



# Shire of Pingelly

## Minutes

Ordinary Council Meeting  
17 May 2017

## SHIRE OF PINGELLY

*Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 17 May 2017 – commencing at 2.00pm.*

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## **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Chairman declared the meeting open at 2.04pm.

## **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.

### **3.2 Reminder**

It is the province of knowledge to speak and it is the privilege of wisdom to listen. **Oliver Wendell Holmes**

There are people who, instead of listening to what is being said to them, are already listening to what they are going to say themselves. **Alfred North Whitehead (1861 - 1947)**

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

### **MEMBERS PRESENT**

Cr SJ Lange	President
Cr WV Mulrone	Deputy President
Cr D Freebairn	
Cr RJ Marshall	
Cr JM Walton-Hassell	
Cr PJ Wood	
Cr LN Steel	
Cr EJ Hodges	

### **STAFF IN ATTENDANCE**

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

### **APOLOGIES**

Nil

### **OBSERVERS & VISITORS**

Nil

## **5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6. PUBLIC QUESTION TIME**

The Presiding Member opened question time at 2.05pm. As there were no members of the public present question time closed at 2.05pm.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

**12187 Moved Cr Freebairn Seconded Cr Mulroney  
that Council approve Cr Wood taking leave from the 22<sup>nd</sup> June to the 6<sup>th</sup> August 2017  
inclusive.**

**Carried 8:0**

**12188 Moved Cr Steel Seconded Cr Marshall  
that Council approve Cr Walton-Hassell taking leave from the 28<sup>th</sup> June to the 8<sup>th</sup> July 2017  
inclusive.**

**Carried 8:0**

**12189 Moved Cr Walton-Hassell Seconded Cr Mulroney  
that Council approve Cr Steel taking leave from the 7<sup>th</sup> June to the 12<sup>th</sup> June 2017 inclusive.**

**Carried 8:0**

**8. DISCLOSURES OF INTEREST**

Cr Marshall - Item 15.3 Pingelly Tourism Group Inc – Strategic Plan 2017

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**9.1 Ordinary Meeting – 19 April 2017**

**Statutory Environment:**

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

**Voting Requirements:**

Simple Majority

**12190 Moved: Cr Steel Seconded: Cr Hodges**

**Recommendation and Council Decision:**

**That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 19 April 2017 be confirmed.**

**Carried 8:0**

**10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

## **11. REPORTS OF COMMITTEES OF COUNCIL**

- Audit Committee  
Full Council
- Recreation & Cultural Committee  
Member – Cr Lange  
Member – Cr Walton-Hassell  
Member – Cr Wood  
Member – Cr Marshall
- Bushfire Advisory Committee  
Member – Cr Freebairn  
Deputy – Cr Marshall
- Medical and Aged Care Services Committee  
Member – Cr Freebairn  
Member – Cr Hodges  
Member – Cr Lange  
Member – Cr Mulrone  
Member – Cr Steel
- CEO Performance Review Committee  
Member – President  
Member – Deputy President  
Member – Cr Hodges

## **12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES**

- Central Country Zone of WALGA  
Delegate – President  
Delegate – Deputy President  
Deputy – Cr Walton-Hassell
- Hotham-Dale Regional Road Sub-Group  
Delegate – Cr Lange  
Deputy – Cr Marshall
- Pingelly Cottage Homes Committee  
Delegate – Cr Freebairn  
Deputy – Cr Mulroney
- Development Assessment Panel  
Delegate – Cr Lange  
Delegate – Cr Mulroney  
Deputy – Cr Freebairn
- Pingelly Tourism Group  
Delegate – Cr Freebairn  
Deputy – Cr Lange
- Regional Waste Group  
Delegate – Cr Mulroney  
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint  
Local Emergency Management Committee  
Delegate – Cr Lange  
Deputy – Cr Hodges
- Aged Care Planning Regional Sub-Group (BBP)  
Delegate – Cr Lange  
Delegate – Cr Steel  
Deputy – Members of Medical & Aged  
Care Committee
- Youth Working Group  
Delegate – Cr Steel  
Delegate – Cr Walton-Hassell  
Deputy – Recreation & Cultural  
Committee
- Project User Group (PUG)  
Delegate – Cr Lange  
Deputy – Cr Hodges
- Sport and Recreation Focus Group  
Delegate – Cr Lange  
Delegate – Cr Walton-Hassell  
Deputy – Cr Hodges

**13. REPORTS FROM COUNCILLORS**

**Cr Shirley Lange (President)**

Nil

**Cr William Mulroney (Deputy President)**

Nil

**Cr David Freebairn**

Nil

**Cr Evan Hodges**

Nil

**Cr Ray Marshall**

Nil

**Cr Lee Steel**

Nil

**Cr Michelle Walton-Hassell**

Nil

**Cr Peter Wood**

Nil

## **14 OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **14.1 Policy Manual Annual Review**

<b>File Reference:</b>	<b>ADM0487</b>
<b>Location:</b>	<b>Shire of Pingelly</b>
<b>Applicant:</b>	<b>Shire of Pingelly</b>
<b>Author:</b>	<b>Gavin Pollock, Chief Executive Officer</b>
<b>Date:</b>	<b>8 May 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Policy Manual (available for viewing on the Shire website <a href="http://www.pingelly.wa.gov.au">www.pingelly.wa.gov.au</a> )</b>
<b>Previous Reference:</b>	<b>Agenda Item 11.1.3 – 17 June 2015</b>

#### **Summary:**

To present Council with the review of the Shire of Pingelly Policy Manual for consideration of endorsement.

#### **Background:**

Council has reviewed portions of the Policy Manual periodically with a full review last occurring in 17 June 2015. Although there is no required timetable for the review of policies, it is suggested that it should be reviewed regularly, to ensure policies are relevant, current and understood.

To ensure the Policy Manual is up to date, it should have an administrative review at least once a year, and a report made to Council on matters needing amendment or inclusion.

#### **Comment:**

The Policy Manual has been prepared to complement the Delegations Register adopted by Council. Should a discrepancy exist between Delegation and Policy, the Delegation is to be followed being the higher authority.

#### **New or Amendments to Shire Policies**

Council may make new policies, or resolve amendments, at any time. However, unless specifically resolved that the authority is to be included in the Policy Manual, the direction to act is for a specific matter, and is not a general or on-going direction.

#### **Consultation:**

Executive Staff

#### **Statutory Environment:**

Section 2.7(2)(b) of the *Local Government Act 1995* provides that one of the functions of a Council is to determine the local government's policies.

#### **Statutory Context**

Policy is considered to be subordinate to Delegations which have a statutory context in which they are made, whereas Policy does not. Policy requires a simple majority of Council to be adopted, whereas Delegations require an Absolute Majority.

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to the Chief Executive Officer or a Committee.

Delegation gives authority or instructs a particular action to be carried out. Generally, policy details how a particular function is to be carried out, or the standards to be met, where the action is considered to be normal duties of a position.



**Policy Implications:**

Policy 2.1 Shire of Pingelly Policy Manual

‘Council shall maintain a manual and up to date recording of the various policies of Council.

1. Additions, deletions and amendments to Council policy shall only be effected by an absolute majority of Council.
2. Biannual reviews of the Policy Manual shall be conducted in November immediately following the biannual elections, but nevertheless updated as and when a policy is varied by Council.
3. The Policy Manual shall be available for public inspection and comment free of charge at the Shire Administration Office. Copies will be made available for sale at a cost set by the Shire of Pingelly’s current fees and charges.’

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Pingelly Strategic Community Plan

**Voting Requirements:**

Simple Majority

**Recommendation:**

**That Council endorse the 2017 Policy Manual review as presented with no changes required.**

**COUNCIL DECISION:**

**12191 Moved: Cr Steel**

**Seconded: Cr Walton-Hassell**

**That Council endorse the 2017 Policy Manual review as presented.**

**Carried 8:0**

**Note wording changed for clarity on what action is being taken.**

## **14.2 Delegations Register Annual Review**

**File Reference:** ADM0086  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Pingelly  
**Author:** Gavin Pollock, Chief Executive Officer  
**Date:** 8 May 2017  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Agenda Item 10.8 – 18 April 2012

### **Summary:**

To present Council with the Annual review of the Delegation Register as required by s5.18 of the *Local Government Act 1995* for consideration of endorsement.

### **Background:**

Council undertook a review of its Delegations Register in 18 April 2012. The Delegations have been reviewed Ad hoc for the last few years as required. It is a requirement of the *Local Government Act 1995*, s.5.18 and s.5.46 (1) that all delegations made under the authority of that Act, be reviewed at least once in each financial year.

### **Comment:**

#### **DLGRD Guidelines No.17 – Delegations**

The Department of Local Government and Regional Development has published Guidelines for the formation of Delegations.

