



Shire of Pingelly

Minutes

Ordinary Council Meeting
16 May 2018

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.03pm.

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 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

MEMBERS PRESENT

Cr WV Mulroney	President
Cr DI Freebairn	Deputy President
Cr BW Hotham	
Cr J McBurney	
Cr PJ Wood	
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

Nil.

OBSERVERS & VISITORS

Mr Craig McLennan

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

Public question time opened at 2.05pm.

Received via email on 9 May 2018 from Mr Craig McLennan.

6.1 Mr Craig McLennan

1. USE OF SHIRE RESOURCES

These questions are made under the Local Government Act 1995 clause 2.7.

1. Can the Council please reaffirm for the Community of Pingelly the date the current CEO commenced his tenure at the Shire of Pingelly?

Shire Response: CEO commencement date was 17 January 2014 as per the public record.

2. Can the Council please advise the Community them [sic] total number of kilometres travelled in Shire vehicles that the current CEO has used from the first date of his tenure to 16 May 2018?

Shire Response: The CEO has private use of an executive vehicle that is also made available to Councillors and Staff to attend meetings and training.

2. MONIES FOR SALARIES ETC

Reference: Local Government Act 1995 clause 2.7.

After paying wages for the second last pay run of 2016 how much money did the Shire have left to pay the wages of the Shire staff for the last pay run of 2016?

If perchance, the Shire did not have the cash in its bank account, where did the Shire obtain money for wages?

Shire Response: Please refer to the 2015/16 Annual Report. Items relating to wages are confidential and information on this matter could be seen as in breach of past or current employment contracts.

3. PINGELLY RECREATION AND CULTURAL CENTRE (PRACC) “ESTIMATES OF PROBABLE COST” ET AL

I refer to:
the Local Government Act 1995 clause 2.7,
The FAQ's from the Shire website, and
Council decision number 12413.

ERGO

From the Shire Websites “FAQ's”:

“Q: How much is the PRACC going to cost?”

This Project has been estimated to cost \$8,130,000 (exclusive of GST). The Shire of Pingelly will contribute \$3,000,000 and the rest will be sought through Grant Applications and Government Funding. “

Attachments from the Minutes of the Special Council Meeting of 7 May 2018 and the Decision number 12413 whereby the shortfall in funding is to be borne by the ratepayers of Pingelly by extra borrowings. In part:

“PURPOSE OF BORROWING To fund the remaining construction work of the Pingelly Recreation Cultural Centre. [sic]
MAXIMUM PROJECT FACILITY \$1,200,000”

QUESTIONS:

Will the Council provide to the Community the professional “Estimate/s of Probable Cost”, if they exist, upon which the Council relied and gave the green light for the initial go ahead for the PRACC?

Shire Response: Yes estimated costs exist.

Has the previous Shire President, ever publicly stated that the PRACC was “fully funded”?

If so, when and by which means?

Shire Response: No records are maintained of every statement made by any previous Shire President.

Will the Council provide to the Community the “Estimate of Probable Cost” provided by the professional Quantity Surveyor upon [sic] which the Council relied for the full cost of the delivery of the PRACC?

Shire Response: As stated in question 1.

Will the Council provide to the Community details of the issues which have caused the overwhelming blowout of costs for the PRACC?

Shire Response: The PRACC project is within budget as per the adopted 2017/18 financial budget

Will the Council, through their lawyers or otherwise, send a strongly worded letter to the Quantity Surveyor who apparently made a mistake in the estimate of probable cost for the PRACC of greater than 10%?

Shire Response: No.

Will the Council demand compensation from the Quantity Surveyor?

Shire Response: No.

Over the duration of the loans that have been taken out for the delivery of the PRACC, how much interest, in total, is to be paid?

Shire Response: Interest rate 4.21% fixed for the term of the loan.

4. USE OF SHIRE RESOURCES

Reference:

Local Government Act clause 2.7

Council Decision 12387 of 21 March 2018

QUESTION

Can the Council explain to the Community what steps have been taken to restrict the CEO’s use of valuable Pingelly resources in allowing the CEO to undertake “...**additional Business or Employment.**”?

Shire Response: As set out in the CEO’s employment contract and as per Council Resolution 12386 not 12387 that relates to suspending the meeting.

5. RISK OF LITIGATION [sic] AGAINST THE COUNCIL AND SHIRE OF PINGELLY

Reference:

Local Government Act clause 2.7

Advice by senior Shire officers in Question Time of Ordinary Council Meeting of 21 February 2018.

QUESTION:

Can the Council please advise the Community what action the Council will take in mitigating expensive litigation regarding the destruction of the premises at 17 Parade Street due to the placement of soil, sanctioned by the Shire over many years, against that buildings northern wall which has exacerbated and caused excessive “rising damp” which not only threatens the structural integrity of the wall but threatens the destruction of Pingelly’s mural?

Shire Response: The Shire is unable to comment due to mitigating reasons.

Questions asked at the meeting:

Mr McLennan began by complimenting the local business owners meeting that was run by Cr McBurney on Tuesday 15 June 2018 and wished this to be noted in the minutes of the meeting.

Summary of Question:

Does the Council considers that all questions have been answered adequately?

Summary of Response:

The Shire President responded yes.

Summary of Question:

My questions regarding kilometres travelled, in my opinion hasn’t been answered could Council please direct the Shire to answer that question.

Summary of Response:

The Chief Executive Officer replied that the vehicle is provided for private use and for additional Shire business in a contract between the Chief Executive Officer and the Shire and this is not a requirement that needs to be reported.

Summary of Question:

May I refer Council to the Local Government Act Section 2.7, 2a. Does the Council disagree that the answer to this question can be provided under this section of the Act?

Summary of Response:

The Shire President responded - I don’t believe it can.

Summary of Question:

Regarding monies for salaries – again does the Council consider that Shire has fully answered this question?

Summary of Response:

The Shire President replied yes they have.

Summary of Question:

Would the Council prefer that a member of the community made a guess on what those figures were rather than actually supplying the answers to questions as requested, because that is what is going out to the community.

Summary of Response:

I believe that is not a question that is a statement you are making.

Summary of Question:

Does the Council consider me threatening?

Summary of Response:

The Shire President responded no I don't believe you are but you mentioned taking it out to the public.

Mr McLennan replied he is not taking it out to the public, the public have approached him about the matter.

The Shire President again stated he agreed with the Council response to the question.

Summary of Question:

How much money was left for the final pay run in 2016?

Summary of Response:

I will take that question on notice.

Summary of Question:

If by chance the Shire did not have the money in its bank account where did they obtain the money for wages?

Summary of Response:

I will take that question on notice.

Summary of Question:

Relating to the PRACC have the Shire fully responded to these questions?

Summary of Response:

The Shire President responded yes they have.

