

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 May 2019 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

Pumphrey's Bridge CWA will be providing lunch.

Schedule

12.45pm	Lunch
2pm	Council Meeting

Mark Dacombe
Acting Chief Executive Officer

9 May 2019

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 May 2019

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.

MARK DACOMBE
ACTING 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 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 are made available to Councillors within the requirements of the Local Government Act 1995 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).

Agendas for Ordinary Meetings are available in the Shire of Pingelly Office and on the website 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.

PUBLIC QUESTION TIME AND INFORMATION

QUESTIONS FROM THE PUBLIC (PUBLIC QUESTION TIME)

The Shire of Pingelly welcomes community participation during public question time and this document is to be read in conjunction with the *Shire of Pingelly Standing Orders Local Law 2017* and the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

1. A member of the public who raises a question during question time must:
 - a. be in attendance at the meeting;
 - b. first state their name and address;
 - c. direct the question to the Presiding Member;
 - d. ask the question briefly and concisely;
 - e. limit any preamble to matters directly relevant to the question; and
 - f. ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question;
 - g. each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions;
 - h. where a member of the public seeks a written response to their questions to be tabled at a meeting, the member of the public must submit their questions to Council by no later than 12 noon on the day prior to the meeting date of which the response is to be tabled;
 - i. where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member;
 - j. where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting;
 - k. A member of the public may ask questions without notice at a meeting, provided they present a written copy of their questions to Council prior to the commencement of the meeting.

The following is a guide to assist you on the process of Public Question Time. You can submit questions using the form attached, or by e-mail to admin@pingelly.wa.gov.au.

1. **Please Note:** Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the question(s) will be treated as 'normal business correspondence' and the question / response will not appear in the Council Minutes.
2. This is a "question" time only. Orations, explanations or statements of belief will not be accepted or allowed.
3. Questions must relate to a matter affecting the Shire of Pingelly.
4. Questions must be appropriate and made in good faith. Those containing defamatory remarks, offensive language or question the competency or personal affairs of council members or employees may be ruled inappropriate by the Shire President or Presiding Member and therefore not considered.
5. Frame your question so that it is both precise and yet fully understood. Long questions covering a multitude of subjects are easily misunderstood and can result in poor replies being given.
6. Write your question down on the attached form, it helps you to express the question clearly and provides staff with an accurate record of exactly what you want to know.
7. When the Shire President calls for any questions from the public, stand up and wait until you are acknowledged and invited to speak. Please start by giving your name and address first, and then ask the question.
8. Questions to be put to the presiding member and answered by the Council. No questions can be put to individual Councillors.
9. The question time will be very early in the meeting. **There is only 15 minutes available for Question Time.** The extension of public question time beyond 15 minutes would require a Council resolution. Questions not asked may still be submitted to the meeting and will be responded to by mail.
10. When you have put your question, await the reply. If possible, the Shire President will answer directly or invite a staff member with special knowledge to answer in his place. Complex questions that require research, may be Taken on Notice by the Shire President and an answer will be forwarded to you in writing. Please note in NO circumstances, will the question be debated or discussed by Council at that meeting.
11. To maximise public participation only three questions per person with a time limit of 2 minutes per person unless extra time is granted by the presiding person.
12. To fill out the form, just enter your name and address in the appropriate areas together with details of any group you are representing, then write out your question.
13. Please ensure your form is submitted to the meeting secretary by 1.45pm.

If you have difficulty in writing the question, Shire staff are available on request to assist in this task. We hope this note assists you in the asking of your question and thank you for your interest and participation in the affairs of our Shire.

SHIRE OF PINGELLY QUESTIONS FROM THE PUBLIC

Name: _____

Residential Address: _____

Phone Number: _____ Meeting Date: _____

Signature: _____

Council Agenda Item Number: _____

If applicable-see below*

Name of Organisation Representing: _____

If applicable

QUESTION

Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. 15 Minutes is allotted to Public Question Time at Council Meetings. If submitting questions to the Agenda Forum, they are to relate to the Agenda Item tabled at that meeting.