Of note, the Guidelines outline the concept of “delegation” and “acting through” in parts 3 and 4, particularly in paragraph 13 where it is stated –

*... the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.*

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters, similarly, not all “acting through” matters will have listed. Policy describes how that action or some other action, is to be carried through.

### **Consultation:**

Executive Staff

### **Statutory Environment:**

Sections 5.18 and 5.46(1) of the *Local Government Act 1995*

### **Policy Implications:**

Shire of Pingelly - Delegations Register

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Pingelly – Delegations Register

**Voting Requirements:**

Absolute Majority

**Moved: Cr Mulroney                      Seconded: Cr Hodges**

**Recommendation:**

**That Council endorse the 2017 Delegation Register review as presented with no changes required.**

**COUNCIL DECISION:**

**12192 Moved: Cr Walton-Hassell                      Seconded: Cr Steel**

**That Council endorse the 2017 Delegation Register review as presented.**

**Carried: 7:1**

**Note wording changed for clarity on what action is being taken.**

## **15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES**

### **15.1 Monthly Statement of Financial Activity**

<b>File Reference:</b>	<b>ADM0075</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>Stuart Billingham, Director Corporate &amp; Community Services</b>
<b>Author:</b>	<b>Stuart Billingham, Director Corporate &amp; Community Services</b>
<b>Date:</b>	<b>08 May 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Monthly Statements of Financial Activity for the period 1 July 2016 to 30 April 2017 (Attachment 1 after green sheet under separate cover)</b>
<b>Previous Reference:</b>	<b>N/A</b>

#### **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 2017 is attached for Council consideration and adoption.

#### **Background:**

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

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

#### **Consultation:**

Chief Executive Officer

#### **Statutory Environment:**

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

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

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

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

**Policy Implications:**

There are no policy implications.

**Financial Implications:**

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council's adopted Budget 2016/2017.

**Strategic Implications:**

There are no known significant strategic implications.

**Voting Requirements:**

Simple Majority

**12193 Moved: Cr Marshall**

**Seconded: Cr Hodges**

**Recommendation and Council Decision:**

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

**Carried 8:0**

## **15.2 Accounts Paid by Authority**

**File Reference:** ADM0066  
**Applicant:** Stuart Billingham, Director Corporate & Community Services  
**Author:** Rebecca Billingham, Finance Officer  
**Date:** 8 May 2017  
**Disclosure of Interest:** Nil  
**Attachments:** List of Accounts  
(Attachment 2 after yellow sheet under separate cover)  
**Previous Reference:** N/A

### **Summary:**

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

### **Comment:**

Unless otherwise identified, all payments have been made in accordance with Council's 2016/17 Budget. NB: Councillor Queries regarding payments can be raised with the Director of Corporate and Community Services before the meeting by email, in writing, telephone or in person to expedite the meeting and permit research of queries raised).

### **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

**12194 Moved: Cr Mulroney                      Seconded: Cr Hodges**

**Recommendation and Council Decision:**

**That Council endorse the Accounts for Payments for April 2017 as presented:**

**Carried 8:0**

<b>FEBRUARY 2017</b>	
<b>MUNI - 117984856</b>	
EFT 3411-3503	\$261,685.59
CHEQUE 24425 - 24429	\$ 23,094.05
<b>TRUST ACCOUNTS</b>	
DEPT OF TRANSPORT – 30417-280417-123395691	\$ 38,467.80
TRUST FUND – 1878 - 1879	\$ 600.00
<b>DIRECT DEBIT -</b>	
DD8807.1 – DD8807.9 EFT 3435-3467 – Pay and Super	\$ 23,242.29
<b>CREDIT CARD</b>	
DD8858.1	\$ 1,190.87
<b>GRAND TOTAL</b>	<b>\$ 348,280.60</b>

<b>Notification</b>	<b>Explanation</b>
Nil	

Prior to consideration of item 15.3, Cr Marshall disclosed an interest in this matter due to being the Chairman of the Pingelly Tourism Group. Cr Marshall asked the meeting to allow him to continue to participate in discussions as he believed his interest was insignificant and unlikely to influence his conduct in relation to this matter.

### **15.3 Pingelly Tourism Group Inc – Strategic Plan 2017**

**File Reference:** ADM0051  
**Location:** Shire of Pingelly  
**Applicant:** Pingelly Tourism Group  
**Author:** Stuart Billingham, Director Corporate & Community Services  
**Date:** 8 May 2017  
**Disclosure of Interest:** Nil  
**Attachments:** Pingelly Tourism Group – Strategic Plan 2017  
(Attachment 3 after red sheet under separate cover)

#### **Summary:**

This item is presented for Council to consider receiving the Pingelly Tourism Group Inc – Strategic Plan 2017.

#### **Background:**

The Shire of Pingelly has received a copy of the Pingelly Tourism Group Inc – Strategic Plan 2017, prepared by Mr Vince Holt dated 2 May 2017. Please refer to the Strategic Plan submitted as a separate attachment.

#### **Consultation:**

Chair of the Pingelly Tourism Group Inc.  
Chief Executive Officer

#### **Statutory Environment:**

Nil

#### **Policy Implications:**

There are no policy implications arising from this report.

#### **Financial Implications:**

There are no known financial implications upon either the Council's current budget or long term financial plan. \$1,000 Community Grant paid to Pingelly Tourism Group.

#### **Strategic Implications:**

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

#### **Voting Requirements:**

Simple Majority

**12195 Moved: Cr Freebairn Seconded: Cr Mulroney**

#### **Recommendation and Council Decision:**

**That Council receives the Pingelly Tourism Group Inc – Strategic Plan 2017.**

**Carried 6:2**



## **15.4 Shire of Pingelly – Bendigo Bank Establishment of Overdraft Facility**

**File Reference:** ADM0486  
**Location:** Shire of Pingelly  
**Applicant:** Chief Executive Officer  
**Author:** Stuart Billingham, Director Corporate & Community Services  
**Date:** 8 May 2017  
**Disclosure of Interest:** Nil  
**Attachments:** Bendigo Bank Overdraft Facility Agreement  
(Submitted under separate cover available for inspection at the meeting)

### **Summary:**

This item is presented for Council to consider granting approval for the Shire President and Chief Executive Officer to sign and affix the Shire of Pingelly Common Seal the Bendigo Bank Overdraft Facility agreement.

### **Background:**

The Shire of Pingelly has received a copy of the final Bank Overdraft Facility agreement from the Bendigo Bank.

### **Consultation:**

Chief Executive Officer

### **Statutory Environment:**

*Local Government Act 1995*

Div 3 Documents

9.49A Execution of documents: states

(1) A document is duly executed by a local government if —

- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
- (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.

(3) The common seal of the local government is to be affixed to a document in the presence of —

- (a) the mayor or president; and
- (b) the chief executive officer or a senior employee authorised by the chief executive officer,

each of whom is to sign the document to attest that the common seal was so affixed.

(4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

(5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.

(6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.

(7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

**Policy Implications:**

There are no policy implications arising from this report.

**Financial Implications:**

Establishment of a permanent \$500,000 Bank Overdraft facility.

**Strategic Implications:**

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

**Voting Requirements:**

Simple Majority

**12196 Moved: Cr Wood**

**Seconded: Cr Marshall**

**Recommendation and Council Decision:**

**That Council authorises the Shire President and Chief Executive Officer to sign and affix the Shire of Pingelly Common Seal the Bendigo Bank - Bank Overdraft facility agreement.**

**Carried 8:0**

## **16. DIRECTORATE OF TECHNICAL SERVICES**

### **16.1 Local Emergency Management Plan for the Shire of Pingelly and Shire of Wandering**

<b>File Reference:</b>	<b>ADM0058 - Documents</b>
<b>Location:</b>	<b>Shire of Pingelly</b>
<b>Applicant:</b>	<b>Local Emergency Management Committee (LEMC)</b>
<b>Author:</b>	<b>Barry Gibbs, Director Technical Services</b>
<b>Date:</b>	<b>26 April 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Revised Local Recovery Plan for the Shires of Pingelly and Wandering (Attachment 4 after purple sheet under separate cover)</b>

#### **Summary:**

Council to endorse the revised Local Recovery Management Plan as agree to by the committee and signed by chair of LEMC.

#### **Background:**

Under the *Emergency Management Act 2005* the local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator which should be review every 5 years as part of the Local emergency management arrangements.

The Shire of Pingelly and the Shire of Wandering in conjunction with the Office of Emergency Management have reviewed for our current Local Recovery Plan, so to comply with *the Emergency Management Act 2005*.

This review is an ongoing progression in not only maintaining compliance with the Emergency Management Act but also building community understanding, improving procedures and growing resources so to be better prepared for a possible major emergency.