Summary of Question:

Will the Council direct the Shire to publicise all of the documents as per the Shire's response and acknowledge the estimates of probable costs that the Council relied upon to give the go ahead for the PRACC?

Summary of Response:

The Chief Executive Officer added those items and figures have been well published in the public domain and was released as part of the business case.

Summary of Question:

They hold the full estimates of probably costs not a summary?

Summary of Response:

The Chief Executive Officer replied as you are aware there are certain elements around releasing certain costs of commercial in confidence in the costings and items that can be released to the community or be made public.

Summary of Question:

Those documents can be published according to legal advice, can you confirm they are in the public copy?

Summary of Response:

The Chief Executive Officer responded the figures that have been made public have always been available to the public.

Summary of Question:

Is the Council going to direct that the full documents, providing they don't interfere with commercial in confidence, are published to the community?

Summary of Response:

The Chief Executive Officer responded I would suggest that Mr McLennan read the business case and there are elements in there explaining where information came from and I don't see that there is any need to release particular Quantity Surveys relating to that as there were three different Quantity Surveys done for this project and the feasibility study was done separately.

Summary of Question:

The three Quantity Survey's figures were for the go ahead in the business case?

Summary of Response:

They are included in the business case and that is what the assumptions were made on.

Supporting documents can be located on the Shire website:
<http://www.pingelly.wa.gov.au/pingelly-recreation-and-cultural-centre.aspx>

Summary of Question:

Is the Council trying to prevent me from asking questions?

Summary of Response:

The Shire President answered no we are not, question time is now reaching 15 minutes so we will take the rest of your questions on notice.

The Chief Executive Officer added if you do have any additional questions please hand them to the Executive Assistant and we will respond to them from there as Questions on Notice.

Summary of Question:

Does the Council agree that the responses should be in the same manner as the responses that have been published in this document does the council agree they are full accurate and full answered?

Summary of Response:

The Shire President answered yes.

Summary of Question:

One of my previous questions about the total amount of interest that is being paid on the loans, that hasn't been answered in full. What is the actual total amount that is expected to be paid on all of the loans that the Council have taken out to procure the PRACC?

Summary of Response:

The Chief Executive Officer responded we currently only have the one loan and the interest rate is fixed so the total amount is determined by what the interest amount will be depending on whether we pay the loan out sooner. To give an actual figure at this stage would be misleading so we have provided the interest rate.

Summary of Question:

At a previous meeting there was an extra 1.2 million dollars to complete the project. According to the front counter there is another loan for 3 million dollars, which is a bit of a contradiction.

Summary of Response:

The Chief Executive Officer responded I think you have some misinformation, the Council only applied for 2.5 million dollars and that is why we have gone back for the addition 1.2 million dollars and this was very much outlined in the budget process that we did in August last year.

Summary of Question:

The estimate of probable cost - can the Shire President release to the community the full document that was used by the Council to proceed with the actual construction of the PRACC, that is the full quantity surveyor document again in full with all of the items listed and a total price that that was projected to be. There shouldn't be any issue with that it is not commercial in confidence.

Summary of Response:

They will be released in due course.

The Chief Executive Officer added there are timely elements of releasing information, we will review that and this question will be noted and replied to in accordance with the local government requirements.

Mr McLennan would like a note made that he has more questions and that he felt his time had been restricted.

As the time limit for public question time passed the 15 minute limit question time closed at 2.23pm.

7. APPLICATIONS FOR LEAVE OF ABSENCE

12414 Moved: Cr McBurney Seconded: Cr Hotham

That Cr Wood be granted leave from Wednesday 30th May to Tuesday 5th June 2018 and Thursday 21st June until Tuesday 14th August 2018.

Carried 7:0

12415 Moved: Cr Freebairn Seconded: Cr Hodges

That Cr Walton-Hassell be granted leave from Sunday 27th May to Monday 4th June 2018

Carried 7:0

8. DISCLOSURES OF INTEREST

Nil.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 18 April 2018

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.

12416 Moved: Cr Hodges

Seconded: Cr McBurney

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 18 April 2018 be confirmed.

Carried 7:0

9.2 Special Meeting – 7 May 2018

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.

12417 Moved: Cr Wood

Seconded: Cr Freebairn

Recommendation and Council Decision:

That the Minutes of the Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 7 May 2018 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 McBurney

13. REPORTS FROM COUNCILLORS

Cr William Mulrone (President)

Meetings attended April:

- 17th PRACC Meeting
- 18th Corporate Discussion, Citizenship Ceremony, Council Meeting
- 19th PAAA meeting on site with WACHS Representative
- 19th Youth Week Program on Oval
- 23rd Pingelly Somerset Alliance Committee meeting
- 24th Shire President, Deputy Shire President and CEO meeting

Meetings attended May:

- 2nd Corporate Discussion
- 2nd Audit Committee meeting
- 2nd Presentation by Minister for Agriculture and Regional Affairs, Northam
- 3rd PRACC Meeting
- 3rd Sundowner farewell Levi Baker, at depot
- 4th Meeting with Narrogin Mobile Child Care and CEO re future of Mobile Child Care in Pingelly.
- 7th Teleconference with CEO, DCCS and WA Treasury Corporation re financial advancements to complete the PRACC Project.
- 7th Special Council meeting to discuss the options for financial advancement for the completion of the PRACC Project.
- 8th Councillor Training Beverley –Strategic Planning – the Essentials
- 9th Councillor Training Beverley- Effective Community Leadership
- 12th Launch of the Pingelly Bush Schools Book, Pingelly Town Hall by Pingelly Tourism Group.

Cr David Freebairn (Deputy President)

Nil.

Cr Evan Hodges

Nil.

Cr Bryan Hotham

Nil.

Cr Jackie McBurney

Nil.

Cr Michelle Walton-Hassell

Nil.

Cr Peter Wood

Nil.

Note: Standing Orders Apply

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

12418 Moved: Cr Hodges Seconded: Cr McBurney

That as per section 5.23(2) of the *Local Government Act 1995* the meeting be closed at 2.32pm to members of the public to allow Council to discuss a confidential item.

Carried 7:0

Craig McLennan left the meeting at 2.32pm.

Barry Gibbs left the meeting at 2.32pm and returned at 2.33pm.

**12419 Moved: Cr Hodges Seconded: Cr McBurney
To suspend standing orders.**

Carried 7:0

14.1 CONFIDENTIAL ITEM - Land Usage of Lot 168 and 169 Taylor Street Pingelly

File Reference:	A5396
Location:	Lot 168 and 169 Taylor Street Pingelly
Applicant:	Shire of Pingelly
Author:	Chief Executive Officer
Date:	8 May 2018
Disclosure of Interest:	Nil
Attachments:	Attachments 1 to 14
Previous Reference:	Nil

**12421 Moved: Cr Hodges Seconded: Cr Walton-Hassell
That the meeting be again open to the public**

Carried 7:0

Barry Gibbs left the room at 3.29pm and returned at 3.30pm

Craig McLennan re-entered the room at 3.30pm.

