



Shire of Pingelly

Minutes

Ordinary Council Meeting
20 May 2020

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.09pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

3.1 Council Agenda Reports

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

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

MEMBERS PRESENT

Cr W Mulroney	(President)
Cr J McBurney	(Deputy President)
Cr K Hastings	
Cr B Hotham	
Cr P Narducci	
Cr A Oliveri	
Cr P Wood	
Cr D Freebairn	

STAFF IN ATTENDANCE

Ms J Burton	Chief Executive Officer
Mr S Billingham	Director Corporate and Community Services
Mr D Watkins	Director Technical Services
Mrs L Boddy	Executive Assistant
Ms K Rigg	Customer Service Officer

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

No members of the public present.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. DISCLOSURES OF INTEREST

Nil.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – Wednesday 15th April 2020

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are 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

12831 Moved: Cr McBurney

Seconded: Cr Hastings

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 Wednesday 15th April 2020 be confirmed.

Carried 8:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

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

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

- Central Country Zone of WALGA Delegate – Shire President
Delegate – Deputy President
Deputy – Cr Wood
- Hotham-Dale Regional Road Sub-Group Delegate – Shire President
Deputy – Cr Oliveri
- Development Assessment Panel Delegate – Shire President
Delegate – Cr Wood
Deputy – Cr McBurney
Deputy – Cr Hotham
- Pingelly Tourism Group Delegate – Cr Hotham
Deputy – Cr Oliveri
- Regional Waste Group Delegate – Cr Mulroney
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Shire President
Deputy – Cr Freebairn
- Youth Focus Group Delegate – Cr Hastings
Deputy – Cr McBurney
- Pingelly Somerset Alliance Delegate – Shire President
Deputy – Cr McBurney
- Pingelly Early Years Network Delegate – Cr Hastings

13. REPORTS FROM COUNCILLORS

Cr William Mulronev (President)

Meetings for April:

- 17th Webinar WALGA Minister for Local Government re COVID -19
- 22nd Councillor Training Understanding Financial Reports and Budgets (Cancelled)
- 23rd Pingelly Wandering LEMC Teleconference re COVID 19
- 24th WALGA Webinar with Local Government Minister and Guest Speaker Minister for Health.
- 27th Radio Interview 101.3 FM re Council Issues and COVID-19

Meetings for May:

- 1st CCZ Teleconference
- 1st WALGA Webinar with Minister for Local Government and Guest Speaker Minister for Emergency Services re COVID 19
- 4th Councillor Shire Road Tour of inspection (Cancelled)
- 7th Pingelly Wandering LEMC Teleconference re COVID -19
- 8th WALGA Webinar with Local Government Minister and Guest Speaker Minister for Agriculture re COVID 19
- 12th Meeting with CEO
- 13th Council discussion on Business Plan for Funding from Federal Govt Grant Scheme Drought Relief Fund.
- 13th Teleconference with CEO and Doctors re contract renewal.
- 15th WALGA Webinar with Minister for Local Government re COVID-19
- 19th PRACC meeting
- 20th Ordinary Council Meeting

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Installation of Solar Power System

File Reference:	ADM0019
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

Council is requested to approve the purchase of a solar power system on the Shire Administration Building.

Background

With Solar Photovoltaic (PV) Systems becoming regarded as standard items at local government facilities, staff have investigated various Solar PV options for Pingelly in order to produce a financial saving, and in consideration of the environmental benefits.

Analysis has been undertaken across a number of Shire facilities, with the Administration Building proposed to be the first of a number of proposed installations of sustainable energy options.

Investigation has been undertaken to determine the most ideal solar PV system, maximising the use of solar electricity production to offset grid electricity demand. In addition to assessing the current usage rates of electricity, the time of usage and its relationship to solar production, the impact of Small-Scale Renewable Energy Certificates (STC's) was considered. Solar PV systems under a 100 kW capacity, offer STC's which can be transferred to the installer for an immediate discount off the purchase price. Following analysis by suppliers, a 19.8kW system is considered appropriate for the Shire of Pingelly Administration building.

Comment

The Shire has averaged approximately \$7,200 annually over the last three years for the provision of electricity to the Administration Building, with \$7,310 being the estimated charges for the full 2019/20 year. Quotes from 2 suppliers for Solar PV systems indicate the cost for the most appropriate system for the power consumption is between \$18,000 and \$20,000.

The profitability analysis indicates a saving of between \$4,870 and \$6,617 per annum. The lower estimated saving is based on conservative modelling, assuming a 5 day operating week with no benefit on the weekend. The average of these two figures is \$5,744, which is considered to be a reasonable estimate of the actual saving.

It is proposed to lease the system over 48 months, with the lease being funded through the savings in electricity generated from the system. A lease option equating to approximately \$5,664 in payments per year, provides a potential small saving in the first four years, with the full value of the system being realised in year 5.

	LTFP allocation	Electricity Charges	Lease Payment	Estimated Savings / yr
Current year	\$7,310	\$7,310		
Year 1	\$7,310	\$1,566	\$5,664	\$80
Year 2	\$7,310	\$1,566	\$5,664	\$80
Year 3	\$7,310	\$1,566	\$5,664	\$80
Year 4	\$7,310	\$1,566	\$5,664	\$80
Year 5 +	\$7,310	\$1,566	\$0	\$5,744

The Shire’s dependence on electricity is not expected to reduce at any stage in the future. In addition, charges from electricity suppliers are likely to increase, notwithstanding a 0% increase is predicted in 2020/21. Investing in a high quality solar PV system that will perform well now and into the future, is seen as a sound operational decision.

The estimated life of the system is at least 15 years, with the inverter expected to perform for 15-25 years, and the panels for 25 years. Based on a life of 15 years for the entire system, a saving of \$5,744 per year for years 5-15 is considered a minimum cost saving, as consumption costs are likely to increase into the future.

In addition to the financial benefits, the 19.8kW solar system is estimated to offset the equivalent of 24.2t CO2 equivalent per year.

Consultation

No consultation is deemed required in relation to this matter.

Statutory Environment

Not applicable

Policy Implications

Policy 5.11 Purchasing

Financial Implications

The draft 2020/21 Budget has an allocation of \$7,310 for electricity. Proposed lease payments can be funded through electricity savings that will be achieved from the Solar PV system.