#### **Consultation:**

Office of Emergency Management (OEM) – Adam Smith  
Local Emergency Management Committee  
Pingelly Chief Executive Officer – Gavin Pollock  
Wandering Chief Executive Officer – Amanda O'Halloran

#### **Statutory Environment:**

Section 41(1) of the Emergency Management Act 2006.

#### **Policy Implications:**

There are no policy implications arising from this report.

#### **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 or the committee recommendation.

**Voting Requirements:**

Simple Majority

**12197 Moved: Cr Mulroney**

**Seconded: Cr Hodges**

**Local Emergency Management Committee Recommendation and Council Decision:**

**That Council endorse the Local Recovery Plan between the Shires of Pingelly and Shire of Wandering as tabled.**

**Carried 8:0**

## **16.2 Policy 13.12 Dog Kennels/Dog Keeping Amendment Required**

**File Reference:** ADM 0101  
**Location:** Shire of Pingelly Policy Manual  
**Applicant:** G Pollock, Chief Executive Officer  
**Author:** Sheryl Squiers, Administration Officer Technical  
**Date:** 1 May 2017  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

### **Summary:**

Council to consider the amendment of Policy 13.12 Dog Kennels/Dog Keeping.

### **Background:**

An application to amend the current Policy 13.12 Dog Kennels/Dog Keeping to reflect the Gazettal of the changes to the Land Use Table for dog kennels in Rural Residential and General Agriculture Zones as an “A” use (‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4).

This change will bring the current Policy 13.12 Dog Kennels/Dog Keeping, in line with the Gazettal of Amendment No.4 of the Shire of Pingelly’s Local Planning Scheme No.3.

### **Comment:**

The current Policy 13.12 Dogs Kennels/Dog Keeping was adopted on 21 November 2012 before the finalisation of the Gazettal of Amendment No.4 of the Shire of *Pingelly’s Local Planning Scheme No.3*.

The Gazettal of this amendment was published by State Law Publisher on 5 July 2013 as follows:

### **PLANNING AND DEVELOPMENT ACT 2005**

Approved Local Planning Scheme Amendment

*Shire of Pingelly*

Local Planning Scheme No. 3--Amendment No. 4

Ref: TPS/0929

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Pingelly local planning scheme amendment on 26 June 2013 for the purpose of amending Table 1, Zoning Table to replace the “X” notation for Dog Kennels in the General Agriculture zone with an “A” notation.

S. J. LANGE, Shire President.

M. G. OLIVER, Chief Executive Officer.

The current Policy is inserted below with the section (1.1) & (1.9) to be amended in ***bolded italics***:

### **13.12 Dog Kennels/Dog Keeping**

#### **1.0 Introduction**

- 1.1 Dog Kennels are not permitted in the Shire of Pingelly except in the ***“Rural Residential” and “General Farming”*** zones where they are an “A” use in the *Shire of Pingelly Local Planning Scheme No. 3* (LPS).
- 1.2 An “A” use is one that is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4 of the LPS.
- 1.3 Clause 9.4 outlines the process by which the proposal is to be advertised and the opportunities for public submissions to be made.
- 1.4 The Shire of Pingelly shall not permit the establishment or maintenance of a kennel establishment in any area if in its opinion such a kennel would adversely affect the environment, be a nuisance to or in any way be detrimental or prejudicial to adjoining residents and land.
- 1.5 Furthermore, the owner or occupier of any land within the Shire of Pingelly shall not, unless the premises have been granted exemption under Section 26 (3) of the *Dog Act 1976*, keep, or permit to keep more than two dogs over the age of three months and the young of those dogs under that age within a townsite or four dogs over the age of 3 months and the young of those dogs under that age, if the premises are situated outside the townsite, unless such premises are:
  - (a) situated within the zone approved for the establishment of a kennel under the LPS; and
  - (b) is a kennel establishment approved under the LPS.
- 1.6 The Shire of Pingelly considers that dogs licensed as dogs used for droving or tending to stock under the *Dog Regulations (1976)* (commonly referred to as ‘working dogs’) up to a maximum of 6 dogs as an exemption under Section 26 (3) of the *Dog Act (1976)* provided they are located on premises in the “General Farming” zone of LPS No. 3.
- 1.7 Nothing in this policy precludes compliance with the relevant State Government Legislation eg. the *Dog Act 1976*, this includes the issuing of a licence for a kennel establishment under the *Shire of Pingelly Dogs Local Law* as well as obtaining planning approval.
- 1.8 The applicant is reminded of his/her general environmental responsibilities, as required by the *Environment Protection Act 1986*, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

#### **Purpose**

- 1.9 The purpose of the Policy is:
  1. To provide guidance to applicants who wish to keep dogs or seek to establish kennels on their property.
  2. To guide the Shire of Pingelly in determining the appropriateness and adequacy of proposed kennel development in the ***“Rural Residential” and “General Farming”*** zones.

- 1.10 The policy has been adopted by Council as a Local Planning Policy in accordance with the provision of Part 2 of Local Planning Scheme No. 3.
- 1.11 Under sub clauses 2.3.2 and 10.2 of the Scheme, the Shire of Pingelly shall have due regard to the provisions of this policy when determining an application for planning approval in addition to the relevant provisions of the Scheme.

## **2.0 Definition of Kennels**

- 2.1 For the purposes of this policy, dog keeping and kennels are considered to be a commercial operation and excludes the maintenance of a kennel for private purposes.
- 2.2 Kennels may be “Breeding Kennels” or “Boarding Kennels”.

### **Breeding Kennel**

- 2.3 A “Breeding Kennel” is a formal establishment for the propagation of purebred dogs, whether or not the animals are actually housed in a separate shed, garage, a state of the art facility or the family dwelling.

“Breeding Kennels” are heavily regulated and must follow rules laid down by the breed club, the Kennel Council and relevant legislation.

### **Boarding Kennel**

- 2.4 A “Boarding Kennel” is a place where dogs are temporarily housed for a fee. Many kennels offer grooming and training in addition to boarding. Day boarding is when a dog is housed during the day only and not overnight.
- 2.5 For the purposes of this policy, dog keeping or dog kennels includes:
  - the keeping of a significant number of dogs (ie. more than two);
  - dog keeping in confined accommodation (ie. in a kennel, shelter or pound);
  - involving a boarding or racing or training establishment or dog breeding for commercial, show or private purposes.

## **3.0 Planning Considerations**

- 3.1. Dog keeping, which may include the use of dog kennels, can have minimal social and environmental impact if it is located in an appropriate area and sited, designed and managed property.
- 3.2. The main impacts are noise, visual impact, loss of productive agricultural land and compatibility with adjoining uses.
- 3.3. The following information is required by the Shire of Pingelly to undertake an adequate assessment:
  - number of kennels
  - survey of surrounding properties to establish separation distances from residential or other sensitive receivers
  - air quality protection measures
  - noise mitigation measures
  - water demand and use
  - water and soil protection measures including:
    - wastewater containment and disposal
    - chemical storage and work areas
    - stormwater pollution prevention
    - solid waste storage and disposal.
  - Experience of applicants in dog management.

## **4.0 Management Measures**

### **4.1 Noise**

- 4.1.1 The potential for noise may be increased where animals are kept in close proximity to other animals or to sites where other animals are kept (e.g. one dog barking may lead to other dogs barking in the same, or nearby, kennels). Therefore, the more dogs kept on the premises the greater the potential for noise impact and complaint. Strategies to reduce nuisance noise may need to be implemented, such as citronella collars or advice from a qualified noise consultant or both.
- 4.1.2 Boarding kennels in particular may give rise to noise problems because of the large numbers of dogs, the range of different breeds and the stress experienced by the dogs in unfamiliar conditions.
- 4.1.3 The number of dogs (including pups over the age of four months) kept on the site may therefore need to be limited to a specific number.
- 4.1.4 A minimum separation distance of 500 metres from sensitive receptors (i.e. houses on neighbouring properties) is recommended unless it can be demonstrated that management measures can be put in place to ameliorate the noise impact.
- 4.1.5 Noise disturbance should be minimised by:
- locating and constructing kennels and other facilities to visually screen dogs from external stimuli such as other dogs, animals, traffic or passers-by.
  - Use of earth banks and/or vegetation and/or manually constructed sound barriers. Barriers should have no gaps.
  - Management regimes that minimise opportunities for noise generated external stimuli. Some kennels may need to be fully enclosed or acoustically buffered at a ratio of 1:15 for particularly noisy animals (electronic masking noise devices to reduce audible stimuli to the dogs).
  - Restriction of feeding to within hours of 7am – 6pm where practicable.
  - Exercise of dogs to be performed between the hours of 9am and 5pm.
  - Appropriate construction materials for kennels which reduces the impact of noise. Use of sound absorption materials (eg. glass, fibre or wool) on the side of the barrier facing the noise source can help to reduce noise levels by reducing noise reflections.
  - Ventilation needs to be considered in conjunction with any noise insulation work – air conditioning if installed should ensure that external units are located so as to avoid any impact on neighbours.
- 4.1.6 Buffers appropriate to the size of the facility and based on the requirements for ongoing compliance with the above noise controls, be largely provided within the boundaries of the property.



