

Notice of Meeting



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Dear Elected Member

The next special meeting of the Shire of Pingelly will be held on 7 May 2018 in the Council Chambers, 17 Queen Street, Pingelly commencing at 6.00pm.

Schedule

6.00pm Special Council Meeting

A handwritten signature in black ink, appearing to read 'Gavin Pollock'.

Gavin Pollock
Chief Executive Officer

7 May 2018

DISCLAIMER

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

AGENDA

Shire of Pingelly
Special Council Meeting
7 May 2018

MISSION STATEMENT

To enhance the quality of life for the people of Pingelly through the provision of leadership, services and infrastructure.

DISCLAIMER


INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

A handwritten signature in blue ink, appearing to be 'G. Pollock', written in a cursive style.

**GAVIN POLLOCK
CHIEF EXECUTIVE OFFICER**

COUNCIL MEETING INFORMATION NOTES

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available in the Shire of Pingelly Office, on the website and the Pingelly Library seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).

Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of Pingelly Office and the Shire of Pingelly website within ten (10) working days after the Meeting.

NOTE:

Unopposed Business

Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.

If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.

A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.

If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

Question Time

This Policy provides guidance to the Presiding Member (noting the provisions of the *Local Government (Administration) Regulation 7*).

Question time is for the asking of questions. General comments, issues for debate etc. are to be progressed through the normal procedure for submitting Agenda items for Council's consideration. Tabled correspondence will not be accepted.

Unless the person is known to all other persons in the Chamber, the Questioner is to state their name and address prior to asking the question.

The Questioner is to stand to address the Presiding Member, unless illness or a physical or other disability prevents him/her from doing so. All questions are to be addressed to the Presiding Member.

The question must be immediately put and may be followed by a brief statement related to the question.

The Presiding Member may respond to the question or may nominate a Councillor or an Officer to respond.

Debate between the Questioner or public and a Councillor or Officer is not permitted.

Questions may not be put by Councillors to the Questioner or other members of the public except for the purpose of clarification.

If the Presiding Member determines that a full and complete answer is unable to be given at that time, the question may be taken on notice. In that case, an answer will be given in writing to the Questioner within 7 days and the response tabled at the next Ordinary Council meeting.

A summary of the question and the response only is to be recorded in the minutes of the meeting.

QUESTION TIME FOR THE PUBLIC

(Please write clearly)

DATE: _____

NAME: _____

TELEPHONE : _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT:

GENERAL QUESTION / QUESTION RELATED TO THE AGENDA *(strike out which is not applicable)*

ITEM NO	PAGE NO	QUESTION

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 5.00 PM AT THE MEETING, OR BY 4.45PM ON THE DAY OF THE MEETING AT THE SHIRE OF PINGELLY OFFICE, 17 QUEEN STREET, PINGELLY.

Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at every ordinary meeting of a council; and

Such other meetings of councils or committees as may be prescribed.

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.

9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b) Local Government (Administration) Regulations 1996.

Reg 5 For the purpose 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:

every special meeting of a council; and

every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

Reg 6 (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 fifteen (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 sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:

by the person presiding at the meeting; or

in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members, having regard to the requirements of sub regulations (2) and (3).

The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.

Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

Nothing in sub regulation (3) requires:

A council to answer a question that does not relate to a matter affecting the local government;

A council at a special meeting to answer a question that does not relate to the purpose of the meeting;

or

A committee to answer a question that does not relate to a function of the committee.

SHIRE OF PINGELLY

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

7 May 2018

(Print Name)

(Signature)

(Date)

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9887 1066 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM NO	PAGE NO	TYPE	REASON

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Chief Executive Officer, Shire of Pingelly

In accordance with Section 5.60-5.65 of the *Local Government Act* and Regulation 34(B) and 34(C) of the *Local Government (Administration) Regulations* and Regulation 11 of the *Local Government (Rules of Conduct) Regulations*, I advise you that I declare a appropriate box):

financial interest (Section 5.60A)

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —

- (a) change to a planning scheme affecting land that adjoins the person's land;
- (b) change to the zoning or use of land that adjoins the person's land; or
- (c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

interest affecting impartiality (Regulation 11). I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association but does not include a financial or proximity interest as referred to in section 5.60.

SHIRE OF PINGELLY

Agenda for the Special Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Monday 7 May 2018 – commencing at 6pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Council Agenda Reports

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

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

At the Ordinary Council Meeting held on 13 December 2017 the following leave was granted:

12327 Moved Cr McBurney Seconded Cr Hodges

That Council approve Cr Freebairn taking leave from 21st June to 28th July 2018 inclusive.