Under the proposed lease option there will be a significant positive financial impact over the life of the infrastructure.

Strategic Implications

Goal 4	Natural Environment
Outcome 4.4	Energy is used efficiently and there is an increased use of renewable energy in the Shire
Strategy 4.4.1	Continued inclusion of energy efficient design and systems, and solar energy systems in Council buildings and other key facilities.

Risk Implications

Risk	There is a risk that the performance expectations of the system do not meet projections and therefore the annual savings anticipated to the Budget are not fully realised.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Financial
Risk Action Plan (Controls or Treatment Proposed)	No further actions are proposed, as a conservative estimation on power (and financial) savings has been utilised to calculate the estimated positive impact. A negative 10% variation is approximately \$564, which could be accommodated within the operating budget.

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

Voting Requirements

Simple Majority

12832 Moved: Cr Narducci

Seconded: Cr Oliveri

Recommendation and Council Decision:

That Council agrees to enter into a lease agreement for the installation of a 19.8 kW Photovoltaic System over a 48 month lease period, to be installed at the Shire of Pingelly Administration Building, with annual lease payments of \$5,664 to be funded from the electricity allocation within the 2020/21 Budget.

Carried 8:0

14.2 National Redress Scheme – Participation of Local Governments

File Reference:	ADM0630
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Local Government Information Paper (December 2019)
Previous Reference:	Nil

Summary

Council is requested to note the background information and the WA Government's decision in relation to the National Redress Scheme, as well as the key considerations and administrative arrangements for the Shire of Pingelly to participate in the National Redress Scheme. In addition, Council is requested to formally endorse the Shire of Pingelly's participation as part of the WA Government's declaration in the National Redress Scheme, and provide authority to execute a service agreement with the State, if a Redress application is received.

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community. The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme. All levels of Australian society (including the WA local government sector), will be required to consider leading practice approaches to child safeguarding separately in the future.

The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse. The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme. The Western Australian Government (the State) started participating in the Scheme from 1 January 2019. Under the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

Comment

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the State Records Act 2000); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested. This would be on a fee for service basis with costs to be covered by the individual local government (see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration. State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements). The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Pingelly's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Pingelly formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Pingelly will not be included in the State's amended declaration, unless it formally decides to be included. The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Pingelly to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should Council decide not to participate with the State or in the Scheme altogether, considerations for the Shire of Pingelly include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Pingelly having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Pingelly.

Detailed below is a list of considerations with regard to participation in the Scheme:

- i. Executing a Service Agreement
All Royal Commission information is confidential, and it is not known if the Shire of Pingelly will receive a Redress application. A Service Agreement will only be executed if the Shire of Pingelly receives a Redress application. The Shire of Pingelly needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.
- ii. Reporting to Council if / when an application is received
Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.
- iii. Application Processing / Staffing and Confidentiality
Administratively the Shire of Pingelly will determine:
 - Which position(s) will be responsible for receiving applications and responding to Requests for Information;
 - Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the State Records Act 2000 (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Pingelly's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in The Act.

5. Redress Decisions

The Shire of Pingelly should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Pingelly do not have any influence on the decision made and there is no right of appeal.

Consultation

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. WA local government participation in the State’s National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.
2. WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State’s decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

Statutory Environment

In agreeing to join the Scheme, the Shire of Pingelly is required to adhere to legislative requirements set out in the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the Local Government Act 1995.

Policy Implications

There are no relevant policy implications.

Financial Implications

The State’s decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and

The State will also provide trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested, noting that this will be on a fee for service basis with costs to be covered by the individual local government. The cost would be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor’s circumstances. All requested DPR’s will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State’s decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Strategic Implications

Goal	Innovation, Leadership and Governance
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Risk Implications

Risk	The most significant risk will arise from the failure to elect to participate in the National Redress Scheme, which will leave the Shire of Pingelly without any protection should future claims arise.
Risk Rating (Prior to Treatment or Control)	Medium (8)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Participation in the scheme will adequately reduce the risk of future Redress application being received by the Shire of Pingelly.

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

Voting Requirements

Simple Majority

12833 Moved: Cr Hotham Seconded: Cr McBurney

Recommendation and Council Decision:

That Council, with respect to the participation in the National Redress Scheme:

- 1) Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2) Notes that the Shire of Pingelly will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Council makes a specific and formal decision to be included;**
- 3) Endorses the participation of the Shire of Pingelly in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4) Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and**
- 5) Notes that a confidential report will be provided if a Redress application is received by the Shire of Pingelly.**

Carried 8:0

14.3 Road Asset Management Plan

File Reference:	ADM0617
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Road Asset Management Plan
Previous Reference:	Nil

Summary

Council is requested to approve the Road Asset Management Plan 2020 - 2039.

Background

As part of the Integrated Planning and Reporting Framework introduced to Local Governments in 2011, there is a requirement to develop asset management plans. This requirement was introduced to enhance the sustainable management of assets by encouraging whole of life and whole of organisation approaches and the effective identification and management of risks associated with the use of assets.

The Framework was developed to assist local governments plan and manage assets, and highlights the fundamental link between asset management, long term financial planning and strategic planning.

A formal review of the RAMP was last undertaken in 2014.

Comment

The Road Asset Management Plan (RAMP) is an important document which explains:

- The assets owned (inventory)
- The service levels or minimum required standards of the asset
- The anticipated future demand for the services provided for the asset including identifying desired increases in the services
- The risks associated with the asset
- Operation and maintenance of the network and the associated costs
- Renewal costs for the network over the next 20 years

The assets covered by the Road Asset Management Plan include:

- 372 km unsealed roads
- 201 km sealed roads
- 726 km surface water channel
- 11.2 km footpaths
- 745 culverts
- 908 – road signs

These infrastructure assets have a replacement value of \$78.74 million, including the formation and earthwork components of roads. The predicted costs to operate, maintain and renew the assets covered by this Plan is an average of \$1.87 million per year. The renewal component of this annual average expenditure is \$1,204,779.

The condition profile for unsealed roads shows a large proportion of unsealed road pavements are in poor or below condition (43%). The majority of sealed road pavements are in an average or better condition (93%). Due to the number of assets being in a poor condition, there is a peak of renewal requirement in the first year of the planning period. The year one renewal requirement is \$4,121,930, which reflects the total expenditure required to return the network to a desired level of service. Such a backlog is not uncommon in local government, and while it is not feasible to renew all assets in the first year, a long term strategy to gradually increase the level of road funding, combined with careful maintenance to increase the life of the infrastructure, is a sustainable and practical way to manage and renew the Shires road assets.

