



Shire of Pingelly

Minutes

Ordinary Council Meeting
17 February 2021

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2pm.

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, 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 B Hotham	
Cr P Narducci	
Cr D Freebairn	
Cr K Hastings	
Cr A Oliveri	
Cr P Wood	

STAFF IN ATTENDANCE

Ms J Burton	Chief Executive Officer
Mrs D Sweeney	Executive Manager Corporate Services
Mr D Watkins	Executive Manager Technical Services
Mrs L Boddy	Executive Assistant
Mr S Kempton	Community Development Officer (until 2.46pm)

VISITORS

No members of the public present.

APOLOGIES

Nil

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

N/A

6. PUBLIC QUESTION TIME

No members of the public present.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 9 December 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

12953 Moved: Cr Oliveri Seconded: Cr Hotham

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 9 December 2020 be confirmed.

Carried 8:0

10. PETITIONS / DEPUTATIONS / PRESENTTIONS / 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
- Pingelly Youth Network 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 Mulroney (President)

Meetings attended:

December

- 14th Pingelly Primary School Awards Presentation
- 16th Visit Pingelly Men's Shed informal presentation
- 16th Phone call with Office of Auditor General Department regarding closure 2019-2020 Audit
- 18th Shire's Christmas Lunch with Councillors and staff

January

- 19th Meeting - President and CEO re Australia Day Events
- 26th Australia Day Breakfast, Citizenship ceremony - Australia Day Awards, Community Person and Sportsperson award for 2020
- 26th Council - Australia Day activities and Lunch at Pingelly Swimming Pool
- 26th Australia Day Awards and prize presentation - Pingelly Bowling Club at PRACC
- 27th President, Deputy President and CEO meeting update on Council activities

February

- 9th President and CEO phone conversation regarding Pingelly Oval
- 10th Agenda Briefing President and CEO
- 10th PRACC Board Meeting
- 11th Special Council Meeting and Audit Committee Meeting
- 17th February Ordinary Council Meeting

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 WALGA Annual General Meeting and WA Local Government Convention 2021

File Reference:	ADM0088
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

For Council to nominate two (2) Council voting delegates for the 2021 WALGA Annual General Meeting, to be held in Perth on 20 September 2021, as part of the Annual Local Government Convention (19-21 September).

Background

The 2021 WA Local Government Convention & Trade Exhibition (Local Government Week) will be held Monday and Tuesday 20 -21 September 2021 at the Crown Perth, with the Opening Welcome Reception being held on the evening of Sunday 19 September 2021.

In accordance with previous Local Government Weeks, WALGA will hold its Annual General Meeting, to discuss and consider local government industry issues during the Convention. Each member Council of WALGA has the ability to elect two (2) voting delegates to participate at the WALGA Annual General Meeting (non-voting delegates are also able and encouraged to attend).

Comment

Attendance at the annual WA Local Government Convention is open to all Councillors. Registration fees, travel and accommodation expenses will be paid by the Shire in advance for any Elected Member(s) attending the WA Local Government Convention.

As a member of WALGA, it is important that Council also attend WALGA's Annual General Meeting, requiring the election of voting delegates by Council.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Policy 4.10 Councillor Training Policy notes that WALGA training is an eligible training activity for Councillors.

Financial Implications

Anticipated costs are approximately \$2,500 per delegate comprising registration of \$1,750; accommodation of approximately \$600 per delegate, plus meals and other miscellaneous expenses.

Strategic Implications

Goal 5	Innovation Leadership and Governance
Outcome 5.8	A strong corporate governance framework is maintained
Strategy 5.8.2	Ensure compliance with legislative requirements and excellence in business performance

Risk Implications

Risk	Risks relevant to this decision of Council are relatively low, and include the financial impact of the convention, and the reputational risk if no delegates were present to vote at the WALGA AGM.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Financial, Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

Risk Matrix

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

Voting Requirements

Simple Majority

12955 Moved: Cr Hastings Seconded: Cr Hotham

Recommendation and Council Decision

That Council

1. **Nominate Councillors Mulroney and Hastings as the Shire's Voting Delegates for the WALGA Annual General Meeting to be held in Perth on 20 September 2021.**
2. **Endorse Councillor/s Mulroney, Freebairn and Hastings to attend the 2021 Western Australian Local Government Convention.**

Carried 7:1

14.2 Review of Shire of Pingelly Town Planning Scheme

File Reference:	ADM0101
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Report of Review
Previous Reference:	Nil

Summary

Council is requested to approve the Report of Review which has been prepared to satisfy the requirements under Regulations 65 and 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), for the Shire of Pingelly to carry out a review of its Local Planning Scheme No.3.

Background

Pursuant to Part 6, Division 1 of the Regulations, the local government is required to review its Local Planning Scheme at five year intervals. The review process commences with the local government preparing a “Report of Review” and making recommendations to the Western Australian Planning Commission (WAPC) on how to proceed.

In particular, the report must make recommendations on the following:

- