

Notice of Meeting



17 Queen Street, Pingelly
Western Australia 6308
Telephone: 9887 1066
Facsimile: 9887 1453
admin@pingelly.wa.gov.au

Dear Elected Member

The next Ordinary meeting of the Shire of Pingelly will be held on 15 August 2018 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

Pumphrey's Bridge CWA will be providing dinner.

Schedule

2pm Council Meeting

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

Gavin Pollock
Chief Executive Officer

10 August 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
Ordinary Council Meeting
15 August 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 2.00 PM AT THE MEETING, OR BY 1.45PM 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. *The Local Government (Administration) Regulations 1996. Local Government Operation Guidelines “Managing Public Question Time (2) Legislation.*

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:

15 August 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 Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 15 August 2018 – commencing at 2.00pm.

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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 18 July 2018 the following leave was granted:

12457 Moved: Cr Hodges Seconded: Cr Wood

Council Decision:

That Cr McBurney be granted leave from the 1st August to the 30th September 2018.

Carried 7:0

12458 Moved: Cr McBurney Seconded: Cr Hotham

Council Decision:

That Cr Walton-Hassell be granted leave from the 6th September to 12th September 2018.

Carried 7:0

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ordinary Council Meeting 18 July 2018:

6.1 Mrs Lee Steel

Questions submitted prior to the meeting.

Re: Councils "treating" of a section of Shaddick St as last mile access.

The Shire President advised these questions would be taken on notice.

Summary of Question:

Are you saying that you cannot answer these questions today?

Summary of Response:

The Shire President responded that yes they can be answered today.

1. Will the Shire President please confirm that this was not a decision of Council and was in fact a decision made by the CEO as an operational matter?

The Shire President replied yes it was.

2. Can the Shire President advise what processes and/or policies were or should have been adhered to by the CEO when making operational decision re approval of last mile access to RAV4 vehicles on Shaddick St Pingelly.

The Shire President asked the CEO answer that question.

The Chief Executive Officer added I would like to clarify I think there has been some confusion as to what has been allowed as access to Taylor Street or Shaddick Street for Pingelly Transport compared to the RAV 4 network. We have only allowed semis to access this property. A prime mover and a trailer have no problems as a Shire or with Main Roads. When they have a second trailer is when it falls into the RAV4 network. The Shire applied to Main Roads to get sections of that road assessed and approved as RAV4 and that was not approved. The Shire has not approved RAV4 for Shaddick Street. Anything that has two trailers has been referred to Main Roads and they advised to let the local police know so they can enforce it.

Summary of Question:

So to be clear if they have two trailers on they are not allowed on Shaddick Street?

Summary of Response:

The Chief Executive Officer answered Correct.

Summary of Question:

And you are aware they are doing that?

Summary of Response:

The Chief Executive Officer replied the Shire unfortunately can't police it.

Summary of Question:

So when the questions were asked in writing to you in regards to company vehicles on that road and you responded that last mile access had been granted you didn't clarify it was for one trailer and did you assume we were asking about one trailer even though it was for two?

Summary of Response:

The Chief Executive Officer replied I assumed that it was for any trailer on Shaddick Street.

Question

When you responded to our questions that clearly only has two trailer vehicles on it you responded assuming we were talking about one trailer?

Summary of Response:

The Chief Executive Officer responded that the Shire haven't approved the two trailers and have notified Main Roads of the complaints and asked them to look at it and they have said it is up to local police to enforce. We will progress this once again as there has been an issue about two trailers.

Summary of Question:

We have been writing to you about a particular business and when you have been responded you have been responding about general stuff?

Summary of Response:

The Chief Executive Officer advised we have been replying that it was granted for semi trailers not two trailers we have never approved that.

Summary of Question:

When you have been responding to us you have responded that last mile access was granted, you did not state it was granted for their vehicle configurations. When did you envisage we would work out that your response did not pertain to the trucks at that business?

Summary of Response:

The Chief Executive Officer replied that the letters received are about truck movement and that is what we replied to. We have reported these issues to Main Roads.