The current industry ratio to measure if there is sufficient future funding for renewal and replacement of assets is the asset renewal ratio. This indicator is a measure of the ability of the local government to fund its projected asset renewals and replacements in the future. A local government must have developed a Long Term Financial Plan supported by Asset Management Plans to determine this ratio. A ratio of less than 75% indicates that the local government may not be making adequate provision for the future renewal or replacement of its asset base. The Road Asset Management Plan shows a renewal ratio of 71% is being achieved over the 10 years, based on current spending levels. This percentage will fluctuate significantly depending on the level of funding for capital roadworks, however, it will need close monitoring to ensure adequate funding is provided for the Shire’s road network.

The Plan will be reviewed on a cyclic basis every 4 years and will be used to support the annual updates to the 10 year Long Term Financial Plan and annual budget.

Consultation

No consultation is deemed required in relation to this item.

Statutory Environment

Asset Management is a core function of managing local government assets which meets the objectives of the Local Government Act 1995, Section 2.7.

Policy Implications

Policy 5.13 Asset Management

Financial Implications

The standards as set out in the RAMP show a backlog in the renewal program and an average required annual expenditure of \$1,204,779. The annual review of the Long Term Financial Plan should carefully consider the level of expenditure allocated to road renewal to ensure a minimum of 75% of asset renewal is provided for.

Strategic Implications

Goal 3	Built Environment
Outcome 3.4	It is easy and safe to move around and in and out of the district
Strategy 3.4.1	Provision of a road network with service levels that meet the needs of industry and residents

Risk Implications

Risk	Not considering financial requirements for input into the Long Term Financial Plan may result in infrastructure deteriorating to a poor condition. This will lead to heightened community concern where assets become non-functional.
Risk Rating (Prior to Treatment or Control)	High (16)
Principal Risk Theme	Financial and Reputational
Risk Action Plan (Controls or Treatment Proposed)	The renewal requirement will be considered on an annual basis as the Long Term Financial Plan is developed and reviewed.

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

Voting Requirements

Simple Majority

12834 Moved: Cr Freebairn

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council adopt the Road Asset Management Plan 2020 – 2039 as attached.

Carried 8:0

14.4 Masterplan – Pingelly Caravan Park

File Reference:	ADM0022
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

Council is requested to approve a reallocation of expenditure from within the 2019/20 Budget in order to fund a masterplan for the Pingelly Caravan Park.

Background

The Shire of Pingelly currently owns and manages the Pingelly Caravan Park, with bookings administered by the Pingelly Community Craft Centre in return for a commission.

The caravan park is one of a small number of accommodation options in town, and the only facility that allows for caravans, campervans and tents. The current amenity of the caravan park is basic.

As Pingelly continues to diversify its economy, and provide for tourism and increased visitation, it is important to have a well designed caravan park that maximises the space available, as well as provides a quality facility. While it is possible to upgrade components of the park without a masterplan, a well planned facility will ensure various stages of the park's development are constructed with a clear ultimate vision.

Comment

The development of a masterplan responds to the Shire of Pingelly Strategic Community Plan which identifies the need for short term accommodation and supports an increased focus in this area.

A masterplan will identify development and improvement opportunities for the Park, including key items to improve the facility in order to provide a better visitor experience and create an environment that will support longer stays. Following the development of the plan, any works can be staged as financial resources become available.

An upgrade to the Pingelly Caravan Park will have a number of benefits, including:

Environmental

- Promote energy efficient and sustainable design principles; and
- Promote the use of native flora species within the Park.

Social

- Create an affordable and family friendly holiday stay option;
- Provide a diverse range of accommodation options;
- Create a safe holiday environment; and
- Promote greater universal access and inclusion opportunities.

Economic

- Increase economic activity through increased intrastate and interstate tourist visitation;
- Increase the duration of visitor stays by developing suitable alternative accommodation options; and
- Increase the marketing potential for Pingelly overall.

An allocation of \$7,000 exists in the 2019/20 Budget for the Refuse site rehabilitation and decommission. The materials and contracts component of this is \$4,040, and available for reallocation as this project is not proposed to be carried out in the current financial year. A site management plan for the Pingelly Waste Management Facility and a Post Closure Management Plan are proposed in Years 3 and 4 of the draft Corporate Business Plan.

In the current economic climate, it is considered an opportune time to be ready to maximise funding opportunities that align with an economic benefit to a community and therefore may align with eligibility for stimulus funding. A masterplan is a key component of a grant application as it demonstrates planning and community consultation around a project.

Consultation

Consultation with the wider community will form part of the development of the masterplan.

Statutory Environment

Local Government Act 1995 section 6.8:

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Policy Implications

Nil

Financial Implications

Based on two quotations received, an allocation of \$4,750 is required to undertake a masterplan. The reallocation of \$4,040 for refuse site rehabilitation will fund most of this project with the remaining \$710 impacting on the 30 June 2020 surplus.

Strategic Implications

Goal 1	Economy
Outcome 1.3	The right resources and infrastructure are in place to support business development, including an increase in visitors and visitor spend in the Shire.
Strategy 1.3.1	Support local tourism infrastructure development.

Risk Implications

Risk	The key risk arises from the Shire not have a masterplan for the Park, therefore not being able to take advantage of funding opportunities as they arise. In addition, this leads to the situation where capital works are undertaken without a future plan, leading to inefficiencies.
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Financial
Risk Action Plan (Controls or Treatment Proposed)	Nil further actions proposed, as the masterplan will provide future configuration of the park as well as supporting documentation for any funding opportunities that arise.

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

Voting Requirements

Absolute Majority

12835 Moved: Cr Hastings

Seconded: Cr Narducci

Recommendation and Council Decision:

That Council:

- 1) approve the reallocation of \$4,040 from the Refuse Site Rehabilitation and Decommission budget, to facilitate a masterplan being prepared for the Pingelly Caravan Park; and**
- 2) Notes an additional impact of \$710 on the 2019/20 Budget in order to complete the masterplan for the Pingelly Caravan Park.**

Carried 8:0

14.5 Councillor Training and Development Policy

File Reference:	ADM0085
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Updated Councillor Training and Development Policy
Previous Reference:	N/A

Summary

Council is requested to adopt changes to the Councillor Training Policy, in order to include recent legislative changes requiring newly elected Councillors to attend mandatory training, and to include professional development as part of the training process.