12422 Moved Cr Hodges Seconded Cr McBurney

COUNCIL DECISION:

That Council:

- 1. Receive the Chief Executive Officers report regarding the land use history of Lots 168 and 169 Taylor Street Pingelly.**
- 2. Endorse the Chief Executive Officer obtaining an expert planning opinion and direction regarding the past and current land use of Lots 168 and 169 Taylor Street Pingelly.**
- 3. Approve any over expenditure that may relate to planning expenses as approved in the 2017/18 budget.**
- 4. Request the Chief Executive Officer to provide a report back to Council at the Ordinary Meeting of Council to be held on or before 18 July 2018 that outlines the expert planning opinion and direction that has been obtained.**
- 5. Request the Chief Executive Officer to investigate and pursue options that can progress the release and development of Light Industrial land in Pingelly suitable for a Trucking Depot as per the Shire of Pingelly Local Planning Scheme No. 3 as amended.**

Carried 7:0

14.2 Extraordinary Election

File Reference:	ADM0325
Location:	Shire of Pingelly
Applicant:	Gavin Pollock – Chief Executive Officer
Author:	Gavin Pollock – Chief Executive Officer
Date:	8 May 2018
Disclosure of Interest:	Nil
Attachments:	Extraordinary Election Timeline (Attachment 1 behind green sheet in separate attachments book)
Previous Reference:	Vacant Elected Members Position, 7 May 2018, Special Meeting of Council, Item 10.1

Summary:

Council currently is operating with seven (7) Councillors and needs to notify the Electoral Commissioner of the date it intends to hold an extraordinary election for the vacated position and appoint the Chief Executive Officer as the returning officer.

Background:

On 1 May 2018 Cr Lee Steel forwarded an email of resignation to the Shire President and Chief Executive Officer. Cr Steel's resignation was effective as of 1 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
Western Australian Electrical Commission

Statutory Environment:

Section 39 of the Local Government Act 1995.

Policy Implications:

Nil.

Financial Implications:

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 councillors until the extraordinary election is conducted and the newly Elected Member commences.

Voting Requirements:

Absolute Majority.

12423 Moved: Cr McBurney Seconded: Cr Hodges

Recommendation:

That Council:

- 1. endorse the attached extraordinary election timeline with the election date set as Tuesday 14 August 2018.**
- 2. appoint the Chief Executive Officer as the returning officer.**

12424 Moved Cr Walton Hassell Seconded Cr Hotham

An Amendment:

That Council:

- 1. endorse the attached extraordinary election timeline with the election date set as Thursday 9th August 2018 polling times 8am to 6pm.**
- 2. appoint the Chief Executive Officer as the returning officer.**

Carried 7:0

12425 Council Decision

- 1. endorse the attached extraordinary election timeline with the election date set as Thursday 9th August 2018 polling times 8am to 6pm.**
- 2. appoint the Chief Executive Officer as the returning officer.**

Carried 7:0

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – April 2018

File Reference: ADM0075
Location: N/A
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 8 May 2018
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2017 to 30 April 2018
(Attachment 2 following blue sheet in separate attachments booklet)
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 April 2018 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.

12426 Moved: Cr Hodges

Seconded: Cr Wood

Recommendation and Council Decision:

That with respect to the Monthly Statements of Financial Activity for the month ending 30 April 2018 be accepted and material variances be noted.

Carried 7:0

15.2 Accounts Paid by Authority – April 2018

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 8 May 2018
Disclosure of Interest: Nil
Attachments: List of Accounts
(Attachment 3 following yellow sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

Council endorsement is required for accounts made by authority for the month of April 2018.

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.

12427 Moved: Cr Hodges Seconded: Cr McBurney

Recommendation and Council Decision:

That Council endorse the Accounts for Payments for April 2018 as presented:

March 2018	
MUNI - 117984856	
EFT4730 – 4845	\$1,332,716.43
CHEQUE 24541 – 24548	\$27,542.57
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD9672.1 – DD9735.1	\$30,726.05
TRUST FUND – 1924	\$200.00
DIRECT DEBIT -	
DD9662.1 – DD9686.9 & EFT 4731 - 4829 – Pay and Super	\$21,669.89
CREDIT CARD	
DD9696.1	\$2,300.44
GRAND TOTAL	\$1,415,155.38

Notification	Explanation
Nil	

Carried 7:0

15.3 Shire of Pingelly Fuel Card – Correct Usage of Shire Fuel Cards Policy

File Reference: ADM0487
Location: Admin
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 8 May 2018
Disclosure of Interest: Nil
Attachments: Draft Shire of Pingelly Fuel Card – Correct Usage of Shire Fuel Cards Policy (Attachment 4 following purple sheet in separate attachments booklet)
Previous Reference: Nil

Summary:

Item presented to Council for consideration of adoption of a new Shire of Pingelly Fuel Card Policy, for inclusion in the Shire of Pingelly Policy Manual.

Background:

The Shire of Pingelly Auditors AMD Accountants in the Regulation 17 Risk review raised at item 3.2.4 of the report the matter of the Shire of Pingelly should introduce a formal Fuel Card Policy.

Comment:

The Shire of Pingelly Policy is now presented to Council for consideration of adoption and if adopted the Policy will be implemented to address the concerns raised by the Auditor.

Consultation:

Council
Chief Executive Officer – Gavin Pollock
AMD Accountants & Auditors.

Statutory Environment:

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

Policy Implications:

Possible new Council Policy for inclusion in the Shire of Pingelly Policy Manual.

Financial Implications:

Nil.

Strategic Implications:

Improved governance and procedures for recording and usage of Shire of Pingelly issued fuel cards.

Voting Requirements:

Simple Majority.

12428 Moved Cr Freebairn Seconded Cr Hotham

Recommendation and Council Decision:

That Council adopts the Shire of Pingelly Fuel Card – Correct Usage of Shire Fuel Cards Policy as presented.

Carried 7:0

15.4 Shire of Pingelly Draft 2018/19 Budget - Fees & Charges

File Reference:	ADM0067
Location:	Shire of Pingelly
Applicant:	Various
Author:	Stuart Billingham, Director Corporate & Community Services
Date:	8 May 2018
Disclosure of Interest:	Nil
Attachments:	Draft Fees and Charges 2018/19 - (Attachment 5 after red sheet in separate attachments book)
Previous Reference:	15.3 - 21 June 2017

Summary:

Item presented to Council for consideration of the Shire of Pingelly Fees & Charges for inclusion in the 2018/19 Annual Budget.

Background:

It is appropriate that Council gives consideration to fees and charges for 2018/19 to allow the 2018/19 draft budget to be prepared.

The resolution from the Special Council Meeting on the 7 May 2018 for the Western Australian Treasury Corporation requires early commitment to a 4% increase in Fees & Charges for 2018/19 Annual Budget.