Summary of Question:

So you have formally done that?

Summary of Response:

The Chief Executive Officer replied yes we have.

Summary of Question:

We have spoken to them and they have no record of a complaint. You have made complaints about two trailers to main roads?

Summary of Response:

The Chief Executive Officer responded that we have made Main Roads aware of these issues.

Summary of Question:

Could I ask the Shire President - when you responded to the letters we wrote were you aware that it was a single trailer we were discussing?

Summary of Response:

The Shire President responded no he wasn't.

The Chief Executive Officer added he would follow up the correspondence and find the dates of when the complaints have gone to Main Roads.

Summary of Question:

Can we get a formal response as to what they have been approved for and clearly define that is it one truck and one trailer? You did formal complaints? How was this done?

Summary of Response:

The Chief Executive Officer advised it will be through our regular reporting process.

Summary of Question:

Can you tell us when the application was made for last mile access for single trailer and when you formally approved single trailer access on that road?

Summary of Response:

The Chief Executive Officer replied that we have written to Pingelly Transport advising them of access and their requirements, they don't need approval for a prime mover and a single trailer.

Summary of Question:

They didn't make formal application for last mile access?

Summary of Response:

The Chief Executive Officer replied that we granted access as a single trailer.

Summary of Question:

So can you advise me when you formally notified them? You will send those replies in writing clearly outlined?

Summary of Response:

The Shire President advised yes we would.

Mrs Steel left the meeting at 2.25pm and did not return. Mrs Steel's remaining questions are shown below:

3. How does the Shire allocate approval for last mile access – is Shaddick St approved for any RAV4 vehicle to use the road or is Shire approval to individual vehicles?
4. Can the Shire President advise if the CEO's actions of approving last mile access to the owners of Lots 168 and 169 Taylor Street took into account the main roads report 22/08/2016 clearly stating that Shaddick St and Taylor St requests for RAV4 rating were not approved as they were "deemed unsuitable for RAV Networks 2-4 due to non complainant swept paths..."
 - a) If CEO did not consider the report when granting approval then why not?
 - b) If CEO did take this report into account, what justification did he use for overriding the decision and findings of Main Roads report?
5. When the CEO granted approval to the owners of Lots 168 and 169 Taylor St to allow last mile access what if any requirements did he put on the approval to ensure all users of this road would be safe?
6. As council is aware of the report by main roads that refused RAV4 rating to Shaddick St and received written advise that late last year my daughter and grandson narrowly avoiding a collision with a RAV4 vehicle that entered Shaddick St without stopping, will council be asking the CEO to immediately revoke the approval to owners of Lots 168 and 169 Taylor Street?
 - a) If not how will council ensure the safety of persons using Shaddick Street and how will council mitigate the liability risk to councillors and ratepayer as council will effectively be endorsing the actions of the CEO to allow RAV4 use of Shaddick St.

The Shire President advised that these questions would be taken on notice and a written reply will be sent.

6.2 Mr Craig McLennan

Summary of Question:

The record of the minutes for last question time at the last Ordinary Council Meeting there has been an omission from the questions I asked – regarding the duration of question time I would like to have it recorded that in the discussion the Shire President and I had that the Shire President advised that as Presiding Member it was his prerogative to limit question time to 15 minutes.

Summary of Response:

The Shire President responded that is correct it is the prerogative of the Shire President to limit the length of question time.

Summary of Question:

Why doesn't the Shire publish question time in the Shire News?

Summary of Response:

The Shire President responded that the Shire News is just an overview of what has happened at the Council meeting, the full minutes are available on the website.

Summary of Question:

I notice that Wikipedia has listed the Shire of Pingelly population as per the 2016 census of 809 is this correct? If not can the Shire President please direct the Shire to update this figure.

Summary of Response:

The Shire President responded that we will check that on the ABS website.

Summary of Question:

In the last two community surveys one of the most significant issues raised by the community was the establishment of a heavy vehicle bypass around Pingelly. Please update the community on the progress of that.

Summary of Response:

The Chief Executive Officer advised the survey question was "Would the community support an alternative route around town?" it was only a question.