Background

The Shire of Pingelly currently has a Councillor Training Policy that includes an induction when first appointed to the role and that encourages Councillors to complete further training.

Amendments to the Local Government Act now require Councils to adopt a policy in relation to the continuing professional development of Council Members, with a requirement for a Policy to be published on the local government website. Specifically, Part 5, Division 10 of the Local Government Act 1995 describes provisions related to the universal training of Councillors:

- under section 5.126 of the Act, each Councillor must complete training in accordance with the Regulations
- under section 5.127 of the Act, the CEO must publish a report on the local government's website within 1 month of the end of the financial year detailing the training completed by Councillors
- under section 5.128 of the Act, a local government must prepare and adopt a policy in relation to the continuing professional development of councillors

Comment

Councillors have a unique and challenging role performing their functions. The Shire recognises the value of training and continuing professional development to build and supplement Councillor skills and experience.

The Department of Local Government, Sport and Cultural Industries (DLGSC) have advised that all Elected Members will need to complete the "Council Member Essentials" training course within 12 months of being elected.

The draft Policy includes the provision for an induction for newly elected Councillors, and also describes the Shire of Pingelly's approach to enable Councillors to meet their statutory obligations in relation to Councillor training.

Consultation

Nil

Statutory Environment

Local Government Act 1995

5.126. Training for council members

- (1) Each council member must complete training in accordance with regulations.
- (2) Regulations may —
 - (a) prescribe a course of training; and
 - (b) prescribe the period within which training must be completed; and
 - (c) prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and
 - (d) provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.

Local Government Regulations Amendment (Induction and Training) Regulations 2019 introduced the requirement for mandatory training of elected members.

Policy Implications

Amendments to policies must be determined by an absolute majority decision.

Financial Implications

An allocation is made in the annual budget for the purpose of Councillor training.

Strategic Implications

Goal 5	Innovation, Leadership and Governance
Outcome 5.2	The Shire’s community feels community involvement and engagement is working well.
Strategy 5.2.3	Ensure that there is good communication between the Shire of Pingelly and the community via a range of methods.
Outcome 5.7	Customer service and other corporate systems are of a high quality and effective.
Strategy 5.7.1	The Shire strives for a best practice in its customer service, including governance support, and continually seeks ways to improve delivery where needed.

Risk Implications

Risk	Failure to adopt a policy that meets the requirements of amended legislation may result in deemed non-compliance with the Local Government Act. A secondary risk arises where Councillors do not participate in training, leading to poor governance and decision making.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Absolute Majority

12836 Moved: Cr Wood

Seconded: Cr Narducci

Recommendation and Council Decision:

That Council adopts the updated Councillor Training and Development Policy as attached.

Carried 8:0

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – April 2020

File Reference:	ADM0075
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Director Corporate & Community Services
Disclosure of Interest:	Nil
Attachments:	Monthly Statements of Financial Activity for the period 1 July 2019 to 30 April 2020
Previous Reference:	Nil

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 2020 are attached for Council consideration and adoption. This report now incorporates new Australian Accounting Standards Board (AASB) requirements effective from 1 July 2019. AASB 15 Revenue from Contracts with Customers (IFRS 15), AASB 1058 Income for Not-for Profit Entities, AASB 16 Lease replaces AASB 117 (IFRS 16).

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

Nil

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 2019/2020.

Strategic Implications

Goal 4	Effective Governance and Organisation
Outcome 4.5	Effective and efficient corporate and administrative services
Strategy 4.5.1	Provide a full range of financial services to support Shire's operations and to meet planning, reporting and accountability requirements

Risk Implications

Risk	Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position. As the monthly report is a legislative requirement, non-compliance may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Simple Majority

12837 Moved: Cr Oliveri Seconded: Cr McBurney

Recommendation and Council Decision:

That with respect to the Monthly Statements of Financial Activity for the month ending 30 April 2020 be accepted and material variances be noted.

Carried 8:0

15.2 Accounts Paid by Authority – April 2020

File Reference:	ADM0066
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Senior Finance Officer
Disclosure of Interest:	Nil
Attachments:	List of Accounts
Previous Reference:	Nil

Summary

Council endorsement is required for accounts made by authority for the month of April 2020.

Comment

Unless otherwise identified, all payments have been made in accordance with Council's adopted 2019/20 Budget.

Consultation

Nil

Statutory Environment

Regulation 12 of the *Local Government (Financial Management) Regulations* provides that:

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications

There are no policy implications arising from this amendment.

Financial Implications

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

Strategic Implications

Goal 4	Effective Governance and Organisation
Outcome 4.5	Effective and efficient corporate and administrative services
Strategy 4.5.1	Provide a full range of financial services to support Shire's operations and to meet planning, reporting and accountability requirements

Risk Implications

Risk	Failure to present a detailed listing of payments in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Simple Majority

12838 Moved: Cr McBurney**Seconded: Cr Hastings****Recommendation and Council Decision:****That Council endorse the Accounts for Payments for April 2020 as presented:**

APRIL 2020	
MUNI - 117984856	
EFT 6919 - 6998	\$315,319.49
CHEQUE 24765 - 24768	\$5,309.21
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD11228.1 – DD11277.1	\$13,008.30
TRUST FUND – NIL	N/A
DIRECT DEBIT -	
DD11235.1 – DD11263.5 & EFT6926 – EFT6997 – Pay and Super	\$18,624.74
CREDIT CARDS	
DD11242.1 – DD11242.1	\$896.91
GRAND TOTAL	\$353,158.65
Notification	Explanation
Nil	N/A

Carried 8:0

CONFIDENTIAL ITEMS

12839 Moved: Cr Hotham Seconded: Cr Hastings

Recommendation and Council Decision:

THAT pursuant to Section 5.23 of the Local Government Act 1995 these items be dealt with, with the public excluded as the items deal with the personal affairs of a person.