Please Note: Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the questions(s) will be treated as 'normal business correspondence' and the question / response will not appear in the Council Minutes.

Please see Notes on Public Question Time overleaf

* **Agenda Forums:** Questions can only be addressed where they relate to an Agenda Item.

* **Council Meetings:** Questions are to relate to a matter affecting the Shire of Pingelly.

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 May 2019

(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 May 2019 – 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 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 17 April 2019 the following leave was granted:

12661 Moved: Cr Walton-Hassell

Seconded: Cr Hastings

That:

Cr McBurney be granted leave for Wednesday 15th May 2019.

Cr Wood be granted leave from 24th June to 27th July 2019.

Carried 8:0

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 17 April 2019

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 17 April 2019 be confirmed.

Moved: _____ Seconded: _____

9.2 Special Meeting – 1 May 2019 – Appointment of Chief Executive Officer

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 1 May 2019 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
Youth Focus Group	Delegate – Cr Walton-Hassell Delegate – Cr Hastings Deputy – Cr McBurney
Pingelly Somerset Alliance	Delegate – Shire President Deputy – Cr McBurney
Pingelly Early Years Network	Delegate – Cr Hastings
Pingelly Community Wellbeing Group	Delegate – Cr Walton-Hassell

13. REPORTS FROM COUNCILLORS

Cr William Mulroney (President)

Meetings attended April:

18th Auditor General Dept. with A/CEO & DCCS re telephone conference regarding the impending Audit by the Auditor General Department
25th ANZAC Day Address - Laying of Wreath
29th ANZAC Service at Pingelly Primary School

Meetings attended May:

1st Special Council Meeting- Appointment of CEO
1st Corporate Discussion
3rd CCZ Teleconference meeting- State Council Agenda
6th Meeting with SIHI- Building Maintenance Works and A/CEO re Demolition of Old Hospital Building
8th Council Agenda Briefing
15th Council Meeting

Cr David Freebairn (Deputy President)

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

Nil

Cr Jackie McBurney

Nil

Cr Kacey Hastings

6 May 2019 Pingelly Early Years Network Meeting.

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

Note: Standing Orders Apply

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nil

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity April 2019

File Reference: ADM0075
Location: N/A
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 6 May 2019
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2018 to 30 April 2019
(Attachment 1 following red 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 2019 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:

Acting 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 2018/2019.

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		Risk Matrix				
		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 2 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 April 2019 be accepted and material variances be noted.

Moved: _____ Seconded: _____

15.2 Accounts Paid by Authority – April 2019

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 6 May 2019
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 April 2019.

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.

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 endorse the Accounts for Payments for April 2019 as presented:

APRIL 2019	
MUNI - 117984856	
EFT 5920 - 5985	\$205,323.69
CHEQUE 24660 - 24663	\$10,623.54
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD10482.1 – DD10532.1	\$44,324.40
TRUST FUND –	\$0
DIRECT DEBIT -	
DD10475.1 – 10526.6 & EFT 5917 – EFT 5958 – Pay and Super	\$27,057.91
CREDIT CARD	
DD10500.1	\$8
GRAND TOTAL	\$287,337.54

Notification	Explanation
Nil	

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Bush Fire Advisory Committee Minutes

File Reference: ADM0057
Location: Shire of Pingelly
Applicant: Chief Bush Fire Control Officer, Rod Shaddick
Author: Sheryl Squiers, Administration Officer Technical
Date: 16 April 2019
Disclosure of Interest: Nil
Attachments: Copy of Minutes (Attachment 3 following yellow sheet in separate attachments booklet)

Summary:

Council is requested to adopt the recommendations from the Bush Fire Advisory Committee Meeting held on 9 April 2019.