## **4.2 Waste management**

- 4.2.1 Attention to the cleanliness of the kennels and effective waste management will minimise the potential for odour nuisance. Kennels should be cleaned daily. All faecal matter, old bones and uneaten food must be collected from the kennels and yards at least twice a day and temporarily stored in lined and sealed containers prior to removal from the site so that odour does not cause a nuisance beyond the boundaries of the site. Such waste must be disposed of to a licensed waste depot, by an appropriate waste disposal service.
- 4.2.2 All kennels must have an impervious floor draining to an appropriately sized septic tank and subsurface soakage system designed and constructed to meet the Shire of Pingelly's public health standards.
- 4.2.3 Materials should be selected for ease of maintenance and cleaning, durability and non-toxicity. Floors of animal housing areas of kennels must be made of an impervious materials to assist clearing and drainage. Wood, brick, dirt or grass floors are not acceptable.
- 4.2.4 The internal surfaces of the external walls of kennels must be constructed of impervious, solid, washable materials optimally curved at the wall/floor junctions to facilitate cleaning and disinfection.
- 4.2.5 Kennel floors must be sloped to enable wastes and water to run off. A collection drain must be provided to take away water after cleaning.
- 4.2.6 Owner to ensure land is free from excrement, food waste and all other matter likely to become or create a nuisance. Land must be free from excrement, food waste so that it cannot attract or breed pests.

## **4.3 Water quality**

- 4.3.1 Pollutants from dog kennels have the potential to contaminate water resources unless the facilities are properly designed and managed. Pollutants may include dog faeces, veterinary products, food additives, disinfectants and other chemicals. The long-term impact of intensive dog keeping can be detrimental to the soil and may lead to groundwater pollution and odour issues if waste is not managed properly.
- 4.3.2 Liquid wastes from kennels and yards should be drained to a septic tank and subsurface soakage type system designed and constructed to meet public health standards. Compliance with these standards should avoid potential insanitary conditions and water pollution.
- 4.3.3 Stormwater from roofs should be collected and kept separate from kennel runoff and effluent systems, and reused where practicable (eg. yard washdown). Rain falling outside the kennel area must be directed away from dog yard areas and the kennel effluent system.

## **4.4 Mortalities**

- 4.4.1 Mortalities must be dealt with on day they occur. They can be taken to a vet for disposal, buried on site in an approved mortality pit or taken to a waste depot licensed by the Environment Protection Authority (EPA) to take such wastes.

4.4.2 A mortality pit must:

- be greater than 50 metres away from any watercourse;
- not exceed 1.2 metres in depth; and
- be backfilled with a minimum of 600 millimetres of earth, slightly mounded and compacted to control odour, vermin and fly breeding.

Lime should be added at the time of deposition to assist decomposition.

**4.5 Public Liability**

4.5.1 All boarding establishments must carry a minimum of \$10,000,000 Public Liability Cover.

4.5.2 All animals entering boarding establishments must be identified and all reasonable and special requirements in particular relating to vaccination must be complied with.

1.5.3 The proponent (or nominated manager) of a kennel establishment is responsible for the operation of the kennel in accordance with these guidelines.

**4.6 Animal Husbandry**

**Nutrition**

4.6.1 All dogs must have a permanent supply of fresh, clean water and must be fed at least once per day.

4.6.2 Food and water containers must be non spillable and of a design that can be easily cleaned and does not cause injury to the dogs.

4.6.3 Pests including fleas, ticks, flies, mosquitoes and rodents must be effectively controlled. Chemicals used for pest control must be either prescribed by a registered veterinarian and/or registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA) under the Agricultural and Veterinary Chemicals Code (Commonwealth) and used only in accordance with manufacturer's instructions.

**Pen sizes**

4.6.4 All adult dogs must be housed one to a pen unless the owner(s) has given permission in writing for dogs to be housed together, the dogs are compatible and are normally housed together at home.

Guidelines for pen sizes are as follows:

Size of Dog	Height of dog at shoulder (cm)	Minimum floor area * (m <sup>2</sup> )	Minimum width (cm)	Minimum height (cm)	Increased floor area for each additional dog (m <sup>2</sup> )
Large	> 70	3.5	120	180	1.7
Medium	40-70	2.4	90	180	1.2
Small	< 40	1.5	90	180	1.0

\* The minimum pen sizes are for one adult dog (older than 16 weeks).

4.6.5 Dogs demonstrating aggressive tendencies can only be admitted if they are housed separately from other animals. Facilities must be available to house problem dogs separate from other dogs.

4.6.6 Ideally new dogs should be placed in an introductory run next to main enclosures for assessment prior to being placed in group enclosures.

## Enclosures

- 4.6.7 Fencing between enclosures (both internal & external) must prevent dogs from escaping from one enclosure to another and must be in such condition that they prevent injury.

Guidelines for enclosure sizes are:

Size of Dog	Minimum Width (m)	Minimum Height (m)	Minimum floor area (1 dog) (m <sup>2</sup> )	Additional space per dog (m <sup>2</sup> )	Maximum No. of dogs per enclosure	Maximum No. large dogs per enclosure
Enclosures	2	1.2	10	3.5	17	8
Rest areas	2	1.2	4	2	5	5

For example if a total of 17 dogs are kept in an enclosure, only 8 can be large dogs and the enclosure would need to be at least 66m<sup>2</sup> in size.

- 4.6.8 Suitable rest areas must be provided (as per above table) where more than 6 dogs are being boarded at any one time. Rest areas are not to be included as parts of the enclosure floor area but are in addition to minimum requirements for enclosure size. ie if 17 dogs are being housed a minimum enclosure of 66m<sup>2</sup> must be provided plus the rest area (as per above table).
- 4.6.9 An area suitable to isolate animals must be provided which is physically separated from other animal housing areas and caters for the animal's welfare. Animals may only be housed in such areas for short periods to allow them to be claimed by owner or transport arranged for animal to vet

## 4.7 Security

- 4.7.1 Kennels must be able to be securely locked to prevent unauthorised entry.
- 4.7.2 Each individual kennel, module or colony pen must be fitted with a secure closing device that cannot be opened by the dogs.
- 4.7.3 Any security methods used must allow for ready access to dogs and ready exit for staff and animals from the premises in the event of an emergency.
- 4.7.4 All boarding establishments must have an external perimeter fence surrounding the establishment to prevent the escape of dogs.

Boundary perimeter fencing must:

- be a minimum height of 1.8m and must be constructed of:
  - brick, concrete, timber, iron or similar solid material;
  - chain mesh manufactured from 3.15mm wire to form a uniform 50mm mesh or
  - 4mm weld mesh wire with a maximum mesh spacing of 50mm
- be maintained in a manner which prevents a dog from being able to dig out;
- have self-closing and self-locking gates or doors;
- be designed to prevent a person from climbing into the enclosure.

- 4.7.5 The external walls of the facility may serve as the perimeter fence if it prevents a dog from escaping from its pen or cage.
- 4.7.6 There must be a minimum of two gates between animal and escape.

4.7.7 Design and materials used must ensure the security of the facility.

4.7.8 Dogs when boarded should be safe from attack, stress or injury and their behavioural needs should be met.

#### **4.8 Facilities**

4.8.1 Each animal boarding establishment must provide an area for reception, records storage, and include washing and toilet facilities for staff.

4.8.2 Boarding facilities must be designed, constructed, serviced and maintained in a way that ensures the good health and well-being of the animals, whilst preventing escape or injury to humans.

4.8.3 Pens may be separated by either solid partitions, galvanised chain wire or weld mesh wire dividers. Pens must be completely enclosed having either a solid or wire roof or have an overhang of 700mm at an angle of 35 degrees to the horizontal.

4.8.4 All kennels must be provided with a weatherproof sleeping area containing raised beds.

4.8.5 Where dog kennels are constructed indoors, temperature, humidity and ventilation must be considered. Ventilation must be adequate to keep animal housing areas free of dampness, noxious odours and draughts. Cage or pen areas must have an ample supply of fresh air.

4.8.6 Suitable facilities for bathing, drying and grooming animals must be available and must be hygienically maintained. These facilities may be provided by a grooming service provided that the boarding establishment has a business agreement with the service.