Carried 8:0

15.3 Confidential item- Sundry Debtors Write Off 2020

File Reference: ADM0494
Location: Shire of Pingelly
Applicant: Not Applicable
Author: Director Corporate & Community Services
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

12840 Moved: Cr Oliveri Seconded: Cr Hastings

Recommendation and Council Decision:

That Council approves the write off of the following sundry debtor account as listed below:

	Debtor Number	Name	Amount
1.	803359	Water Corporation	\$3,871.00

Carried 8:0

15.4 Confidential Item - Shire of Pingelly Sale of Land for Unpaid Rates over Three Years

File Reference: ADM0133
Location: Pingelly
Applicant: Not Applicable
Author: Director Corporate & Community Services
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

12841 Moved: Cr Narducci Seconded: Cr Hotham

Recommendation and Council Decision:

That Council pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, proceed to dispose of the property being A6304 8 Quartz Street Pingelly, due to unpaid rates and charges in arrears for three (3) or more years, and recover from the proceeds of the sale the outstanding balance.

Carried 8:0

12842 Moved: Cr Hastings Seconded: Cr McBurney

Recommendation and Council Decision:

That the meeting be re-opened to the public.

Carried 8:0

15.5 Budget Amendment - Pingelly Public Swimming Pool Capital Works

File Reference: ADM0067
Location: Pingelly Public Swimming Pool
Applicant: N/A
Author: Director Corporate & Community Services
Date: 30 April 2020
Disclosure of Interest: Nil
Attachments: Nil

Summary

Council is requested to approve a 2019/20 budget amendment to undertake the repainting of the Pingelly Public Swimming Pool, pool bowl and repair of the damaged pool bowl expansion joint.

Background

The Pingelly Swimming Pool requires works to be undertaken to repair the damaged pool expansion joint. In addition, the repainting of the pool bowl has not been undertaken for a number of years, and it is considered an opportune time to do both works together to maximise efficiencies.

Comment

The proposed pool bowl painting and repair was proposed to be included in the 2020/21 draft Budget, being fully funded from the swimming pool reserve. As the works are proposed to be funded through the Swimming Pool Reserve, there is no financial impact, and the works can be undertaken in the current financial year.

Two quotes have been sourced from suitable contractors to undertake the capital works at the swimming pool which includes repainting the pool bowl and undertaking the repair of the damaged expansion joint. This item is brought to Council now due to the timing of when best to undertake the works in May before the winter rains.

Consultation

Contract Aquatics
Wetdeck Pools

Statutory Environment

Local Government Act 1995 section 6.8 states:

- 6.8. Expenditure from municipal fund not included in annual budget
- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

- (1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

[Section 6.8 amended by No. 1 of 1998 s. 19.]

Policy Implications

Nil

Financial Implications

Estimated cost of repairs \$30,000 to be 100% funded from the Swimming Pool Reserve. The Reserve has a budgeted balance of \$53,111 as at 30 June 2020.

Strategic Implications

Goal 5	Innovation, Leadership and Governance
Outcome 5.5	The Value of community owned assets is maintained
Strategy 5.5.1	Asset renewals and upgrades are funded to the level required to maintain asset value and agreed service levels.

Risk Implications

Risk	Leaking pool bowl due to damaged expansion joint, failure to repair leaking joint may lead to increased water bills and possible main pump failure should water levels drop.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Infrastructure failure
Risk Action Plan (Controls or Treatment Proposed)	Drain pool and repair damaged expansion joint.

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

Voting Requirements

Absolute Majority

12843 Moved: Cr Wood

Seconded: Cr Narducci

Recommendation and Council Decision:

That Council approves a 2019/20 budget amendment of \$30,000, being for repairs to the expansion joint and repainting of the pool bowl at the Pingelly Swimming Pool, to be funded in full from the Swimming Pool Reserve Account.

Carried 8:0

15.6 Regional Development Australia Wheatbelt Invitation – Joint Membership to Grants Guru

File Reference:	ADM0281
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Community Development Officer
Disclosure of Interest:	Nil
Attachments:	RDA Letter
Previous Reference:	Not Applicable

Summary

Council is requested to approve funds to join the Grant Guru program over an initial 3-year period.

Background

Regional Development Australia Wheatbelt has advised an opportunity exists for the Shire of Pingelly to become involved with an aggregated subscription to Grant Guru, initially over a 3-year period commencing June 2020.

This item relates to a regional grants portal connected via an internet-based software service that delivers Grant Guru funding opportunities throughout the Wheatbelt & Midwest-Gascoyne region. Regional Wheatbelt Australia is requesting a commitment from 42 Local Governments in the Wheatbelt Region to be involved in a collaboration, namely providing access to the Grant Guru funding opportunities.

Each Shire, should they join, will have the benefit of a service streamlined to their needs with the addition of educational videos and written materials to enable suitably placed grant writing opportunities and a limit to crossover applications from competing Local Government Authorities. Regional Development Australia Wheatbelt will have “master user” information, as this will enable them to flag duplicating grant applications creating a coordinated approach to grant funding.

Comment

Grant funding is becoming increasingly vital to progress opportunities of benefit to the region. This is reinforced by the COVID-19 environment which is escalating the need for grant funding to assist in recovery efforts for local communities. It is expected there will be multiple funding opportunities arising from the Federal Government’s desire to improve social and economic outcomes, as a result of social distancing and infection control measures.

Overall the benefits of a collaborative approach under the Grant Guru proposal includes:

- Reduced subscription fees for Grant Guru.
- The ability to collaborate with other Shires, thus reducing cross over of applications within funding opportunities.
- Additional availability of training material (video and written).
- Empowered understanding of the grants landscape, and how to successfully access the funding.
- A valuable investment for COVID-19 recovery initiatives.

Additionally, the Shire of Pingelly would be better placed to pursue grant funding in a timely manner through the Grant Guru program/portal, further enhanced by the educational features as well as the endorsement by Regional Development Australia Wheatbelt. Staff access would optimise the acceleration of opportunities to progress projects and plans.

Consultation

Regional Development Australia consulted with Grant Guru to request a cross regional subscription to access their portal as an internet-based software service, primarily to assist Regional Development Australia Wheatbelt in their ability to service those looking for funding opportunities such as Government, Business or Community Groups.