Summary of Question:

Is the Shire acting on that?

Summary of Response:

The Chief Executive Officer responded not at this stage.

Summary of Question:

The procurement of the PRACC is a complex and expensive exercise and is composed of many stages one of which is the formal documentation by the architects with is mirrored by a quantity surveyor's estimate of probable costs. This is not the estimate I have asked for previously. Can the Council please release the quantity surveyor of estimate of probable cost in full?

Summary of Response:

The Shire President responded that an overview of the report is in the business case. The Chief Executive Officer added that as a previous employee of the Shire we would ask where did you file them? We have found a lot of shortcomings to do with document location from your time employed by the Shire.

Summary of Question:

Are you making an accusation against me?

Summary of Response:

The Chief Executive Officer replied saying I am purely stating the facts, you have asked a question in a public forum and I am stating the facts there is a lot of documentation during your time that is very hard to locate. The costings were done by the Quantity Surveyor and they were assessed and the documentation has been provided to you, you were part of that process you were the Project Manager responsible for that process and in control of the documentation. You are aware that the documents that were provided to you were part of our assessment when the architects provided their preliminary costings it was based on that documentation.

Summary of Question:

I was talking to the policeman the other day and he informed me that his wife had been employed at the Shire to fix my stuff ups. Why would he say that?

Summary of Response:

The Chief Executive Officer replied I am not sure, perhaps he heard it somewhere.

Summary of Question:

This is a different estimate of probable cost one that was prepared at the same time as the documentation. Given my absence from the office and I note that there is a record of a payment going to that Quantity Surveyor all I am asking is that document is presented and published.

Summary of Response:

The Chief Executive Officer replied what would be the nature and benefit to that?

Summary of Question:

It doesn't have to have a nature or benefit I am merely asking for it to be done. It is not your prerogative to question is it Mr Pollock?

Summary of Response:

The Chief Executive Officer replied seeking clarification is part of getting the right question across.

Summary of Question:

Do you understand which document?

Summary of Response:

The Shire President responded I don't understand what the bottom line is.

Mr McLennan replied - you don't have to know what the bottom line is.

The Shire President asked why do you want the Quantity Surveyors report? Is there something worrying you?

Mr McLennan replied I just want to see the copy.

Summary of Question:

So you will provide that document?

Summary of Response:

The Shire President replied we will endeavour to locate it.

Summary of Question:

Do you accept this advice from the Minister for Local Government about the limit for public question time?

Summary of Response:

The Shire President advised he would take that question on notice.

Summary of Question:

If the Minister for Local Government is correct, which you are going to determine, will the Shire President now acknowledge he has been censoring question time by imposing a maximum 15 minute question time?

Summary of Response:

The Shire President advised he would take that question on notice.

Summary of Question:

You were advised again today about the duration of question time. If the Minister is correct will you acknowledge you have received very poor advice on this issue?

Summary of Response:

The Shire President advised he would take that question on notice.

Summary of Question:

Do you realise by sticking with this 15 minutes duration you are breaking the law?

Summary of Response:

The Shire President advised he would take that question on notice.

6. PUBLIC QUESTION TIME

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 18 July 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

Recommendation:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 18 July 2018 be confirmed.

Moved: _____ Seconded: _____

9.2 Special Council Meeting – 30 July 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

Recommendation:

That the Minutes of the Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 30 July 2018 be confirmed.

Moved: _____ Seconded: _____

9.3 Special Council Meeting – 8 August 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

Recommendation:

That the Minutes of the Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 8 August 2018 be confirmed.