4.8.7 Housing must provide protection from the weather (wind, rain, sun and extremes of climate), vermin and harassment from other animals.

4.8.8 Facilities must have appropriate fire extinguishers or other fire protection.

#### **4.9 Exercise**

4.9.1 The proprietor (or nominated manager) must ensure that dogs housed in pens of the minimum recommended size for more than two weeks are exercised daily.

4.9.2 Dogs in enclosures larger than 20m<sup>2</sup> do not require additional exercise unless they are boarded for longer than four weeks. Care must be taken to ensure that dogs being exercised cannot escape and are not in danger of attack or other injury.

4.9.3 Exercise areas must be well maintained, not muddy or bare and dusty. Health and hygiene of both animals and humans must be taken into consideration.

Exercise can be provided by:

- allowing dogs access to an exercise area for at least 10 minutes twice daily; and/or
- walking dogs on a lead for at least 10 minutes twice daily.

Very active or old dogs may require more or less exercise than specified.

4.9.4 Dogs can also be exercised/socialised during daylight hours in the same manner as for day boarding establishments provided all requirements for day boarding are met including supervision levels and the owner has given written permission for this to occur.

4.9.5 Dogs must not be walked on roads but confined within the premises for safety reasons unless:

- they are on a lead at all times;
- they are under the supervision of a competent person who is 17 years of age or older;
- no more than two dogs are being walked by the one person;
- they are on a leash at all times including in areas designated as off-lead; and
- the owner has given written approval for this to occur.

#### 4.10 Supervision

4.10.1 Where enclosures are separated by physical barrier (ie different room) a staff member must be in visual and audible range of animals in each enclosure at all times.

4.10.2 Staff numbers and animals per enclosure at facility must at least meet the requirements below:

No. of dogs at facility	Minimum No. Staff	Maximum of dogs per enclosure/minimum staff number
1-17	1	6
18-30	2	12
30-40	3	17
For every 10 dogs over 40	Add 1 extra staff member	

4.10.3 For example if there is one staff member at the facility there can be no more than 17 dogs boarded and they must be separated into at least 3 separate enclosures with no more than 6 dogs per enclosure.

4.10.4 At least one staff member must be on call to come in and assist where necessary. It is recommended that if more than 10 dogs are booked in for a day an extra staff member is present particularly during main check in and check out times.

#### 5.0 Information Requirements from Applicant

5.1 An application must be supported with the following information, to the satisfaction of the Shire of Pingelly, as appropriate:

- A fully dimensioned site context plan showing adjoining land and the closest residences.
- A detailed site layout plan, including elevations, drawn to an appropriate scale showing the location of all proposed pens, runs and buildings on the site.
- Full details of all landscaping, including the type and location of all plants and the type of ground surface treatment (ie. lawn, sand, concrete, gravel etc).
- Details of the height, style and location of all fences.
- Details of lighting.

- Materials of construction of all kennels and buildings associated with the use including type and method of insulation.
- A site stormwater management plan.
- A management plan to include the following:
  - Number of dogs kept on the site and the proposed number of litters per year.
  - Details of exercising and training which will occur on the site.
  - Method of waste collection, storage and disposal.
  - Details as to whether boarding of dogs not belonging to the operator will take place, including the number and frequency of turnover.
  - Details of day to day operations of the facility to include such items as exercising times and feeding times and visiting procedure.
- Response to the relevant Environmental Protection Authority guidelines.
- A Noise Impact Assessment, undertaken by a qualified acoustic consultant, may be required for applications for the keeping or training of six or more dogs.

5.2 An application for planning approval must be accompanied by information in the form of Schedule 1 of the *Shire of Pingelly Dogs Local Law*, in order for a licence to be issued in accordance with the Local Law's requirements and must be lodged with the Shire of Pingelly together with –

- (a) plans and specifications of the kennel establishment, showing the specifications of the kennels, modules and yards and including a site plan as detailed above which shows the distances between the proposed development to property boundaries and the nearest residences;
- (b) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the Shire of Pingelly, sufficiently close to the premises so as to control the dogs and ensure their health and welfare;
- (c) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs which may be nominated from time to time by the Shire of Pingelly.

## **6.0 Determination of the Application**

6.1 In determining an application for a planning approval, the Shire of Pingelly is to have regard to -

- (a) any written submissions received on the proposed use of the premises;
- (b) any economic or social benefits which may be derived by any person in the district if the application for a planning approval is approved;
- (c) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (d) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (e) whether or not the imposition of and compliance with appropriate conditions of an approval will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

## **7.0 Standard Conditions of Approval**

- 7.1 This approval relates to the plans..... date stamped.....
- 7.2 The number of dogs (including pups over the age of four months) kept on the site at any time must not exceed X in total.
- 7.3 All kennels must have an impervious floor draining to an appropriately sized septic tank and subsurface soakage system designed and constructed to meet the Shire of Pingelly's public health standards.
- 7.4 Stormwater from kennel roofs must be collected for use on the property with overflow directed away from the kennel or yard wastewater treatment and disposal system in a manner that does not result in soil erosion.
- 7.5 Solid waste from the kennels or yards must be collected and contained in sealed bins, prior to removal off site, so that odour does not cause a nuisance beyond the boundaries of the site.
- 7.6 The facility must be inspected daily by the owner or operator for any mortalities. Any mortalities must be removed from the kennels on the say day as occurrence and disposed via one of the following means:
- taken to a veterinary surgery for disposal;
  - buried on site in an approved mortality pit; or
  - disposed of at a waste depot licensed by the EPA to take such waste.
- 7.7 The kennels and yards must be cleaned at least daily to ensure that there is no accumulation of wastes and the generation of offensive odours is minimised.
- 7.8 This approval may be for a prescribed period and if in the option of the Shire of Pingelly is causing a nuisance or annoyance to adjoining land owners or occupiers, the Shire of Pingelly may refuse, withdraw or not renew the approval.
- 7.9 Standard requirements relating to the construction of kennels are contained in Schedule No. 2. of the *Shire of Pingelly Dogs Local Law* and will form part of a licence issued under the *Shire of Pingelly Dogs Local Law*.

### **Consultation:**

Barry Gibbs – Director Technical Services  
Western Australian Planning Commission  
Gavin Pollock – Chief Executive Officer

### **Statutory Environment:**

*Shire of Pingelly Local Planning Scheme No.3*  
*Shire of Pingelly Policy Manual*

### **Financial Implications:**

Nil

### **Strategic Implications:**

Nil

**Voting Requirements:**

Simple Majority

**12198 Moved: Cr Steel**

**Seconded: Cr Hodges**

**Recommendation and Council Decision:**

**Council to approve the amendment to the Policy 13.12 Dog Kennels/Dog Keeping by the removal of the wording “Rural Residential Zone” as an “A” use as stated in this Policy.**

**Carried 8:0**



### **16.3 Proposed Subdivision for Road Widening**

**File Reference:** A21317/A2420/ADM0089/ADM0351  
**Location:** Lots 19927 & 3092 Wickepin-Pingelly Road  
**Applicant:** Mr Peter Gow  
**Author:** Sheryl Squiers, Administration Officer Technical  
**Date:** 26 April 2017  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **Summary:**

Council to consider an application for proposed land subdivision of lots 19927 & 3092 Wickepin-Pingelly Road.

#### **Background:**

An application for a subdivision of Lots 19927 & 3092 Wickepin-Pingelly Road, East Pingelly, has been submitted to the Western Australian Planning Commission by PH Gow (Licensed Surveyors), on behalf of the Shire of Pingelly, for the purpose of land resumption for road widening.

#### **Comment:**

Lot 19927 is owned by Susan Page and Lot 3092 is owned by Colin & Barbara Pauley.

The lots are in the General Agriculture Zone of the Shire of Pingelly. The current existing lot size for Lot 19927 is 148.36ha and Lot 3092 is 52.894.

There are three proposed sections of road widening with the land resumption for Lot 19927 in 2 sections with a total area of resumption of 0.1808ha and for Lot 3092 1 section of road widening with the area of land resumption total of 0.0142ha.

This road widening is part of the Shire of Pingelly's Capital Works Program for 2016-17 as approved in the 2016-17 Budget.

The Western Australian Planning Commission require any information, comment or recommended conditions pertinent to this application by 30 May 2017.



Our Ref : 155046  
Previous Ref :  
Your Ref :  
Enquiries : Rowena O'Brien (6551 9358)

18 April 2017

Chief Executive Officer  
Shire Of Pingelly  
17 Queen Street  
PINGELLY WA 6308

**Application No: 155046 - Lot No 19927, 3092 Pingelly Road East Pingelly**

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by the 30th May 2017 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)

Send responses via email to [referrals@planning.wa.gov.au](mailto:referrals@planning.wa.gov.au). **Always quote reference number "155046" when responding.**

This proposal has also been referred to the following organisations for their comments: *Department Of Mines And Petroleum, Department Of Parks And Wildlife, Water Corporation, Western Power and LG As Above.*

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kerrine Blenkinsop'.