This consultation afforded Regional Development Australia Wheatbelt to reduce costs for those joining the program proposed to 63 Local Governments, 42 of which are Wheatbelt located. Regional Development Australia has subsequently consulted Local Government zone members throughout late 2019 requesting support of the program.

Statutory Environment

Local Government Act 1995 – Part 6 – Financial Management, Division 4 – General financial Provisions – 6.8 (1), (b).

Policy Implications

Nil.

Financial Implications

\$775 Annual Subscription – initially over a three-year period (usually \$7000).

Program set up at nil cost – a saving of \$2000.

Strategic Implications

Goal 1	Economy
Objective 1.1	The Shire experiences significant new business growth and employment and is known widely as an innovative and collaborative community which is attracting new population and investment.
Strategy 1.1.1	Work with community groups, local business and other partners to explore and leverage opportunities for business development around the PRACC.
Strategy 1.1.2	Continue to build relationships with tertiary research institutions (e.g. UWA), local business and other partners which bring collaboration on key projects and support Pingelly's vision for the future.
Strategy 1.1.4	Support business and community tourism promotion initiatives.
Objective 1.3	The right resources and infrastructure are in place to support business development, including an increase in visitors and visitor spend in the Shire.
Strategy 1.3.1	Support local tourism infrastructure development.
Goal 2	Community
Objective 2.4	People have access to attractive community facilities, activities and events which support activity and health, community involvement and enjoyment of life
Strategy 2.4.1	Provide a range of community facilities and associated services in a way that maximises use and community activity.
Strategy 2.4.2	Continue to develop the PRACC as a focal point for recreation and cultural activities.
Strategy 2.4.4	Celebrate key annual national events and support a range of local community events.
Objective 2.5	The young, older people and people with disability feel valued and have access to resources which provide opportunities for their development and enjoyment.
Strategy 2.5.1	Enable people, particularly seniors and people with disability, to be able to move easily around the town and to use community facilities.
Strategy 2.5.2	Advocate for and facilitate provision of services and resources to address issues experienced by young people and seniors.

Risk Implications

Risk	There is little risk to the Shire of Pingelly joining the Grant Guru subscription other than the possibility of internet difficulties or grant opportunities not being streamlined effectively, however, this could be mitigated by Regional Development Australia Wheatbelt monitoring of the portal, viewing applications and aspirations of the Shires and as such able to assist with applications.
Risk Rating (Prior to Treatment or Control)	Low
Principal Risk Theme	Infrastructure
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Absolute Majority

12844 Moved: Cr McBurney

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council agrees to endorse funding of \$775 being allocated in the draft 2020-21 Budget, for the purpose of joining the Grant Guru program, noting that this commitment will be required on an annual basis for a total of three financial years.

Carried 8:0

15.7 Disability Access and Inclusion Plan 2020-25

File Reference:	ADM0044
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Community Development Officer
Disclosure of Interest:	Nil
Attachments:	Disability Access and Inclusion Plan 2020-25
Previous Reference:	Not Applicable

Summary

Council is requested to endorse the Disability Access and Inclusion Plan 2020-25 in order to comply with legislative requirements.

Background

The Disability Access Inclusion Plan 2020-25 is a strategic document for the Shire of Pingelly required by the Government of Western Australia and registered with the Department of Communities. It is a public document which is implemented over five years and reported on annually to improve quality of life outcomes for people who live with a disability.

The Shire of Pingelly has received advice from the Department of Communities that the Disability Access and Inclusion Plan 2020-25 is compliant with legislative requirements. Following Council endorsement, a final version will be submitted for the Department to retain.

Comment

All public authorities in Western Australia are required under the Disability Services Act (1993) to develop, implement, review and report on a DAIP. The requirements of a DAIP are to ensure that people with a disability can access services, facilities, buildings, employment, complaints processes, services and information provided by public authorities in Western Australia in a way that facilitates increased independence, opportunities and inclusion within the community.

The Australian Bureau of Statistics, 2012 Survey of Disability, Ageing and Carers (SDAC) estimated that 4.2 million Australians, or 18.5% of the population, had a disability. This statistic has important implications for the Shire of Pingelly which has one of the state's highest proportion of residents aged 60 years and over (35.6%) compared to the state average of 19.3% and the national average of 21.4%. The Shire acknowledges accessibility and inclusion affects local residents and visitors.

In addition, according to the Australian Institute of Health and Welfare, the rate of disability in Aboriginal and Torres Strait Islander people is much higher than in the rest of the population across all age groups, with Aboriginal and Torres Strait Islander people 1.7 times as likely to have a disability and 1.5 times as likely for that disability to be profound core activity limitation. The 2016 Census confirms Aboriginal and Torres Strait Islander people make up 12.47% of the Shire of Pingelly population (compared to 2.8% nationally). As a result, the Shire must be aware and proactive in providing accessible and inclusive services for First Australian people.

Some of the highlights of the Shire of Pingelly's progress for the former Disability Access and Inclusion Plan 2015-19 are:

- Successful grant applicant for the Lighthouse Project, provided by Local Government Professionals WA and administered by Department of Communities, to deliver the Pingelly and Surrounding Districts Disability in Employment Awareness Program.
- The provision of Disability, Access and Inclusion awareness training to all Shire of Pingelly staff, as well as facilitation of targeted workshops for local businesses, community groups and surrounding local government areas.
- All Shire of Pingelly Administration staff completed the Forrest Personnel Disability, Access and Inclusion short course.

- Implementation of the Shire of Pingelly Customer Service Charter which includes information for accessing the National Relay Service for people who are deaf, have a hearing impairment or speech impairment.
- Construction of the Pingelly Recreation and Cultural Centre (PRACC) to replace the former Pingelly Community Centre to current building standards.
- Corporate documents including agendas, minutes and other documents are available on request in alternative formats and are published on the Shire's website.
- Implementation of inclusive recruitment practices, including incorporation of Equal Employment Opportunity statement on job vacancy advertisements, job advertisements are available in an accessible format and interviews for positions are held in accessible venues.

The Disability Access and Inclusion Plan 2020-25 will benefit people with disability and their families, the elderly, young parents and people from culturally and linguistically diverse backgrounds by ensuring our services, facilities, buildings, employment and information provided by the Shire of Pingelly are accessible and inclusive.