Moved: _____ Seconded: _____

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

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

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

Central Country Zone of WALGA	Delegate – Shire President Delegate – Deputy President Deputy – Cr Wood
Hotham-Dale Regional Road Sub-Group	Delegate – Shire 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 Hotham Deputy – Cr Freebairn
Youth Focus Group	Delegate – Cr Walton-Hassell Delegate – Cr Hastings Deputy – Cr McBurney
Pingelly Somerset Alliance	Delegate – Shire President Deputy – Cr McBurney

13. REPORTS FROM COUNCILLORS

Cr William Mulroney (President)

Meetings attended July:

- 13th Meeting with Cr Elect Mrs Kacey Hastings
- 17th Meeting to instigate questions for applicants interview
- 17th Meeting and teleconference with Doctor's renewal of contract
- 18th Swearing in of Councillor Elect Mrs Kacey Hastings
- 18th Corporate Discussion and Council Meeting
- 19th ABC phone Interview re IGA and PRACC
- 20th Radio FM 101.3 Interview re Shire Profile and Projects
- 20th GWN phone interview re IGA Progress
- 23rd PRACC interview potential applicants for PRACC Manager Position
- 24th Great Southern Waste Regional Meeting Cuballing re Pyrolysis Concept
- 25th Meeting with DCCS re budget
- 24th ABC video recording of PRACC project with representative from Forrest Commission Products
- 24th Discussion with Councillors and CEO and DCCS re incident on 21st July 2018
- 26th Regional Road Group Wickepin re funding for 2018/19
- 30th Pingelly Somerset Alliance – Workshop - future direction of PSA
- 30th Special Council Meeting- re incident 21 July 20187
- 31ST Managing Conflict Course - Shire Chambers.
- 31st Mayors and Presidents Forum and Sundowner Perth

Meetings attended August:

- 1st Local Government Convention - Mayors, President and CEO's Forum
- 1st WALGA Annual General Meeting
- 1st Welcome and Sundowner
- 2nd WALGA Convention – keynote speakers and meeting WALGA Policy Officer
- 2nd WALGA Annual Gala Dinner
- 3rd Meeting with LGIS Area Manager Ms Carissa Chung re insurance matters in regards to Councillors
- 3rd Visit Curtain University inspection of the model pyrolysis plant and information session on concept and funding of
- 8th Budget Workshop

Cr David Freebairn (Deputy President)

Meetings attended July

- 24th PRACC
- 24th Helen Morton re Assets of the Pingelly Somerset Alliance
- 25th Special Council Meeting
- 30th Somerset Alliance Looking Forward Meeting

Meetings attended August

- 1st Local Government Conference
- 8th Shire Budget Meeting
- 14th PRACC Meeting
- 14th RSA Training at CRC for future of PRACC

Cr Evan Hodges

Nil

Cr Bryan Hotham

Nil

Cr Jackie McBurney

Meetings attended July

30th Somerset Alliance Workshop with Peter Kenyon

Meetings attended August

8th Tourism Group Meeting

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

Cr Kacey Hastings

Nil

Note: Standing Orders Apply

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Council Meeting Dates for 2019

File Reference: 0000
Location: Council
Applicant: Chief Executive Officer
Author: Chief Executive Officer
Date: 6 August 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

Council consider setting the following proposed dates for the Ordinary Meetings of Council in 2019:

20 February 2019
20 March 2019
17 April 2019
15 May 2019
19 June 2019
17 July 2019
21 August 2019
18 September 2019
16 October 2019
20 November 2019
11 December 2019

Background:

Council is required to advertise its meeting dates prior to meetings being held. In order to allow this to occur, it is recommended that Council adopt the 2019 dates for meetings in advance as per policy 4.1 Ordinary Meetings of Council.

Comment:

Normally Council don't hold an ordinary Council meeting in January unless urgent business is required to be addressed.

Consultation:

Shire President and Senior Staff

Statutory Environment:

Local Government Act 1995, Part 5

Division 2 — Council meetings, committees and their meetings and electors' meetings

Subdivision 1 — Council meetings

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
 - (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.

Policy Implications:

Policy 4.1 - Ordinary Meetings of Council will need to be amended to reflect the endorsed resolution.