Comment:

It is required that generally fees and charges are levied on a cost recovery basis, however in the past the Shire of Pingelly has subsidised the use of community facilities by community and sporting groups in recognition of the overall benefit to the community of the continued existence of these groups. This convention will continue in 2018/19.

Charges have been increased by 4% in line with the Shire of Pingelly Long Term Financial Plan assumptions. Additional new fees & charges have been included for 2018/19 Fees & Charges for:

- Sending Emails
- Requests for copies of old Rates Notices
- Possible introduction of monthly Gym Membership whilst PRACC Gym being progressed.
- Credit Card Transaction Fees based on 1.1% cost recovery
- No charge for the Pingelly primary School use of pool for In term Swimming Lessons

To reflect the actual scope of the Shire of Pingelly's operations, with a fee and charge included in the budget for all charges made by the Shire of Pingelly.

Some fees and charges are set by legislation and have been identified in the fees and charges as being charges levied by statute. The Shire of Pingelly has no control over the amounts charged when fees are set by legislation.

Consultation:

Various legislation
Council management and staff
Chief Executive Officer – Gavin Pollock

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.

Section 41 of the *Health Act* provides that every local government may from time to time, as occasion may require, make and levy as aforesaid and cause to be collected an annual rate for the purpose of providing for the proper performance of all or any of the services mentioned in section 112, and the maintenance of any sewerage works constructed by the local government under Part IV. Such annual rate shall not exceed –

- (a) 12 cents in the dollar on the gross rental value; or
- (b) where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple:

Provided that the local government may direct that the minimum annual amount payable in respect of any one separate tenement shall not be less than \$1.

Provided also, that where any land in the district is not connected with any sewer, and a septic tank or other sewerage system approved by the local government is installed and used upon such land by the owner or occupier thereof for the collection, removal, and disposal of nightsoil, urine, and liquid wastes upon such land, the local government may by an entry in the rate record exempt such land from assessment of the annual rate made and levied under this section, and, in lieu of such

annual rate, may, in respect of such land, make an annual charge under and in accordance with section 106 for the removal of refuse from such land.

Section 112 of the *Health Act* provides that:

- (1) A local government may, and when the Executive Director, Public Health so requires, shall undertake or contract for the efficient execution of the following works within its district, or any specified part of its district:
 - (a) The removal of house and trade refuse and other rubbish from premises.
 - (b) The supply of disinfectants for the prevention or control of disease, and pesticides for the destruction of pests.
 - (c) The cleansing of sanitary conveniences and drains.
 - (d) The collection and disposal of sewage.
 - (e) The cleaning and watering of streets.
 - (f) The providing, in proper and suitable places, of receptacles for the temporary deposit of refuse and rubbish collected under this section.
 - (g) The providing of suitable places, buildings, and appliances for the disposal of refuse, rubbish and sewage.
 - (ga) The construction and installation of plant for the disposal of refuse, rubbish and sewage.
 - (h) The collection and disposal of the carcasses of dead animals:
Provided that it shall not be lawful to deposit nightsoil in any place where it will be a nuisance or injurious or dangerous to health.
- (2) Any local government which has undertaken or contracted for the efficient execution of any such work as aforesaid within its district or any part thereof may by local law prohibit any person executing or undertaking the execution of any of the work undertaken or contracted for within the district or within such part thereof as aforesaid, as the case may be, so long as the local government or its contractor executes or continues the execution of the work or is prepared and willing to execute or continue the execution of the work.
- (3) After the end of the year 1934 no nightsoil collected in one district shall be deposited in any other district, except with the consent of the local government of such other district, or of the Executive Director, Public Health.

Section 30 of the *Residential Tenancies Act* provides that:

- (1) Subject to this section, the rent payable under a residential tenancy agreement may be increased by the owner by notice in writing to the tenant specifying the amount of the increased rent and the day as from which the increased rent becomes payable, being a day —
 - (a) not less than 60 days after the day on which the notice is given; and
 - (b) not less than 6 months after the day on which the tenancy commenced, or, if the rent has been increased under this section, the day on which it was last so increased,but otherwise the rent shall not increase or be increased.
- (2) The right of the owner to increase rent in accordance with subsection (1) —
 - (a) is not exercisable in relation to an agreement that creates a tenancy for a fixed term during the currency of that term unless the agreement provides that the rent may increase or be increased; and
 - (b) in any case, may be excluded or limited by agreement between the owner and the tenant.
- (3) A notice of increase of rent that has been given in accordance with this section and that has not been withdrawn by the owner varies the residential tenancy agreement to the effect that the increased rent specified in the notice is payable under the agreement as from the day specified in the notice.

Policy Implications:

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

Financial Implications:

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

Waiver of the Fees & Charges for the Pingelly Primary School In term Swimming Lessons for the past 4 years approx. value \$3,600 (approx. \$900p.a. based on 90 children over 10 days of swimming lessons based on a \$1.00 per head).

Strategic Implications:

Shire of Pingelly Community Strategic Plan
Outcome 4.4 A Financially Sustainable Shire

Voting Requirements:

Absolute Majority Required

Section 6.16 Imposition of fees and charges

- (1) A local government may impose* 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.

* Absolute majority required.

12429 Moved: Cr Hodges Seconded: Cr Hotham

Recommendation and Council Decision:

That Council:

- **Approves the Draft fees and charges for 2018/19, as amended be used to prepare the draft 2018/19 budget, for further consideration of adoption as part of the adoption of the 2018/19 annual budget.**

NB: Fees and Charges effective from midnight 30 June 2018 after Council adopt the Budget to be backdated.

- **Agrees to waive the fees and charges for the Pingelly Primary School In term Swimming Lessons for the past 4 years.**

Carried 7:0

15.5 Councillor Payments and Allowances – 2018/19 Annual Budget

File Reference:	ADM0487
Location:	Shire of Pingelly
Applicant:	Stuart Billingham, Director Corporate & Community Services
Author:	Stuart Billingham, Director Corporate & Community Services
Date:	8 May 2018
Disclosure of Interest:	Nil
Attachments:	Determination for Local Government Elected Members Pursuant to Section 7B of the Salaries and Allowances Act 1975 (Attachment 6 behind cream sheet in separate attachments book)
Previous Reference:	15.4 - 21 June 2017

Summary:

For Council to determine the members fees and allowances to be paid to Councillors for the 2018/19 financial year.

Background:

Councillors are currently paid meeting fees and some expense reimbursements for carrying out their duties as Councillors. The amount paid for fees and allowances have been determined in accordance with the *Local Government Act 1995* and the Local Government Operational Guidelines Number 15 Meeting Fees, Allowances and Expenses for Elected Members. A review at this time will allow any revised payment amounts to be included in the draft budget for 2018/19. The Salaries and Allowances Tribunal each year make a determination of the Salaries and allowances for Local Government Chief Executive Officers and Elected Members. See copy of 10 April 2018 Determination submitted as a separate attachment. Shire of Pingelly a Band 4 Local Government.