Consultation

During 2019-20 the Shire undertook a review of the DAIP 2015-19 and consulted with key Shire employees, community members and local agencies to draft a DAIP that guides further improvements in access and inclusion. The process included:

- An internal review of the DAIP 2015-19 outcomes to determine what had been achieved and an evaluation on what was unaccomplished.
- Consultation with key Shire employees, and
- Consultation with the community, people living with a disability, their families, carers and disability service providers.

The community will be informed of the new Disability Access and Inclusion Plan through a community notice, social media, local media, online via the Shire's website and at our facilities. It will be made available upon request in a preferred format which may include large print, braille, audio, or accessible electronic format.

Statutory Environment

All public authorities in Western Australia are required under Part 5, sections 27-29 of the Disability Services Act (1993) to develop, implement, review and report on a Disability Access and Inclusion Plan (DAIP).

Other legislation underpinning access and inclusion includes the Western Australia Equal Opportunities Act 1984 (amended 1988), Commonwealth Disability Discrimination Act 1992 (DDA) and the United Nations Convention on the Rights of Persons with a Disability (2007).

Additional legislation and policy relating to disability when planning for access and inclusion include:

- The Building Code of Australia (BCA) that provides a set of minimum requirements for new buildings and renovations;
- The Access to Premises Standard under the Disability Discrimination Act (DDA) that became effective for any buildings or major redevelopments commencing after May 2011;
- Count Me In – Disability Future Directions, the state government's long-term plan based on its vision that, 'All people live in welcoming communities that facilitate friendship, mutual support and a fair go for everyone'.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Goal 2	Community
Objective 2.4	People have access to attractive community facilities, activities and events which support activity and health, community involvement and enjoyment of life.
Strategy 2.4.3	Provide parks and gardens which can be enjoyed by all, including easy to access, good quality and interesting play areas for children, recreation opportunities for young people, and appropriate pathways and seating for older people and those with disability.
Strategy 2.5.1	Enable people, particularly seniors and people with disability, to be able to move easily around the town and to use community facilities

Risk Implications

Risk	As there is a legislative requirement for Local Government Authorities to adopt a Disability Access and Inclusion Plan the risk of not endorsing one could lead to non-compliance with the Disability Services Act 1993.
Risk Rating (Prior to Treatment or Control)	Low
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Simple Majority

12845 Moved: Cr Hastings

Seconded: Cr Narducci

Recommendation and Council Decision:

That Council adopts the Disability Access and Inclusion Plan 2020-25 as attached.

Carried 8:0

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Reduction of Level of Service Pingelly Waste Facility

File Reference:	ADM0026
Location:	Lot 308 – 73 Rickard Street
Applicant:	Not Applicable
Author:	Director Technical Services
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

Council is requested to approve the proposed changes to operating hours of the Pingelly Waste Management Facility.

Background

The Shire of Pingelly operates the Pingelly Waste Management Facility located at Lot 38 Crown Reserve 22955 Great Southern Highway, Pingelly.

This Category 62, Class 2 and 3 facility operates under licence issued by the Department of Water and Environment Regulation under the Environmental Protection Act 1986, Part V.

Comment

The existing agreement between Great Southern Waste and the Shire of Pingelly for the provision of waste facility management services expired on 9th January 2017.

This has been no price increase from Great Southern Waste since the commencement of the now expired agreement.

The Director of Technical Services sought a quote from Great Southern Waste for the provision of waste management facility services based on two options of levels of service provided:

Option 1- Maintain existing service levels (open to public 4 days per week)

Option 2 – Reduced level of service (open to public 3 days per week)

Currently the Pingelly Waste Facility operates Friday, Saturday, Sunday & Monday from 7.30am to 4.00pm at a cost of \$86,372 per annum and increasing for 2020/21 to \$97,812 per annum.

The proposal is to reduce the level of service to be open to the public three days per week on Saturday, Sunday and Monday's 7.30am to 4.00pm from 1 July 2020 at a service contract cost of \$75,933 per annum.

Comparison of operating hours at other Shires are as follows;

- Shire of Brookton Waste Facility operates 3 days per week
- Shire of Beverley Waste Facility operates 3 days per week
- Shire of Wandering Waste Facility operates 2 days per week
- Shire of Cuballing Waste Facility operates 3 half days per week

Any changes to the opening hours of the Pingelly Waste Management Facility would be communicated the broader public via the Pingelly Times, Social Media and Shire website throughout June 2020 prior to the changes being implemented.

Consultation

Great Southern Waste

Statutory Environment

Waste Avoidance and Resource Recovery Act 2007

Policy Implications

Not Applicable

Financial Implications

The costs related to the proposed reduction of levels of service represents a saving of approximately \$21,879 for the 2020/2021 financial year based on rates advised by Great Southern Waste.

Strategic Implications

Goal 4	Natural Environment
Outcome 4.1	Maximised resource recovery from waste and safe disposal of residual waste.
Strategy 4.1.1	Provide people with the ability to reduce their waste and deal with residual waste appropriately.
Strategy 4.1.2	Ensure the Shire's waste disposal facilities can appropriately handle all solid and liquid waste.

Risk Implications

Risk	The decrease in service level may result in heightened community concern due to the reduced ability to access the Pingelly Waste Facility.
Risk Rating (Prior to Treatment or Control)	Medium (8)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	A short period of advertising is proposed to advise the community about this change.

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

Voting Requirements

Simple Majority

12846 Moved: Cr Wood

Seconded: Cr Oliveri

Recommendation and Council Decision:

That Council authorise the reduction in the level of service for the Pingelly Waste Management Facility from four days per week to three days per week as at 1 July 2020.

Carried 8:0

16.2 Bush Fire Advisory Committee

File Reference:	ADM0057
Location:	Shire of Pingelly
Applicant:	Chief Bush Fire Control Officer
Author:	Administration Officer Technical
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

Council is requested to adopt the recommendations from the Bush Fire Advisory Committee to endorse the election of the Fire Control Officers and changes to the Fire Control Order.

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.

The conditions in the Fire Control Order are also reviewed and any changes that need to be made are endorsed.