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
Moorumbine - Noonebin Brigade	Rodney Leonard Shaddick (CBFCO) Brodie Cunningham Scott Cunningham (FCO training required)
West Pingelly Brigade	Simon Parsons Anthony Turton Adam Lindsay Watts Malcolm Leslie Cunningham
Pingelly Central/VFRS	Robert Alexander Kirk (DCBFCO & Captain) Peter Narducci Barry Gibbs (DTS) Stuart Billingham (DCCS) Russell Dyer (Works Supervisor) Sheryl Frances Squiers (Shire Administration)
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
Simon 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
Simon Parsons
Anthony Turton
Adam Lindsay Watts
Malcolm Leslie Cunningham**

Be recommended for appointment to the various Offices.

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.

Risk Implications:

Risk	Medium (8)
Risk Likelihood (based on history and with existing controls)	Medium (8)
Risk Impact / Consequence	Medium (9)
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Medium (9)
Risk Action Plan (Controls or Treatment Proposed)	Medium (9)

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 9 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 the Council:

1. Receive the minutes of the Pingelly Bushfire Advisory Committee meeting held in the Council Chambers on 9 April 2019,
2. Endorse the following Bush Fire Control Order for the 2019/20 season:

FIRE CONTROL ORDER 2019/20

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 agreements to be submitted to the Shire of Pingelly by 1 October of each year for the Chief Executive Officer to acknowledge agreement.*

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 the 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 the 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 firefighting 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.

Firefighting 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.

3. Appoint Rodney Leonard Shaddick to the position of Chief Fire Control Officer and Robert Alexander Kirk to the position of Deputy Chief Bush Fire Officer and Captain of the district of the Shire of Pingelly pursuant to Section 38(1) of the Bush Fires Act 1954,
4. Appoint the following people to the respective Bush Fire Control positions of the Shire of Pingelly pursuant to Section 38(1) of the Bush Fires Act 1954:

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

Moorumbine - Noonebin Brigade	Rodney Leonard Shaddick (CBFCO) Brodie Cunningham Scott Cunningham (FCO training required)
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West Pingelly Brigade	Simon Parsons Anthony Turton Adam Lindsay Watts Malcolm Leslie Cunningham
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Pingelly Central/VFRS	Robert Alexander Kirk (DCBFCO & Captain) Peter Narducci 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**

5. **Appoint the following people to the respective Dual Bush Fire Control positions of the Shire of Pingelly and the Shires of Brookton, Corrigin, Cuballing, Wandering and Wickepin pursuant to Section 40 of the Bush Fires Act 1954:**

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
Simon 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
Simon Parsons
Anthony Turton
Adam Lindsay Watts
Malcolm Leslie Cunningham**

Moved: _____ Seconded: _____

16.2 Dual Fire Control Officer Appointment

File Reference: ADM0313
Location: Shire of Cuballing
Applicant: Shire of Cuballing
Author: Sheryl Squiers, Administration Officer Technical
Date: 2 May 2019
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider the appointment of the dual fire control officer with the Shire of Cuballing for the 2019/20 season.

Background:

The Shire of Cuballing has requested the appointment of:

- Graeme Dent
- as a dual fire control officer for the 2019/20 fire season.

Comment:

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

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

Consultation:

Mark Dacombe, Acting Chief Executive Officer

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 policy implications.

Financial Implications:

There are no known significant financial implications.

Strategic Implications:

There are no known significant strategic implications.

Risk Implications:

Risk	
Risk Likelihood (based on history and with existing controls)	Low (4)
Risk Impact / Consequence	Low (4)
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Low (4)
Risk Action Plan (Controls or Treatment Proposed)	Low (4)

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

- **Graeme Dent**

Moved: _____ Seconded: _____

16.3 Reduced Front Setback for Proposed Carports

File Reference: A2759
Location: Lot 667 – 31 Review Street Pingelly
Applicant: Ms E Tetlow
Author: Sheryl Squiers, Administration Officer Technical
Date: 26 April 2019
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

Council to consider an application for a reduced front setback for two carports at Lot 667 -31 Review Street, Pingelly.

Background:

An application for planning consent has been received from Ms E Tetlow for a reduced setback for two carports at Lot 661 – 31 Review Street, Pingelly.