Carried 7:0

At the Ordinary Council Meeting held on 21 March 2018 the following leave was granted:

12377 Moved: Cr Walton Hassell Seconded: Cr Hotham

That Cr McBurney be granted leave from Saturday 30th June to Friday 31st August 2018.

Carried 8:0

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

10. OFFICE OF THE CHIEF EXECUTIVE OFFICER

10.1 Vacant Elected Members Position

File Reference: 0000
Location: Shire of Pingelly
Applicant: Gavin Pollock – Chief Executive Officer
Author: Gavin Pollock – Chief Executive Officer
Date: 4 May 2018
Disclosure of Interest: Nil
Attachments: Email of Resignation – Cr Steel (Attachment 1 after orange sheet in attachments book)
Previous Reference: Nil

Summary:

Following the resignation of Cr Steel, Council needs to notify the Electoral Commissioner of its intention to hold an extraordinary election for the vacated position and appoint the Chief Executive Officer as the returning officer.

Background:

On the 1st May 2018 Cr Lee Steel forwarded an email of resignation to the Shire President. Cr Steel's resignation has been tabled and read out by the Shire President at the Corporate Discussion on the 2nd May 2018. Cr Steel's resignation was effective as of the 1st May 2018.

Comment:

Council needs to nominate the date to hold the extraordinary election for the vacated position and appoint the Chief Executive Officer as the returning officer.

Consultation:

Shire President - Cr Mulroney

Statutory Environment:

Section 39 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

The 2017/18 budget will have to be amended to run the extraordinary election as it is an unbudgeted expense.

Strategic Implications:

Council will be operating with seven (7) councillors until the extraordinary election is conducted.

Voting Requirements:

Absolute Majority

Recommendation:

That Council:

1. thank Cr Steel for her service as a Councillor since 2009.
2. approve the Chief Executive Officer advising the Electoral Commissioner of Cr Steel's resignation and to request approval to conduct an extraordinary election.
3. request the Chief Executive officer to report back to Council at the May 2018 meeting of Council on the required budget amendment and extraordinary election date and time line.

Moved: _____ **Seconded:** _____

11. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

11.1 Western Australian Treasury Corporation Short Term Lending Facility

File Reference: ADM0417
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Stuart Billingham, Director Corporate and Community Services
Date: 7 May 2018
Disclosure of Interest: Nil
Attachments: Letter WATC and Master Lending Agreement – Short Term Lending Agreement Addendum No:1
(Attachment 2 after red sheet in attachments book)

Summary:

This item is presented to Council for consideration of voting to accept the conditions laid out in the attached Master Lending agreement – Short Term Lending Agreement Addendum No:1 and for Council to agree to apply a 5.5% rates increase and 4% increase in Fees & Charges for the 2018/19 Annual Budget.

Background:

The Shire of Pingelly as part of the 2017/18 Annual Budget resolved to raise two \$600,000 loans through the Western Australian Treasury Corporation (WATC), over 20 years, totalling \$1,200,000.

The funds to be raised were \$1,000,000 towards the cost of the PRACC and \$200,000 towards the cost of the new 10 rink Bowling Green at the PRACC.

The loans were applied for with WATC in January 2018.

As the loans requested was over the WATC Benchmark rates the matter had to go to the WATC Board for consideration.

WATC requested as part of the application the Shire of Pingelly to provide a updated Long Term Financial Plan which was adopted by Council item 18.1 on the 21 March 2018.

Comment:

The overall increase in rates proposed for the 2018/19 Budget is 5.5% and fees & Charges 4.0%.

Consultation:

Western Australian Treasury Corporation
Chief Executive Officer,
Executive Staff,
Shire President and Councillors.

Statutory Environment:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Implications:

Nil

Financial Implications:

Raising Capital funding of \$1,200,000 in the 2017/18 financial year as set out in the Annual Budget for 2017/18.

Strategic Implications:

The Long Term Financial Plan sets Council’s financial direction for the next fifteen (15) years.

Voting Requirements:

Absolute Majority Vote Required

Recommendation:

That Council:

- resolves to accept the terms and conditions contained in the attached Short Term Lending Addendum No: 1 to the Master Lending Agreement dated 15 March 2014 entered into between the Western Australian Treasury Corporation and the Shire of Pingelly to borrow up to a maximum project facility limit of \$1,200,000.00 for the purpose of funding the remaining construction work of the Pingelly Recreation and Cultural Centre.
- resolves to apply to the 2018/19 Annual Budget a 5.5% rates model increase and a 4.0% increase in the Fees & Charges.

Moved: _____ Seconded: _____

12. DIRECTORATE OF TECHNICAL SERVICES

Nil

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

Nil

14. 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).

15. CLOSURE OF MEETING

The Chairman to declare the meeting closed.