Comment

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

Chief Fire Control Officer	Rodney Leonard Shaddick
Deputy Chief Fire Control Officer	Robert Alexander Kirk
Training Officer/Organisation	Shire of Pingelly
Shire of Pingelly	Julie Burton (CEO) Darryn Watkins (DTS) Sheryl Frances Squiers (AOT)
Fire Control Officers:	
East Pingelly Brigade	Jeffrey Bernard Edwards Victor Arthur Lee Andrew Augustin Marshall Sam MacNamara
Moorumbine Noonebin Brigade	Rodney Leonard Shaddick (CBFCO) Brodie Cunningham Scott Cunningham
West Pingelly Brigade	Simon Parsons Anthony Turton Adam Lindsay Watts Malcolm Leslie Cunningham
Pingelly Central/VFRS	Robert Alexander Kirk (DCBFCO & Captain) Peter Narducci
Fire Weather Officers (Harvest & Vehicle movement ban)	Rodney Leonard Shaddick Robert Alexander Kirk Graeme Alex Watts Sam MacNamara

Dual Fire Control Officers

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

There has also been a recommendation to add the following wording to the Fire Control Order in relation to ongoing maintenance of firebreaks/hazard reduction throughout the restricted and prohibited burning periods.

The following options were put to the BFAC Committee via email.

Option 1:

Ongoing Maintenance of Firebreaks/Hazard Reduction

Firebreaks/Hazard Reduction must be completed before the 1 November and maintain compliance until the 29 March for each and every year.

Option 2:

Ongoing Maintenance of Firebreaks/Hazard Reduction

Pursuant to the powers contained in section 33 of the Bush Fires Act 1954, you are hereby required on or before 31 October, to plough, scarify, cultivate, spray or otherwise clear and thereafter maintain free of all inflammable material until 29 March mineral earth Firebreaks or hazard reduction, on the land owned or occupied by you.

The wording in Option 2 was the preferred response received.

Consultation

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

BFAC committee decision to alter wording in Fire Control Order

Statutory Environment

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

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

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2)
 - (a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
 - (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
 - (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person who is not a member of staff (as defined in the DFES Act) to the vacant office.
 - (e) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provision of Part III.
- (5)
 - (a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
 - (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
 - (c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6)
 - (a) In this section —

approved local government means a local government approved under paragraph (b) by the Authority.
 - (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —
 - (i) may approve the local government as one to which this subsection applies; and
 - (ii) may from time to time cancel or vary any previous approval given under this paragraph.

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

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

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

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

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

Policy Implications:

Council's Policy provides that:

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

Financial Implications

There are no known financial implications.

Strategic Implications

Goal 2	Community
Outcome 2.3	People feel that their community is safe for all, free of nuisance and protected from risk of damage
Strategy 2.3.2	Act to reduce the risk of bush fire, and be prepared in case of bush fire in terms of emergency response and disaster recovery

Risk Implications

Risk	Risk of the potentiality of bush fire.
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Operations
Risk Action Plan (Controls or Treatment Proposed)	To promote the prevention and control of the outbreak of bush fire.

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

Voting Requirements

Simple Majority

12847 Moved: Cr Freebairn

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council:

1. Endorse the following Bush Fire Control Order for the 2020/21 season

FIRE CONTROL ORDER 2020/21

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 29 March in the following year.

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

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

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

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

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

Farming Land

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

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

Note: Landowners may use a single firebreak on a neighbour’s common fenced boundary as long as both parties agree in writing and a copy of the agreement is delivered to the Shire of Pingelly. *All agreements to be submitted to the Shire of Pingelly by 1 October of each year for the Chief Executive Officer to acknowledge agreement.*

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

Townsite Land

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

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

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

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

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

Application to Vary Firebreak Requirements

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

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

By Order of Council

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

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

Control of Operations Likely to Cause a Fire

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

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

Firebreaks on Road Reserves

Firebreaks are not permitted on a road reserve.

Primary Fire Fighting Units

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

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

Clover Harvesting

Harvesting bans include the harvesting of clover.

Boyagin Rock Picnic Area

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

Option 2 to be inserted into the Fire Control Order:

Ongoing Maintenance of Firebreaks/Hazard Reduction

Pursuant to the powers contained in section 33 of the Bush Fires Act 1954, you are hereby required on or before 31 October, to plough, scarify, cultivate, spray or otherwise clear and thereafter maintain free of all inflammable material until 29 March mineral earth Firebreaks or hazard reduction, on the land owned or occupied by you.

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

Chief Fire Control Officer	Rodney Leonard Shaddick
Deputy Chief Fire Control Officer	Robert Alexander Kirk
Training Officer/Organisation	Shire of Pingelly
Shire of Pingelly	Shire of Pingelly Julie Burton (CEO) Darryn Watkins (DTS) Sheryl Frances Squiers (AOT)
Fire Control Officers East Pingelly Brigade	Jeffrey Bernard Edwards Victor Arthur Lee Andrew Augustin Marshall Sam MacNamara
Moorumbine Noonebin Brigade	Rodney Leonard Shaddick (CBFCO) Brodie Cunningham Scott Cunningham (FCO training required)
West Pingelly Brigade	Simon Parsons Anthony Turton Adam Lindsay Watts Malcolm Leslie Cunningham
Pingelly Central/VFRS	Robert Alexander Kirk (DCBFCO & Captain) Peter Narducci
Fire Weather Officers (Harvest & Vehicle Movement Ban)	Rodney Leonard Shaddick Robert Alexander Kirk Graeme Alex Watts Sam MacNamara

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

Dual Fire Control Officers

Brookton:

**Rodney Leonard Shaddick
Robert Alexander Kirk
Jeffrey Bernard Edwards
Victor Arthur Lee
Malcolm Leslie Cunningham
Adam Lindsay Watts**

Wickepin:

**Rodney Leonard Shaddick
Robert Alexander Kirk
Victor Arthur Lee
Andrew Augustin Marshall
Sam MacNamara**

Cuballing:

**Rodney Leonard Shaddick
Simon Parsons Anthony Turton
Robert Alexander Kirk
Andrew Augustin Marshall**

Corrigin:

**Rodney Leonard Shaddick
Robert Alexander Kirk
Jeffrey Bernard Edwards
Victor Arthur Lee
Sam MacNamara**

Wandering:

**Rodney Leonard Shaddick
Robert Alexander Kirk
Simon Parsons
Anthony Turton
Adam Lindsay Watts
Malcolm Leslie Cunningham**

Carried 8:0

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

Nil.

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).

Nil.

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 3.35pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 17 June 2020.

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