Kerrine Blenkinsop  
Secretary  
Western Australian Planning Commission

**APPLICATION DETAILS**

<b>Application Type</b>	Subdivision	<b>Application No</b>	155046
<b>Applicant(s)</b>	Mr Peter Gow		
<b>Owner(s)</b>	Colin & Barbara Pauley ; Susan Page		

e-mail: [referrals@planning.wa.gov.au](mailto:referrals@planning.wa.gov.au); web address: <http://www.planning.wa.gov.au>



<b>Locality</b>	Lot No 19927, 3092 Pingelly Road East Pingelly		
<b>Lot No(s)</b>	19927, 3092	<b>Purpose</b>	Road Widening
<b>Location</b>		<b>Local Gov. Zoning</b>	Local Road, Major Regional Road, General Agriculture, Recreation And Open Space
<b>Volume/Folio No.</b>	732/163, 2137/424	<b>Local Government</b>	As Above
<b>Plan/Diagram No.</b>	Dp102157, Dp255478	<b>Tax Sheet</b>	
<b>Centroid Coordinates</b>	mE mN		
<b>Other Factors</b>	BUSHFIRE PRONE AREA, DMP, THREATENED ECOLOGICAL COMMUNITY BUFFER, REMNANT VEGETATION (NLWRA)		

e-mail: [referrals@planning.wa.gov.au](mailto:referrals@planning.wa.gov.au); web address: <http://www.planning.wa.gov.au>

PH and KE GOW (Licensed Surveyors)  
PO Box 580 Narrogin WA 6312  
98815140 0428250962 fax 98815575

The Secretary  
Western Australian Planning Commission  
140 William St  
PERTH WA 6000

10/04/17

RE: Proposed Road Widening ex Lots 3092 and 19927, Wickepin Pingelly Rd, East Pingelly, Shire of Pingelly.

Dear Sir,  
I am writing on behalf of the Shire of Pingelly to apply for planning permission for a road widening ex the above lot for the reason of improving the road geometry.

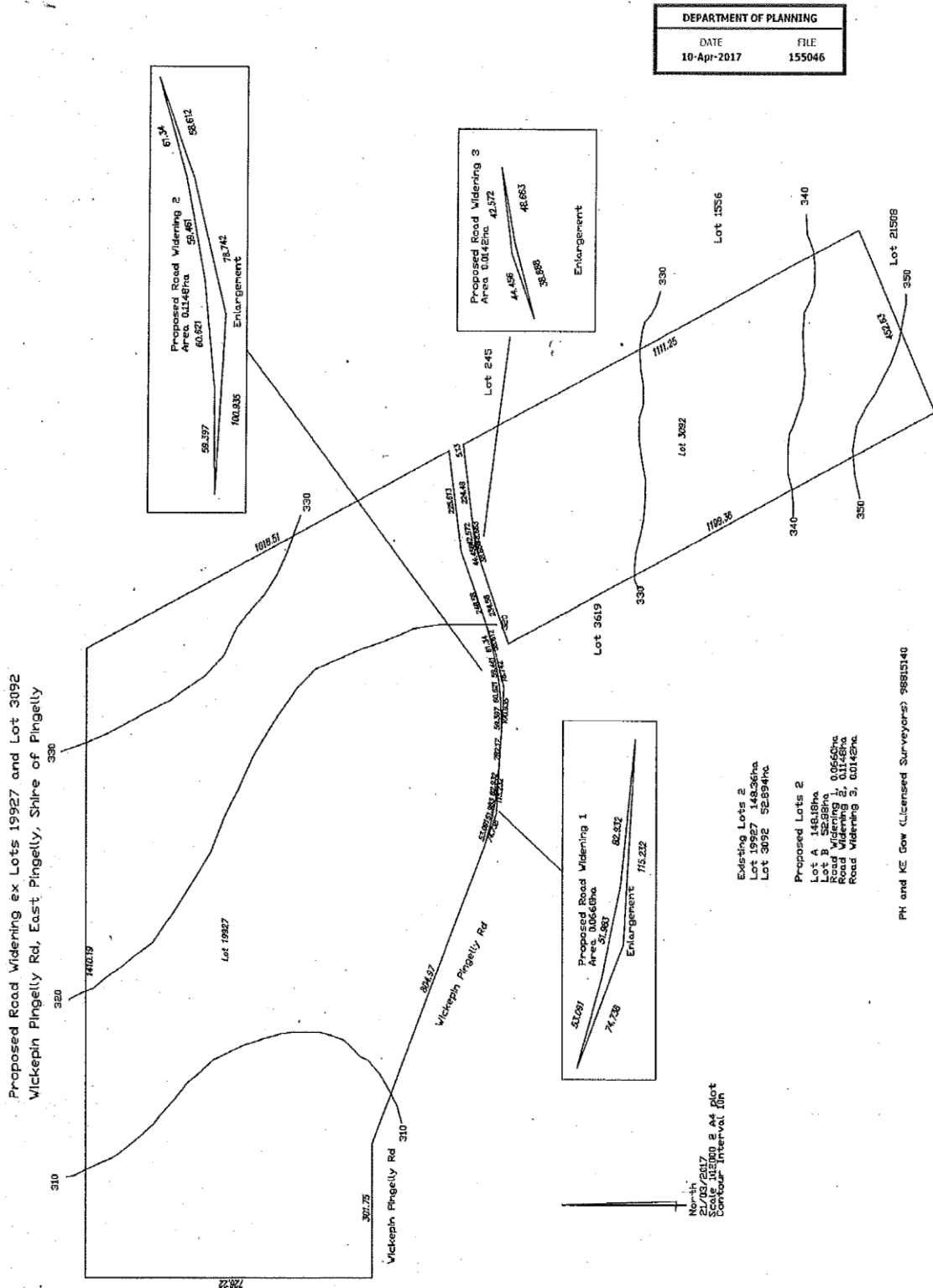
The proposed lot will create no new building entitlements. The land is being used for agriculture.

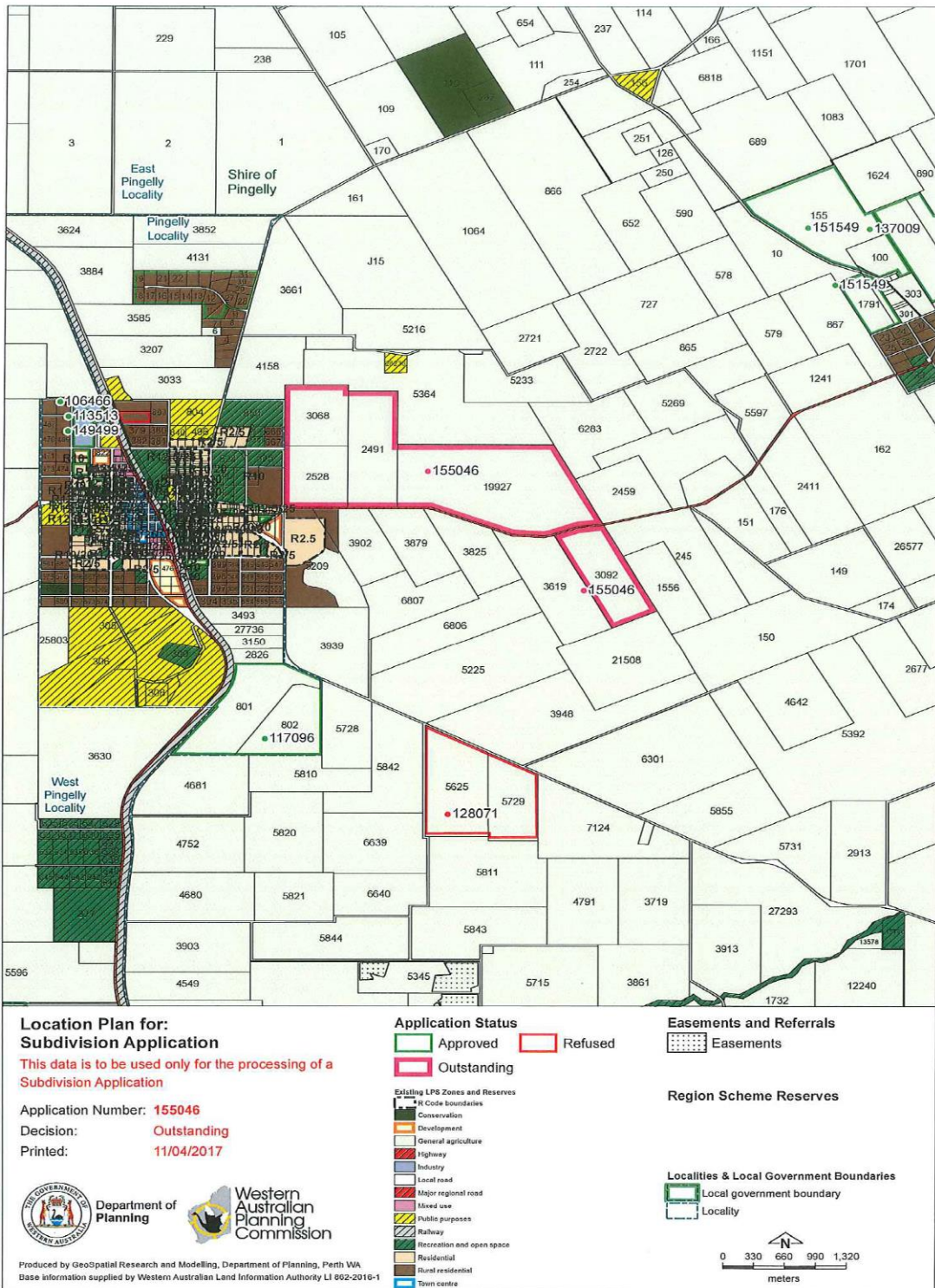
On behalf of our client I request that the commission grant preliminary approval for the subdivision as submitted.

