

File Reference: A4559
Location: Lots 305 & 304 – 40-42 Raglan Street, Pingelly
Applicant: Mrs Beris Read
Author: Sheryl Squiers, Administration Officer Technical
Date: 21 November 2017
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for development approval for a proposed home business for Bridal and Formal Wear Hire at Lot 305 & 304 – 42-44 Raglan Street, Pingelly.

Background:

The application has submitted an application for a home business at the above property for a Bridal and Formal Wear Hire and retail sale of associated accessories.

Comment:

Lots 304 & 305 – 42-44 Raglan St are zoned “Residential”, under the *Shire of Pingelly’s Local Planning Scheme No.3*.

Under the scheme this proposed home business best fits the definition of “home store”:

“**home store**” – means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

A “home store” is classified as an “A” use in the Residential zone as listed in the Land Use Zoning Table.

“A” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (formerly clause 9.4 – Advertising of Applications of LPS 3).

In considering an “A” use, the local government will have a regard to the matters set out in clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (formerly clause 10.2 – Matters to be considered by Local Government of LPS3).

Public comment has been sought on the proposed home business and advertised in the Pingelly Times issues 22 November & 29 November 2017 and on the front fence of 42 Raglan Street, with letters sent to 23 property owners within the vicinity of 42 Raglan Street for written comment on or before the 4 December 2017.

Two submissions were received on the proposed home business one from a nearby resident and the other from a resident as a response to the public advertising, both submissions are in favour of the proposed home business.

There is a separate recreational room attached to the existing dwelling which has a separate entrance off the front verandah removing the need to access the main dwelling. The total area of the room to be used for the proposed home store is 23.52m².

An outside toilet and wash basin is at the rear of this recreational room.

There is ample area in the rear of the property for car parking which is accessed by a driveway situated on the southern boundary of the property.

The proposed hours of business will be 9.00 am – 5.00 pm or by appointment. Depending on whether there is a wedding or school ball days of the week operation would be Monday to Saturday for pickup of formal wear before event and drop-offs after the event.

The application already has the stock available at 42 Raglan Street and will pick up any further stock requirements from Perth herself.

At this stage there will be no employees only the applicant working in the proposed home business.

Town Planning and Development Act 1928
Shire of Pingelly Town Planning Scheme No. 3
SCHEDULE EIGHT

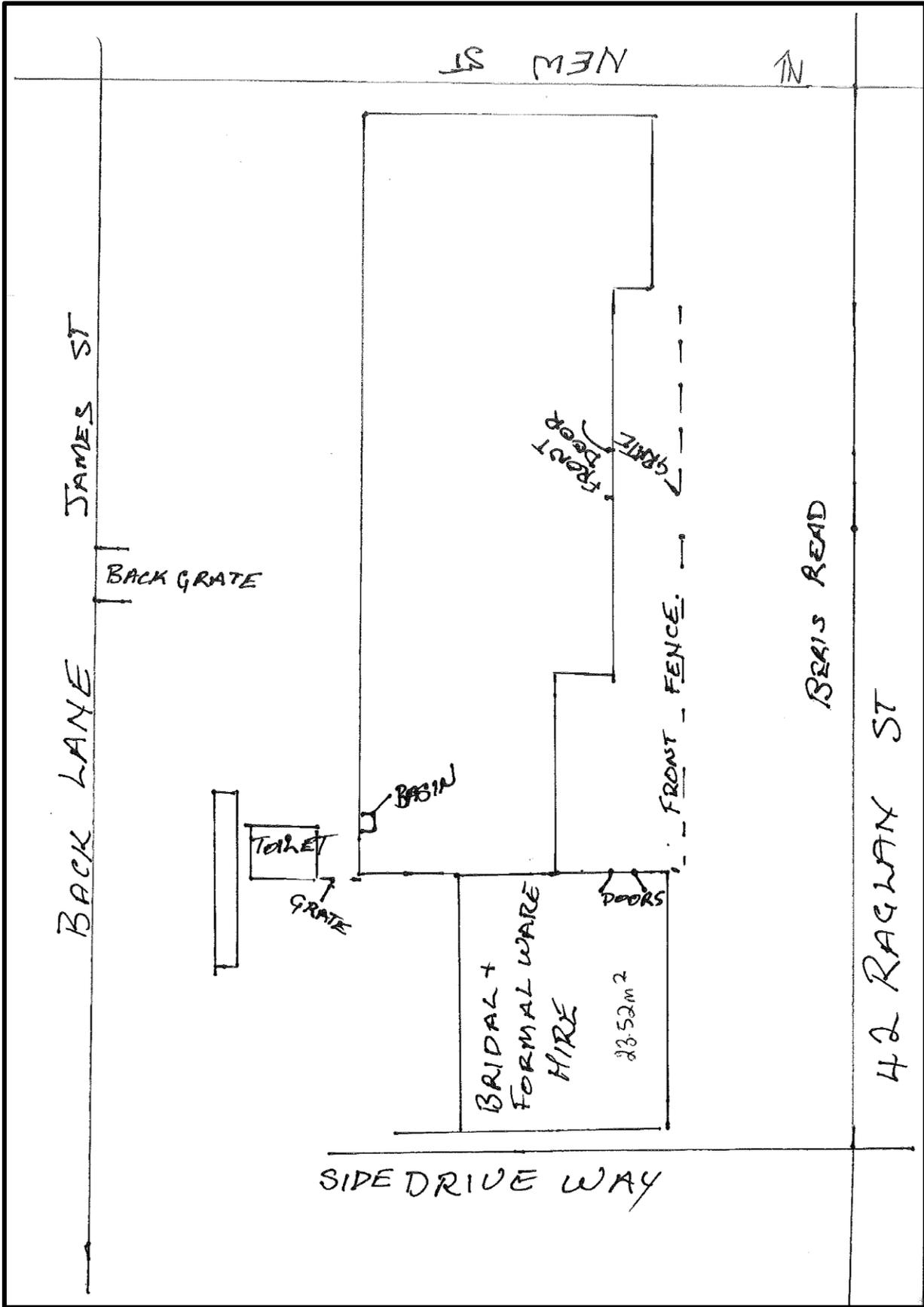
NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