Comment:

The member's fees and allowances were last reviewed as part of the 2017/18 budget process. Fees being paid in 2017/18 are detailed below along with minimum and maximum allowed payments for 2018/19:

Payment Type	Shire of Pingelly	Local Government Act Local Government Regulations		
	Current Payment	Minimum	Maximum	Other
Presidents Allowance	\$1,200.00	\$508	\$19,864	Or up to 0.2% of operating revenue
Deputy Presidents Allowance	\$300.00	Up to 25% of Presidents Allowance	Up to 25% of Presidents Allowance	Up to 25% of Presidents Allowance
<i>Sitting Fees Ordinary and Special Council Meeting & Committee Meeting</i>				
Councillors	\$4,000.00	\$3,553.00	\$9,410.00	Annual Fee
		\$90.00	\$236.00	Per Ordinary or Special Council Meeting
		\$45.00	\$118.00	Per Committee Meeting
President	\$10,000.00	\$3,553	\$19,341.00	Annual Fee
		\$90.00	\$485.00	Per Ordinary or Special Council Meeting
		\$45.00	\$118.00	Per Committee Meeting
Deputy President	\$4,400.00	\$3,553	\$9,410	Annual Fee

Other Allowances & Payments					
Phone, Information Technology & Telecommunications Expense	Fax, &	Actual Cost up to max \$1,000 (Shire President only)	\$500	\$3,500.00	Rental Charges only one phone and one fax, ISP fees or annual allowance
Childcare Expenses		Actual Cost or \$25 per hour whichever is the lesser	Actual Cost or \$25 per hour whichever is the lesser	Actual Cost or \$25 per hour whichever is the lesser	Actual Cost or \$25 per hour whichever is the lesser
Other Expenses		Determined as per policy 4.5			

Consultation:

Salaries and Allowances Tribunal.

Statutory Environment:

Section 5.98 of the *Local Government Act* provides that:

- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the annual local government allowance for mayors or presidents; or
 - (b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.

Section 5.98A of the *Local Government Act* provides that a local government may decide to pay the deputy mayor or deputy president of the local government an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

Section 5.99A of the *Local Government Act* provides that a local government may decide that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all council members —

- (a) the annual allowance determined by the Salaries and Allowances Tribunal and the Salaries and Allowances Act 1975 section 7B for that type of expense; or
- (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount, and only reimburse the member for expenses of that type in excess of the amount of the allowance.

Regulations 33 to 34AC of the *Local Government (Administration) Regulations* which was deleted on 13 July 2012 was previously referred to when setting members fees.

The Western Australian Salaries and Allowances Tribunal now provide the determination of certain payments to elected council members with the current determination in effect from April 2017.

Policy Implications:

Shire of Pingelly Policy Manual.

4.5 Conference and Meeting Expenses

Where a Councillor is authorised to attend a conference, meeting, course or other Council business, the Shire of Pingelly will pay for:

- fees;
- travel; and
- Councillor's accommodation, meals and other incidentals with these expenses.

Additionally, the Shire of Pingelly will pay for spouses to attend any official partner programme connected with the conference.

Financial Implications:

Dollar value level of Councillors Allowances and Reimbursements in the 2018/19 Annual Budget.

Strategic Implications:

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

Voting Requirements:

Absolute Majority.

12430 Moved: Cr McBurney

Seconded: Cr Wood

Recommendation and Council Decision:

That Council adopt Members Fees and Payments for the Financial Year 2018/19 as follows:

- **Presidents Allowance \$1,200**
- **Deputy Presidents Allowance \$300**
- **Ordinary and Special Meeting Sitting Fees - Councillors \$4,000**
- **Ordinary and Special Meeting Sitting Fees – President \$10,000**
- **Ordinary and Special Meeting Sitting Fees – Deputy President \$4,400**
- **Phone, Fax, IT & Telecommunications Allowance - President only max \$1,000**
- **Childcare Expense actual cost of \$25 per hour or whichever is the lesser**
- **Other Expenses to be determined on a case by case basis as per policy 4.5 - Conference and Meeting Expenses.**

Note: There has been no increase of fees this financial year. Payments for 2018/19 are the same as 2017/18.

Carried 7:0

15.6 Minutes of Audit Committee and Financial Management Systems Review – January 2018

File Reference: ADM0074
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 8 May 2018
Disclosure of Interest: Nil
Attachments: Financial Management System Review - January 2018
(Attachment 7 behind orange sheet in separate attachments book)
Previous Reference: 11.2.3 in 18 June 2014

Summary:

Submission of the Shire of Pingelly Financial Management System Review January 2018 to Council for consideration of receiving recommendations from the Audit Committee 2 May 2018.

Background:

The procedures were performed by AMD solely to assist the CEO in satisfying his duty under Section 6.10 of the *Local Government Act 1995* and Regulation 5(1) of the *Local Government (Financial Management) Regulations 1996*.

Under the *Local Government Act 1995* section 6.10 states:

6.10. Financial management regulations

Regulations may provide for —

- (a) the security and banking of money received by a local government; and
- (b) the keeping of financial records by a local government;
and
- (c) the management by a local government of its assets, liabilities and revenue; and
- (d) the general management of, and the authorisation of payments out of —
 - (i) the municipal fund; and
 - (ii) the trust fund,of a local government.

Regulation 5(1) of the *Local Government (Financial Management) Regulations 1996* states:

5. CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (a) for the proper collection of all money owing to the local government; and
 - (b) for the safe custody and security of all money collected or held by the local government; and
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
 - (d) to ensure proper accounting for municipal or trust —
 - (i) revenue received or receivable; and
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities;and
 - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and
 - (f) for the maintenance of payroll, stock control and costing records; and

- (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

(2) The CEO is to —

- (a) ensure that the resources of the local government are effectively and efficiently managed; and
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
- (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

[Regulation 5 amended in Gazette 31 Mar 2005 p. 1047 and 1053.]

The Shire of Pingelly engaged AMD Chartered Accountants to undertake the Financial Management System Review on behalf of the Chief Executive Officer. The review was conducted on the week commencing 29th January 2018 to 1 February 2018.

Consultation:

Shire of Pingelly Audit Committee
Chief Executive Officer
AMD Chartered Accountants

Statutory Environment:

Local Government Act 1995 section 6.10.

Local Government (Financial Management) Regulations 1996 Regulation 5(1) and (2).

Comment:

The last Shire of Pingelly Financial Management System Review was last undertaken item 11.2.3 in 18 June 2014 Ordinary Council Meeting and was due in June 2018, as it is required to be undertaken every four (4) years.

Please refer to the separate attachment for management comments on the points raised by the Auditors.