Comment:

Lot 667 – 31 Review Street is within the gazetted townsite and is zoned Rural Residential, the lot size is 1.8112ha and is located on the eastern town boundary.

The applicant wishes to erect two carports on the lot within the front boundary setback of the dwelling on either side of the dwelling for the purposes of cover for existing vehicles and a caravan.

The existing dwelling is setback 7.2m from the road reserve and the applicant wishes to reduce this setback to 1m. On the building application the original reduced setback is 3m.

This portion of Review Street ends at the eastern boundary of Lot 667 and the street culminates in a dead end and apart from a farmer accessing his land and the golf club using this end of Review Street there is no other public traffic that will impact on the request for the reduced setback.

Within the Rural Residential areas of the Shire of Pingelly the boundary setbacks are Front 15m rear and side boundaries 10m. The side boundary setback is 15.60 for the carport on the western side of the dwelling. The other carport on the eastern side is some distance from that boundary.

Clause 5.5 of the Scheme enables Council to vary the development standards, such as the variation of the front setback as proposed in this application where:

- the proposal has been advertised to potentially affected neighbouring property owners and their views have been considered in the assessment of the application; and
- the criteria in clause 10.2 has been considered; and
- the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

The proposal has not been advertised to neighbouring properties as three sides of the property are bounded by the golf course one side by agricultural land.



Consultation:

Residential Design Codes 2018

Jacky Jurmann – Consultant Planner

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3

10.1 Matters to be considered by local government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application –

- (a) the aims and provisions of the Scheme and any other relevant local planning schemes operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;

- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage list under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);

- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;
- (za) any other planning consideration the local government considers relevant.

Policy Implications:

No known Policy Implications.

Financial Implications:

No known financial implications.

Strategic Implications:

No known 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	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:

Council grant planning approval for the reduced setback of 1m from front boundary for the two proposed carports at Lot 667 – 31 Review Street.

Moved: _____ Seconded: _____

16.4 New Ranger Authorisation & Withdrawal of Existing Ranger Authorisation

File Reference: ADM0306
Location: Shire of Pingelly
Applicant: Mr Matthew Sharpe, WA Contract Ranger Services
Author: Sheryl Squiers, Administration Officer Technical
Date: 2 May 2019
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

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

Council to withdraw all delegations to act as an authorised officer from Ms Jodie Taylor from WA Contract Ranger Services.

Background:

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

Ms Jodie Taylor was endorsed by Council as an authorised officer while employed by WA Contract Ranger Services.

11742 - Moved: Cr Steel Seconded: Cr Marshall

Recommendation and Council Decision:

That:

Council appoint Ms Jodie Patricia Taylor as an Authorised Officer for the Shire of Pingelly pursuant to the following Acts:

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

Carried: 6:0

Comment:

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

Mr Cockburn has previously worked as a Ranger for the City of Armadale, City of Belmont, City of Perth and Town of Bassendean and possesses all the training and skills to perform the role as a Ranger.

Mr Cockburn has also worked as a Security Officer and Parking Inspector for the City of Cockburn and as a Security Officer for Global Security Management and Rio Tinto.

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

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

Ms Taylor no longer works for or is employed by WA Contract Ranger Services.

Consultation:

Mark Dacombe – Acting Chief Executive Officer
 Matthew Sharpe – WA Contract Ranger Services

Statutory Environment:

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

Policy Implications:

No known policy implications.

Financial Implications:

Cost of service provision – 2018/19 budget

Strategic Implications:

Shire of Pingelly Workforce Plan

Risk Implications:

Risk	Low (3)
Risk Likelihood (based on history and with existing controls)	Low (3)
Risk Impact / Consequence	Low (3)
Risk Rating (Prior to Treatment or Control)	Low (3)
Principal Risk Theme	Low (3)
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 the appointment of Mr Chris Cockburn as an Authorised Officer for the Shire of Pingelly pursuant to the following Acts:

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

Council endorse Ms Jodie Taylor being withdrawn as an Authorised Officer for the Shire of Pingelly relating to the following Acts:

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

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.