PROPOSED HOME STORE

The Shire of Pingelly has received an application from Mrs Beris Read to open a Bridal & Formal Wear Hire Business with associated accessories for sale. The proposed business location is Lots 304 - 305 – 42 - 44 Raglan Street, Pingelly and public comment is hereby invited.

Further details of the proposal are available for at the Shire of Pingelly. Comments on the proposal may be submitted to the Shire of Pingelly in writing on or before the 4th day of December 2017.

Gavin Pollock
Chief Executive Officer





Consultation:

Jacky Jurmann - Planner
Public Consultation

Statutory Environment:

Shire of Pingelly's Local Planning Scheme No.3

Planning and Development (Local Planning Schemes) Regulations 2015

The introduction of the Deemed Provisions in Schedule 2 of the Regulations in 2015 resulted in many provisions in LPS3 being superseded.

64. Advertising of applications

- (1) An application for development approval must be advertised under this clause if the proposed development —
- (a) relates to the extension of a non-conforming use; or
 - (b) relates to a use if —
 - i. the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and
 - ii. the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;

or

- (c) does not comply with a requirement of this Scheme; or
 - (d) is a development for which the local government requires a heritage assessment to be carried out under clause 11(1); or
 - (e) is of a type that this Scheme requires to be advertised.
- (2) The local government may waive a requirement for an application to be advertised in the circumstances set out in subclause (1)(c) if the local government is satisfied that the departure from the requirements of this Scheme is of a minor nature.
- (3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —
- (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
 - (c) by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
 - (d) by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.
- (4) Notice referred to in subclause (3) must be in the form of the “Notice of public advertisement of planning proposal” set out in clause 86(3) unless the local government specifies otherwise.
- (5) If an application for development approval is advertised under this clause, the local government —
- (a) must make the application and the material accompanying it available for public inspection during business hours at the offices of the local government; and
 - (b) may publish the application and the material accompanying it on the website of the local government.

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;

- (d) any approved environmental protection policy under the *Environmental Protection Act 1986* section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (j) in the case of land reserved under the Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following –
 - (a) environmental impacts of the development;
 - (b) the character of the locality;
 - (c) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

Financial Implications:

Nil

Strategic Implications:

Voting Requirements:

Simple Majority

12341 Moved: Cr Steel Seconded: Cr McBurney

Recommendation and Council Decision:

That Council grant development approval for a home store to hire bridal and formal wear and the retail sale of associated accessories at Lots 304 & 305 – 42-44 Raglan Street, Pingelly subject to the following conditions:

- **The hours of operation shall be 9.00am – 5.00pm or by appointment, Monday to Saturday,**
- **Owner operator of business,**
- **No significant increase in traffic for a residential street,**
- **Any advertising signage that may be erected to be no more than 0.2m².**

Carried 7:0

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

12342 Moved: Cr Freebairn Seconded: Cr Hodges
To introduce new business.

Carried 7:0

Change of Council delegate for the Pingelly Somerset Alliance

At the Ordinary Council Meeting held on 15 November 2017 Cr Hotham nominated to become the Deputy under item 14.1 Council Delegates to Committees. Cr Hotham wishes to revoke his nomination and another Councillor is to be chosen.

12343 Moved: Cr Freebairn Seconded: Cr Walton-Hassell
That Council accept Cr Hotham’s resignation as a delegate from the Pingelly Somerset Alliance to be replaced by Cr McBurney.

Carried 7:0

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

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

12344 Moved: Cr Steel Seconded: Cr McBurney
To introduce new business.

Carried 7:0

Council to discuss:

- Confirmation of dates for free entry to the Pingelly Swimming Pool
- Passes presented to the children under the Strike Program

12345 Moved: Cr Steel Seconded: Cr Hotham
That Wednesdays and Sundays are free entry days to the Pingelly Swimming Pool over the Christmas School Holiday period.

Carried 7:0

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 4.23pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 21 February 2018

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