The focus areas are detailed below:

- Section 1 - Collection of money;
- Section 2 - Custody and security of money;
- Section 3 - Maintenance and security of the financial records;
- Section 4 - Accounting for municipal or trust transactions;
- Section 5 - Authorisation for incurring liabilities and making payments;
- Section 6 - Maintenance of payroll, stock control and costing records; and
- Section 7 - Preparation of budgets, budget reviews, accounts and reports required by the Act or the regulations.

Policy Implications:

Nil.

Financial Implications:

Future allocations of Staff time and resources to address matters raised in the Report requiring further remedial action.

Strategic Implications:

Shire of Pingelly Long Term Financial Plan.

Strategy 4.5.1: Provide a full range of financial services to support Shire's operations and to meet planning, reporting and accountability requirements.

Voting Requirements:

Simple Majority.

12431 Moved: Cr Hodges

Seconded: Cr McBurney

Recommendation and Council Decision:

That Council receives:

- 1. the minutes of the Audit Committee dated 2 May 2018.**
- 2. the Financial Management System Review - January 2018, findings and recommendations as presented; noting further actions required by the Chief Executive Officer.**

Carried 7:0

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Bush Fire Advisory Committee Minutes

File Reference: ADM0057
Location: Shire of Pingelly
Applicant: CBFCO Rod Shaddick
Author: Sheryl Squiers, Administration Officer Technical
Date: 30 April 2018
Disclosure of Interest: Nil
Attachments: Copy of BFAC Minutes (Attachment 8 behind gold sheet in separate attachments book)

Summary:

Council is requested to adopt the recommendations from the Bush Fire Advisory Committee Meeting held on 10 April 2018.

Background:

Each year the Shire of Pingelly appoints persons to undertake statutory and representative rolls to perform the obligations under the Bush Fires Act 1954. Nominations are forwarded from the individual Brigades via the Shire of Pingelly Bush Fire Advisory Committee, who make recommendation to the Council.

Comment:

The Bush Fire Advisory Committee have recommended to the Council that the following people be appointed to the respective Bush Fire Control positions, as indicated:

Chief Fire Control Officer	Rodney Leonard Shaddick
Deputy Chief Fire Control Officer	Robert Alexander Kirk
Training Officer/Organization	Shire of Pingelly

Fire Control Officers

East Pingelly Brigade	Jeffrey Bernard Edwards Victor Arthur Lee Andrew Augustin Marshall Sam MacNamara
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Moorumbine - Noonebin Brigade	Rodney Leonard Shaddick Andrew Todd Pauley Brodie Cunningham
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West Pingelly Brigade	Simon Parsons (once FCO training has been completed) Anthony Turton Adam Lindsay Watts Malcolm Leslie Cunningham
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Town Brigade/VFRS	Robert Alexander Kirk (DCBFCO) Peter Narducci Damien Spencer (Captain) Barry Gibbs (DTS) Stuart Billingham (DCCS) Russell Dyer (Works Supervisor) Sheryl Frances Squiers (Shire Administration)
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Fire Weather Officers (Harvest & Vehicle movement ban)	Rodney Leonard Shaddick Robert Alexander Kirk Graeme Alex Watts Sam MacNamara
Dual Fire Control Officers Brookton:	Rodney Leonard Shaddick Robert Alexander Kirk Jeffrey Bernard Edwards Victor Arthur Lee Malcolm Leslie Cunningham Adam Lindsay Watts
Wickepin:	Rodney Leonard Shaddick Robert Alexander Kirk Victor Arthur Lee Andrew Augustin Marshall Sam MacNamara
Cuballing:	Rodney Leonard Shaddick Alan William Parsons Anthony Turton Robert Alexander Kirk Andrew Augustin Marshall
Corrigin:	Rodney Leonard Shaddick Robert Alexander Kirk Jeffrey Bernard Edwards Victor Arthur Lee Sam MacNamara
Wandering:	Rodney Leonard Shaddick Robert Alexander Kirk Alan William Parsons Anthony Turton Adam Lindsay Watts Malcolm Leslie Cunningham

be recommended for appointment to the various Offices.

FIRE CONTROL ORDER 2018/19

Bush Fires Act 1954

Pursuant to the powers contained in section 33 of the *Bush Fires Act 1954*, all owners and occupiers of land within the Shire of Pingelly are hereby required to take, provide and/or maintain fire control measures during the firebreak period as follows:

“Excluded Area” means an area of rural land not exceeding 30ha, where it is physically impossible to install firebreaks, or where in the owner’s or occupier’s opinion, the installation of firebreaks would be detrimental to the conservation of remnant or natural vegetation or the establishment of re-afforested areas.

“Farming Land” means all land within the Shire of Pingelly zoned ‘Farming’ under the *Local Planning Scheme No. 3*.

“Firebreak Period” means the time between 1 November and 15 April in the following year.

“Firebreak” means ground from which all flammable material has been removed and on which no flammable material is permitted during the firebreak period.

“Flammable Material” means bush (as defined by the *Bush Fires Act 1954*), timber

boxes, cartons, paper and the like flammable materials, rubbish and any combustible matter, but does not include buildings, standing trees or growing bushes or plants in gardens or lawns.

“Rural Residential Land” means all land within the Shire of Pingelly zoned ‘Rural Residential’ under the *Local Planning Scheme No. 3*.

“Townsite Land” means all land within the townsite of Pingelly not zoned as ‘Rural Residential’ under the *Local Planning Scheme No. 3*.

“Very High Fire Danger” means on days forecast by the Bureau of Meteorology. On days forecast as *Very High Fire Danger or above*, permits are to be automatically suspended.

Farming Land

On farming land other than excluded areas, the owner or occupier shall:-

- a) Clear firebreaks not less than 3m wide:
 - i. inside all external boundaries of the land,
 - ii. within 15m of the perimeter of all buildings and remove all flammable material from within the 3m of all such buildings, and
 - iii. so as to divide the land into areas not exceeding 400ha.
- b) remove all flammable material for a continuous distance of 5m immediately surrounding every haystack, hayshed, stationary pump or engine, and
- c) remove all flammable material for a continuous distance of 15m or to the external boundary of the land whichever is nearer, from around fuel depots.

Note: Landowners may use a single firebreak on a neighbour’s common fenced boundary as long as both parties agree in writing and a copy of the agreement is delivered to the Shire of Pingelly.

All excluded areas remain the owner’s or occupier’s responsibility and any variation as permitted by the Order does not render null and void any duty otherwise required by law.