Any questions do not hesitate to contact me.

Regards

Peter Gow





This data is to be used only for the processing of a Subdivision Application

Application Number: **155046**  
Decision: **Outstanding**  
Printed: **11/04/2017**



Produced by GeoSpatial Research and Modelling, Department of Planning, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 602-2016-1

**Application Status**

- Approved
- Refused
- Outstanding

**Easements and Referrals**

- Easements

**Region Scheme Reserves**

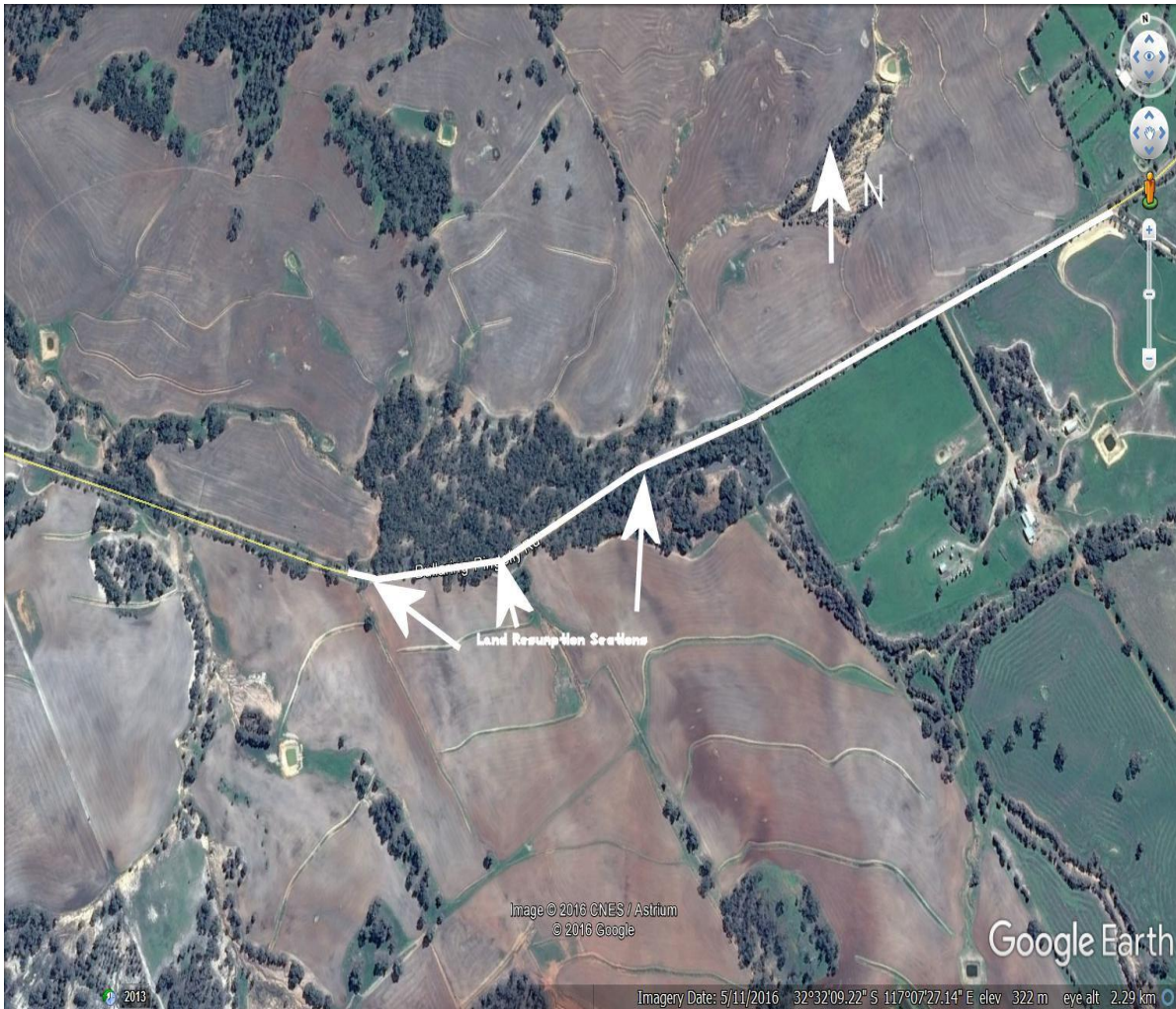
- Region Scheme Reserves

**Localities & Local Government Boundaries**

- Local government boundary
- Locality







**Consultation:**

Barry Gibbs, Director of Technical Services  
Western Australian Planning Commission  
P Gow, Licensed Surveyor

**Statutory Environment:**

*Shire of Pingelly Local Planning Scheme No.3.*

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Voting Requirements:**

Simple Majority

**12199 Moved: Cr Hodges**

**Seconded: Cr Freebairn**

**Recommendation and Council Decision:**

**That Council receive the information from WAPC and support the proposed subdivision of Lots 19927 & 3092 Wickopin-Pingelly Road, East Pingelly.**

**Carried 8:0**

## **16.4 Application to Keep Three (3) Dogs**

<b>File Reference:</b>	<b>A4491</b>
<b>Location:</b>	<b>Shire of Pingelly</b>
<b>Applicant:</b>	<b>Craig and Carina Matthews</b>
<b>Author:</b>	<b>Sheryl Squiers</b>
<b>Date:</b>	<b>27 April 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Letter from Applicants (on following page)</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary:**

An application has been received from Craig and Carina Matthews requesting permission to keep three dogs at their property at 25 Kelvin Street Pingelly. Craig and Carina Matthews are the owners of one Tenterfield Terrier dog being a male registered and sterilized and a female registered Great Dane.

Craig and Carina Matthews are seeking permission to keep a third dog on the property being, another female Great Dane.

### **Background:**

It is a requirement of the Pingelly Shire Council's *Dogs Local Law (2000)* that the maximum number of dogs that can be kept on a premise within a town site is two unless an exemption is granted by Council under the provisions of section 26(3) of the *Dog Act 1976* (as amended).

Council has approved similar applications in the past where all adjoining neighbours have agreed to the request and the Shire Ranger or other authorised Council Officer has considered that there are no valid reasons for withholding such approval.

Council has previously approved the keeping of a third dog at this property which is the Tenterfield Terrier and two Great Danes. The male Great Dane passed away not long after the original approval was granted and the female Great Dane is old and not well and got another dog to replace her.

### **Comment:**

The previous application was assessed by Ranger Services and as there are no immediate neighbours the Ranger had no objection to the granting of a third dog application. It is recommended that Council agree to the granting of an exemption for the keeping of three dogs at 25 Kelvin Street, Pingelly subject to the following conditions:

- That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption, and
- That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.
- That the exemption applies only to the dogs nominated by the applicant.
- Each dog on the property must be registered with the Shire of Pingelly.
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property

### **Consultation:**

The Shire Ranger previously liaised with Carina Matthews only as they are no immediate neighbours to the applicant. The Shire Ranger inspected the property on 11 August 2014 and the property has adequate fencing to contain the dogs and has advised that there are no reasons to withhold the granting of an exemption to keep three dogs at the property.