Financial Implications:

Nil

Strategic Implications:

Nil

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Recommendation:

That Council endorse setting the following Ordinary Council Meetings dates for 2019:

- 20 February 2019**
- 20 March 2019**
- 17 April 2019**
- 15 May 2019**
- 19 June 2019**
- 17 July 2019**
- 21 August 2019**
- 18 September 2019**
- 16 October 2019**
- 20 November 2019**
- 11 December 2019**

Moved: _____ Seconded: _____

14.2 Chief Executive Officer Leave and Appointment of Acting Chief Executive Officer

File Reference: ADM0310
Location: Shire of Pingelly
Applicant: Chief Executive Officer
Author: Chief Executive Officer
Date: 10 August 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Special Council Meeting 8 August 2018 Item 10.1

Summary:

Council to consider the appointment of an acting Chief Executive Officer from Wednesday 15 August to Sunday 2 September 2018 while the Chief Executive Officer is on leave.

Background:

The Chief Executive Officer has discussed the Acting Chief Executive Officer options with the Council. The Council feel due to the timing and other Executive Team members leave commitments Council has requested to appoint an external Acting Chief Executive Officer from 14 August to 2 September 2018.

The Chief Executive Officer has made contact with LOGO Appointments who have recommended Mr Neil Hartley. Mr Hartley has indicated he is prepared to be appointed to the position of Acting Chief Executive Officer of the Shire of Pingelly from 14 August to 2 September 2018.

Comment:

The Chief Executive Officer's request for leave is to undergo a knee reconstruction.

Mr Hartley has been contacted due to his experience within local government as a Chief Executive Officer. Mr Hartley has worked in local governments for 35 years and held the following positions:

- April – July 2018 Acting CEO Shire of Mingenew
- May – Dec 2017 Acting CEO Shire of Carnamah
- Oct 2013 – Mar 2017 CEO Shire of Ashburton
- Aug 2005 – Sep 2013 CEO City of Kwinana
- Mar 1993 – Aug 2004 Deputy CEO City of Belmont
- Mar 1986 – Mar 1993 Shire Clerk Shire of Kojonup
- Dec 1981 – Mar 1986 Shire Clerk Shire of Three Springs

The remuneration offered to Mr Hartley will be within the Band 4 reward package range prescribed by the Salaries and Allowances Tribunal in consideration with LOGO appointments.

Consultation:

- Shire President
- LOGO appointments
- Full Council

Statutory Environment:

Section 5.36 of the *Local Government Act 1995* provides that:

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the provisions of the proposed employment contract.
- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) Believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement into contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose requirement to advertise a position before the renewal of contract referred to in section 5.39.

Regulation 18 of the Local Government (Administration) Regulations provides that:

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —
 - (a) on a notice board exhibited to the public at the local government's offices, if the position is —
 - (i) to be filled on a part time basis by a person who is also employed by another local government; or
 - (ii) an acting position for a term not exceeding one year;or
 - (b) otherwise, in a newspaper circulating generally throughout the State.
- (2) An advertisement referred to in sub regulation (1) is to contain —
 - (a) the details of the remuneration and benefits offered;
 - (b) details of the place where applications for the position are to be submitted;
 - (c) the date and time for the closing of applications for the position;
 - (d) the duration of the proposed contract;
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

Policy Implications:

Nil

Financial Implications:

2018/19 budget adjustment may be required at the midyear budget review.

Strategic Implications:

The appointment of an external Acting Chief Executive Officer will allow operation to continue and be suitably resourced.

Voting Requirements:

Majority.

Recommendation:

That Council Approve:

- 1. Mr Neil Hartley be appointed as Acting Chief Executive Officer with full delegation from 14 August to 2 September 2018**
- 2. The Shire President in the event that the Chief Executive Officer's leave needs to be extended to negotiate with Mr Neil Hartley an extension of appointment and a remuneration package beyond the period of stated leave within the Band 4 reward package range prescribed by the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act 1975.**

Moved: _____ Secoded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – June 2018

File Reference: ADM0075
Location: N/A
Applicant: Director Corporate & Community Services
Author: Director Corporate & Community Services
Date: 11 June 2018
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2017 to 30 June 2018
(Attachment 1 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 June 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.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority.