Townsite Land

On townsite land, where a property or adjoining properties having the same ownership or control and are used as a single holding, the owner or occupier, shall:-

- a) where the holding is under 2024m² in area have all flammable material likely to be conducive to the outbreak, spread or extension of fire removed, and the grass maintained to a height not greater than 10cm and all slashed material removed or
- b) where the holding is under 2024m² in area clear by burning all flammable material likely to be conducive to the outbreak, spread or extensions of a fire from the whole of the land subject to prior approval from the Shire of Pingelly.
- c) All townsite properties **over 2,024m² in area** are required to be fire hazard reduced by:
 - i). Construction and maintenance of a 3 metre wide bare mineral earth unobstructed trafficable firebreak within 10 metres of the boundary; and
 - ii). Reduction of the vegetation fire hazard to a maximum height of 100mm including the removal of slashed material, unless an exemption is granted by the Chief Executive Officer in consultation with the Chief Bush Fire Control Officer/VFRS Captain and Ranger Services.
 - iii). Firebreak must be constructed on and contained within the property: footpaths and roads or road verges will not be accepted as firebreaks.
- d) Trees, bushes, shrubs are to be trimmed back over driveways and access ways to all buildings to three (3) metres width with a clear vertical axis over it of four (4) metres. This is to afford access for emergency services to all structures and points of the property.

RURAL RESIDENTIAL LAND (including Moorumbine, Dattening, Pingelly Heights & Pingelly Townsite)

On rural residential land, where a property or adjoining properties having the same ownership or control and are used as a single holding, the owner or occupier shall:

- a) Comply with the requirements of townsite land, where the holding does not exceed 2024m² in area; or
- b) where the holding is **over 2,024m² in area and not greater than 10ha in area** is required to be fire hazard reduced by:
 - i). Construction and maintenance of a 3 metre wide bare mineral earth unobstructed trafficable firebreak within 10 metres of the boundary; and
 - ii). Reduction of the vegetation fire hazard to a maximum height of 100mm including the removal of slashed material, unless an exemption is granted by the Chief Executive Officer in consultation with the Chief Bush Fire Control Officer/VFRS Captain and Ranger Services.
 - iii). Firebreak must be constructed on and contained within the property: footpaths and roads or road verges will not be accepted as firebreaks.
- c) Trees, bushes, shrubs are to be trimmed back over driveways and access ways to all buildings to three (3) metres width with a clear vertical axis over it of four (4) metres. This is to afford access for emergency services to all structures and points of the property.

APPLICATION TO VARY FIREBREAK REQUIREMENTS

If it is considered impracticable to clear firebreaks or remove flammable material from the land as required, application may be made in writing to the Council or its duly authorised officer by **1 October prior to upcoming season** for permission to put in place alternative fire hazard reduction measures. If permission is not granted, the requirements of this Order shall be complied with.

The penalty for failing to comply with this notice is a fine not exceeding \$250 and a person in default is also liable whether prosecuted or not to pay costs of performing the work directed in this notice if it is not carried out by the owner and/or occupier by the date required by this notice.

By Order of Council.

Use of Mowers & Whipper Snippers/Slashers During The Prohibited Burning Period

- a) not to be used during Harvest Bans, Vehicle Movement Bans or Total Fire Bans on any area
- b) not to be used between 6.00am to 6.00pm from 1 November and during the rest of the prohibited burning period unless on a reticulated area. (This means the grass is “green” and non-combustible).
- c) vegetation that is not green and flammable and that can be reticulated, can be slashed between 6.00am and 6.00pm must be well watered prior to mowing, whipper snipping or slashing (that is within the hour of watering) so that there is no chance of “sparking” and must remain damp during the operation.
- d) the area in an orchard that is not watered between rows if the trees are reticulated by drippers is not considered to be reticulated.
- e) as an added precaution have a “watcher” on hand with a hose.
- f) the use of disk or slashing type machines for agricultural purposes during the Prohibited Burning Period is to be by specific permit from the Chief Bushfire Control Officer or the Deputy CBFCO.

Control of Operations Likely to Cause a Fire

Property owners should take care to prevent bush fires. The operation of welding equipment and angle grinders are activities likely to create a fire danger when used in the open air. A person shall provide at least one fire extinguisher at the place where welding or cutting operations are carried out and surround this place with a firebreak which is at least five (5) metres wide.

For updates on Hot Works, Harvest and Movement of Machinery Bans please ring the information line on **9887 1265** (recorded message) or register with the SMS warning system with the Shire to receive a text when a ban is implemented.

Firebreaks on Road Reserves

Firebreaks are not permitted on a road reserve.

Primary Fire Fighting Units

During any period when harvesting operations are being conducted there shall be provided in the same paddock or within close proximity of that paddock, an operational independent mobile primary fire fighting unit having an engine driven pump and a water capacity of not less than 600 litres; the tank of the unit shall be kept full of water at all times during harvesting, and the responsibility to supply the unit is that of the landholder. Harvesting operations include the use of mobile augers and seed cleaning units.

Fire fighting trailers for fire suppression are regarded as out dated and dangerous — both to their operators and to other fire fighters on a fire ground. Their use at wild fires is not encouraged.

Clover Harvesting

Harvesting bans include the harvesting of clover.

Boyagin Rock Picnic Area

No wood fires are permitted in the Boyagin Rock Picnic Area (Reserve No. 29413) between 1 October each year and 30 April following.

Consultation:

Consultation has occurred with the Brigades following call for nominations and consideration at individual Brigade AGM's.

BFAC committee decision to alter wording in Fire Control Order

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.

Section 38 of the *Bush Fires Act* provides that:

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2) (a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

- (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
 - (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person who is not a member of staff (as defined in the DFES Act) to the vacant office.
 - (e) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
- (a) carrying out normal brigade activities;
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provision of Part III.
- (5) (a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
- (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
- (c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6) (a) In this section —
- approved local government** means a local government approved under paragraph (b) by the Authority.
 - (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —
 - (i) may approve the local government as one to which this subsection applies; and
 - (ii) may from time to time cancel or vary any previous approval given under this paragraph.
- (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.

- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the Government Gazette.
- (e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.
- (f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.
- (g) The provisions of this subsection are not in derogation of those of any other subsection of this section.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “catastrophic”, “extreme”, “severe” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush —
 - (i) during the prohibited burning times; or
 - (ii) during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.

Section 38A of the *Bush Fires Act* provides that:

- (1) At the request of a local government the Authority may appoint a member of staff (as defined in the DFES Act) to be the Chief Bush Fire Control Officer for the district of that local government.
- (2) Where a Chief Bush Fire Control Officer has been appointed under subsection (1) for a district the local government is not to appoint a Chief Bush Fire Control Officer under section 38(1).
- (3) The provisions of this Act, other than section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government.
- (4) Section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if —
 - (a) he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government; and
 - (b) the references in those subsections to the local government were references to the Authority.