SHIRE OF PINGELLY	
FILE	A4491
DATE	11 APR 2017
Officer	ADT
Copy to	

7th April 2017  
Chief Executive Officer  
Shire of Pingelly  
17 Queen street  
Pingelly WA 6308

To Mr G. Pollock,

We would like to please ask the Shire of Pingelly for permission to keep 3 dogs at our property on 25 Kelvin Street in Pingelly.

Currently we have 1 small toy sized dog (Spooky) and 1 large Great Dane (Vayda) whom are both desexed. We have previously been permitted to keep 3 dogs at this property however our male Great Dane died not long after the request was approved.

Vayda our female great Dane is old now and won't be alive for much longer & we thought we were losing her recently so we got another dog to replace her when she passes. Due to the isolated Bushland we live in & the fact we have no nearby neighbours we need the dog to help protect our property & our family. The new dog is a female Great Dane X (Venus) and is not very noisy.

The Ranger Matthew Sharp had previously approved our fencing & saw no reason not to allow 3 dogs at these premises.

If the Shire & Council members would please approve our application for 3 dogs it would be much appreciated. Thankyou for your time.

Kind Regards



C.C. Matthews  
25 Kelvin St  
Pingelly WA 6308.

## Statutory Environment:

### DOG ACT 1976 - SECT 26

#### 26 . Limitation as to numbers

- (1) A local government may, by a local law under this Act —
  - (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or
  - (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.
- (2) A local law mentioned in subsection (1) —
  - (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
  - (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
  - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
  - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
  - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
  - (b) cannot authorise the keeping in or at those premises of —
    - (i) more than 6 dogs that have reached 3 months of age; or
    - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;and
  - (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
  - (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
    - (i) a local law mentioned in subsection (1); or
    - (ii) an exemption granted under subsection (3);or
  - (b) more than —
    - (i) 2 dangerous dogs (declared); or
    - (ii) 2 dangerous dogs (restricted breed); or
    - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
  - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.

#### Penalty:

- (a) for an offence relating to a dangerous dog —
  - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
  - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;
- (b) for an offence relating to a dog other than a dangerous dog —
  - (i) a fine of \$5 000;
  - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.

- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption under subsection (3); or
- (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
- may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

*[Section 26 amended by No. 23 of 1987 s. 22; No. 14 of 1996 s. 4; No. 24 of 1996 s. 16; No. 55 of 2004 s. 256 and 268; No. 18 of 2013 s. 22.]*

### **Pingelly Shire Council Dogs Local Law (2000) Section 3.2**

#### **Limitation on the number of dogs**

- 3.2 (1) This clause does not apply to premises which have been—
- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26 (3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26 (4) of the Act—
- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

#### **Policy Implications:**

Not Applicable

#### **Financial Implications:**

Not Applicable

#### **Strategic Implications:**

Not Applicable

#### **Voting Requirements:**

Absolute Majority

**12200 Moved: Cr Mulroney                      Seconded: Cr Wood**

#### **Recommendation and Council Decision:**

**That:**

**Council approve an exemption for the keeping of three dogs at 25 Kelvin Street subject to the following conditions:**

- **That the exemption be reviewed in twelve months' time to ensure that no adverse problems have been experienced as a result of the exemption.**
- **That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.**
- **The exemption applies only to the dogs nominated by the applicant.**
- **Each dog must be microchipped and registered with the Shire of Pingelly.**
- **Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.**

**Carried 8:0**

**Note: Wording changed from agenda item – from Kelvin Road to Kelvin Street to reflect the correct title.**

## **16.5 Bush Fire Advisory Committee Minutes**

**File Reference:** ADM0057  
**Location:** Shire of Pingelly  
**Applicant:** CBFCO Rod Shaddick  
**Author:** Sheryl Squiers, Administration Officer Technical  
**Date:** 27 April 2017  
**Disclosure of Interest:** Nil  
**Attachments:** Copy of Minutes  
(Attachment 5 after orange sheet under separate cover)

### **Summary:**

Council is requested to adopt the recommendations from the Bush Fire Advisory Committee Meeting held on 11 April 2017.

### **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:

### **That:**

<b>Chief Fire Control Officer</b>	<b>Rodney Leonard Shaddick</b>
<b>Deputy Chief Fire Control Officer</b>	<b>Robert Alexander Kirk</b>
<b>Training Officer/Organization</b>	<b>Shire of Pingelly</b>
<b>Fire Control Officers</b>	
<b>East Pingelly Brigade</b>	<b>Jeffrey Bernard Edwards</b> <b>Victor Arthur Lee</b> <b>Andrew Augustin Marshall</b> <b>Sam MacNamara</b>
<b>Moorumbine - Noonebin Brigade</b>	<b>Rodney Leonard Shaddick</b> <b>Andrew Todd Pauley</b> <b>Brodie Cunningham</b>
<b>West Pingelly Brigade</b>	<b>Alan William Parsons</b> <b>Anthony Turton</b> <b>Adam Lindsay Watts</b> <b>Malcolm Leslie Cunningham</b>
<b>Town Brigade/VFRS</b>	<b>Robert Alexander Kirk (DCBFCO &amp; Captain)</b> <b>Peter Narducci</b>  <b>Barry Gibbs (DTS)</b> <b>Russell Dyer (Works Supervisor)</b> <b>Sheryl Frances Squiers (Shire Administration)</b>
<b>Fire Weather Officers (Harvest &amp; Vehicle movement ban)</b>	<b>Rodney Leonard Shaddick</b> <b>Robert Alexander Kirk</b> <b>Graeme Alex Watts</b> <b>Sam MacNamara</b>

**Dual Fire Control Officers**

<b>Brookton:</b>	<b>Rodney Leonard Shaddick Robert Alexander Kirk Jeffrey Bernard Edwards Victor Arthur Lee Malcolm Leslie Cunningham Adam Lindsay Watts</b>
<b>Wickepin:</b>	<b>Rodney Leonard Shaddick Robert Alexander Kirk Victor Arthur Lee Andrew Augustin Marshall Sam MacNamara</b>
<b>Cuballing:</b>	<b>Rodney Leonard Shaddick Alan William Parsons Anthony Turton Robert Alexander Kirk Andrew Augustin Marshall</b>
<b>Corrigin:</b>	<b>Rodney Leonard Shaddick Robert Alexander Kirk Jeffrey Bernard Edwards Victor Arthur Lee Sam MacNamara</b>
<b>Wandering:</b>	<b>Rodney Leonard Shaddick Robert Alexander Kirk Alan William Parsons Anthony Turton Adam Lindsay Watts Malcolm Leslie Cunningham</b>

**Be recommended for appointment to the various Offices.**

**FIRE CONTROL ORDER 2017/18**

***Bush Fires Act 1954***

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

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

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

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

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

**“Flammable Material”** means bush (as defined by the *Bush Fires Act 1954*), timber boxes, cartons, paper and the like flammable materials, rubbish and any combustible matter, but does not include buildings, standing trees or growing bushes or plants in gardens or lawns.

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

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

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

### **Farming Land**

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

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

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

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

### **Townsite Land**

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

- a) where holding is under 2000m<sup>2</sup> 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, or
- b) 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.
- c) where the holding is over 2000m<sup>2</sup> comply with the requirements of farming land.

### **Rural Residential Land**

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 comply with the requirements of:

- a) farming land where the holding exceeds 10ha in area, or
- b) townsite land, where the holding does not exceed 2000m<sup>2</sup> in area.
- c) where the holding is 2,000m<sup>2</sup> to 10ha in area:
  - i 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, or

- ii 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; or
- iii comply with the requirements for farming land.

### **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.

### **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 firefighting unit having an engine driven pump and a water capacity of not less than 450 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.

### **General**

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 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.

### **Consultation:**

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

### **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:**

Nil

**Strategic Implications:**

Nil

**Voting Requirements:**

Simple Majority

**12201 Moved: Cr Freebairn                      Seconded: Cr Marshall**

**Recommendation and Council Decision:**

- 1. That Council receive the Bushfire Advisory Committee Meeting minutes held on 11 April 2017.**
  
- 2. That Council endorse the following recommendations of the Bushfire Advisory Committee Meeting held on 11 April 2017:**
  - a. Nomination of Officers**
  - b. Fire Control Order**

**Carried 8:0**

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

**12202 Moved: Cr Walton-Hassell                      Seconded: Cr Steel**

Council to note the receipt of \$30,000 from Wheatbelt Development Commission and \$50,000 from Lotterywest towards a sensory garden at the future Pingelly Aged Appropriate Accommodation site. The Shire wishes to thank Wheatbelt Development Commission and Lotterywest for their ongoing support to Shire of Pingelly community projects.

**Carried 8:0**

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

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

**19. CLOSURE OF MEETING**

The Chairman declared the meeting closed at 3.12pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 21 June 2017

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