Recommendation:

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

Moved: _____ Seconded: _____

15.2 Accounts Paid by Authority - July 2018

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Director Corporate & Community Services
Author: Senior Finance Officer
Date: 8 August 2018
Disclosure of Interest: Nil
Attachments: List of Accounts
(Attachment 2 following orange sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

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

Comment:

Unless otherwise identified, all payments have been made in accordance with Council's 2018/19 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.

Recommendation:

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

May 2018	
MUNI - 117984856	
EFT 5111 – 5168	\$641,257.05
CHEQUE 24575 – 24578	\$24,757.13
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD9894.1 – DD9947.1	\$23,363.45
TRUST FUND – 1929-1931	\$400.00
DIRECT DEBIT -	
DD9886.1 – DD9925.9 & EFT 5107 - 5172 – Pay and Super	\$21,755.33
DD9877.1 WATC Loan 120 repayment	\$13,476.31
DD9879.1 WATC Loan 123 repayment	\$93,080.62
CREDIT CARD	
DD9892.1	\$534.98
GRAND TOTAL	\$818,624.87

Notification	Explanation
Nil	

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Non Commercial UTV Activities Request to Change Event Date

File Reference: A22292
Location: Loc 5048 & 9489 – 3810 Wickepin-Pingelly Rd, East Pingelly
Applicant: Mr M Savill, UTV Club of WA Inc.
Author: Administration Officer Technical
Date: 9 August 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Ordinary Council Meeting 18 April 2018 - Agenda Item 16.1

Summary:

A request has been received from Mr M Savill of the UTV Club of WA Inc to change the date of a previously approved event.

Background:

The UTV Club of WA sought planning consent from the Shire of Pingelly to hold events at Locations 5018 & 9489 – 3810 Wickepin-Pingelly Road, East Pingelly on various dates in 2018.

Comment:

Council granted planning consent for the UTV Club of WA to hold events as per the following resolution:

12403 Moved: Cr Wood

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council grant planning consent for the proposed UTV Club of WA Events at the following locations 5048 & 9489 at 3810 Wickepin-Pingelly Road, subject to the following conditions:

- 1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.***
- 2. This approval is for activities occurring on:***
 - 5-6 May 2018 Enduro Round 2***
 - 26-27 May 2018 People with Disability Drive Day***
 - 9-10 June 2108 Enduro Round 3***
 - 4-5 August 2018 Enduro/Drive Day Round 4***
 - 6-7 October 2018 Enduro Round 5***
 - 10-11 November 2018 People with Disability Drive Day***
 - 24-25 November 2018 Enduro/Drive BBQ Finally Round 6******in 2018, as described in the application.***
- 3. Ablution facilities that comply with the Shire of Pingelly's Environmental Health requirements shall be available on site at all times during the event.***
- 4. The risk mitigation, control and responsibilities as prescribed in an Emergency and Risk Management Plan (ERMP) to be provided to the Shire of Pingelly, to be complied with at all times during the event.***
- 5. Appropriately qualified in first aid persons shall be on site at all times during the event.***
- 6. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the event.***
- 7. Fire control procedures to be in place for the events in the months of October and November this includes firebreaks and fire units on site.***

Carried 6:1

Mr M Saville on behalf of the UTV Club of WA has requested a change of date of the Enduro Round 5 event to be held on 6-7 October 2018 to be now held on 22, 23 & 24 September 2018 to coincide with the anniversary memorial for Graeme Warner.

Consultation:

Gavin Pollock, Chief Executive Officer
Barry Gibbs, Director of Technical Services

Statutory Environment:

Shire of Pingelly’s Local Planning Scheme No.3

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.

Risk Implications:

Risk	Low (1)
Risk Likelihood (based on history and with existing controls)	Low (1)
Risk Impact / Consequence	Low (1)
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Low (1)
Risk Action Plan (Controls or Treatment Proposed)	Low (1)

Risk Matrix

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Recommendation:

That Council grant consent for the change of date of the UTV Club event originally set for 6-7 October 2018 to 22, 23 & 24 September 2018 to coincide with the anniversary memorial for Graeme Warner, which does not change any of the conditions of the original approval.

Moved: _____ Seconded: _____

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 to declare the meeting closed.