Section 40 of the *Bush Fires Act* provides that:

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

Policy Implications:

Council's Policy provides that:

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

Financial Implications:

There are no known financial implications.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority

12432 Moved: Cr Freebairn

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council:

1. **receive the Bushfire Advisory Committee Meeting minutes of the Shire of Pingelly Held in the Council Chambers held on 10 April 2018.**
2. **endorse the following recommendations of the Bushfire Advisory Committee Meeting held on 10 April 2018:**
 - a. **Nomination of Officers**
 - b. **Fire Control Order**

Carried 7:0

16.2 Dual Fire Control Officer Appointment

File Reference: ADM0313
Location: Shire of Wandering
Applicant: Shire of Wandering
Author: Sheryl Squiers, Administration Officer Technical
Date: 3 May 2018
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider the appointment of dual fire control officer with the Shire of Wandering.

Background:

The Shire of Wandering has requested the appointment of:

- Mr R Bostock
- Mr P Monk

as dual fire control officers for the 2018/19 fire season.

Comment:

The Shire of Wandering has requested the appointment of the above fire control officers to Dual Fire Control Officers for the Shire of Wandering and the Shire of Pingelly.

Once approval has been given the appointment of the Dual Fire Control Officers will need to be advertised locally, through a local newspaper.

Consultation:

Nil.

Statutory Environment:

Section 40 of the *Bush Fire Act* provides that two or more local governments may by agreement join in the appointment of bush fire control officers and that officers so appointed may exercise their power and authorities in each of the districts so appointed.

Policy Implications:

There are no known policy implications.

Financial Implications:

There are no known financial implications.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority.

12433 Moved: Cr Hodges Seconded: Cr Wood

Recommendation and Council Decision:

That pursuant to Section 40 of the *Bush Fires Act*, the following Shire of Wandering fire control officer be appointed as a dual fire control officer in the Shire of Pingelly:

- Mr R Bostock
- Mr P Monk

Carried 7:0

16.3 Major Plant Replacement Program

File Reference: ADM0551
Location: Shire Depot, Pingelly
Applicant: N/A
Author: Barry Gibbs, Director Technical Services
Date: 6 May 2018
Disclosure of Interest: Nil
Attachments: Major Plant Replacement Program (Attachment 9 behind lime green sheet in separate attachments book)
Previous Reference: Minutes – April 2015, Item 11.1.3

Summary:

Council to consider the requirements for capital expenditure of major plant and equipment for the next 15 years.

Background:

The Shire has been reviewing its current Plant and Equipment Replacement Program in preparing for the 2018/19 financial budget (see attachments). The Shire of Pingelly currently has a number of trucks and earthmoving equipment nearing their optimal service hours and need replacement to maximise productivity.

Comment:

Based on the above background information, the following major Plant and Equipment Program has been recommended for 2018/19:

1. Replace of tender vehicle for the Maintenance Grader;
2. Replacement of Director Technical Service fleet vehicle;
3. Purchase of a new Front End Loader and sale of either the Case 621B or Caterpillar 928G Front End Loaders depending on the best outcome and trade price;
4. Replacement of the existing Flail Mower; and
5. Disposal of old Landscape Ute.

Consultation:

Mr Gavin Pollock – Chief Executive Officer
Russell Dyer - Works Supervisor
Stuart Billingham – Director Corporate and Community Services

Strategic Implications:

Strategic Community Plan 2013 - 2023

Strategy 2.2.1: Develop and implement long-term Asset Management Plans for all Shire of Pingelly assets.

Policy Implications:

Shire of Pingelly Policy Manual.
5.11 Purchasing Policy.

Financial Implications:

The current Plant Reserve account is \$240,391.00 to allow for depreciation and CPI increases for the renewal of current plant and equipment and purchase of additional plant to meet community expectations and to maintain and improve existing assets, Council will need to allocate \$280,000 to the Plant Reserve account for 2018/19 and consider allocating \$270,000 to the Plant Reserve account for 2019/20.

Voting Requirements:

Simple Majority.

12434 Moved: Cr Wood

Seconded: Cr Hotham

Recommendation and Council Decision:

That the Shire of Pingelly endorses the following proposals:

- 1. Approve the proposed Major Plant and Equipment Replacement Program in conjunction with the finance constraints of the annual financial budgets;**
- 2. allocate \$280,000 for 2018/19 to the Plant Reserve Account;**
- 3. that the Major Plant and Equipment Replacement Program be reviewed every three years based on the future capital works program;**
- 4. local contractors to be encouraged to supplement the Shire plant and equipment requirements, so to achieve the best utilisation of Council equipment for improved efficiencies during construction and maintenance work; and**
- 5. approve expenditure up to \$290,000.00 for the purchase of a Front-End Loader prior to the 2018/19 budget.**

Carried 7:0

16.4 Call for Tenders – Roadside Vegetation Clearing and Cartage of Materials for Earthworks.

File Reference: ADM0507 and ADM0508
Location: Shire of Pingelly
Applicant: Barry Gibbs, Director Technical Services
Author: Barry Gibbs, Director Technical Services
Date: 7 May 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Minutes: August 2017 – Items 16.4 and 16.5

Summary:

Council to consider calling tenders for Roadside Vegetation Clearing and Cartage of Material for Earthwork as part of the Shire of Pingelly's proposed Construction and Maintenance Program for 2018/19 financial year.

Background:

The Shire of Pingelly awarded the following tenders:

- 16 August 2017 the Shire of Pingelly awarded the tender for Roadside Vegetation Clearing to Twinkarri Pty Ltd for the 2017/18 financial year subject to the specification and conditions of Tender RFT01 – 2017/18 financial year.
- 20 September 2017 the Shire of Pingelly awarded the tender for the Cartage of Materials for Earthworks to Tianco Transport for the 2017/18 financial year subject to the specification and conditions of Tender RFT01 – 2017/18.

Comment:

The current tenders will expire on the 30 June 2018 and new tenderers will be required as part of the Shire of Pingelly requirement for financial governance and due diligence.

Consultation:

Russell Dyer – Works Supervisor
Stuart Billingham - Director Community Corporate Services
Gavin Pollock – Chief Executive Officer

Statutory Environment:

Local Government Act 1995

Local Government (Functions and General) Regulations 1996, Provision of goods and services Part 4. Tenders for providing goods or services (s. 3.57) Division 2

Regulation 11. When tenders have to be publicly invited

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000.

Financial Implications:

If a contractor is awarded the tender the scope of work will be based on the Shire's 2018/19 Works Program.

Policy Implications:

Policy Manual part 5.11 Purchasing Policy.

Strategic Implications:

Shire of Pingelly -Strategic Community Plan 2013-2023

2.6: *Safe and reliable transport infrastructure*

Strategy 2.6.1: Maintain and further develop roads and footpaths at appropriate standards

Strategy 2.6.4: Investigate and respond to road safety issues

Voting Requirements:

Simple Majority.

12435 Moved: Cr Hodges

Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

That Council:

Call for the following tenders for the 2018/19 financial year:

- **Roadside Vegetation Clearing; and**
- **Cartage of Materials for Earthworks**

Carried 7:0

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

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

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

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 3.45pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 20 June 2018

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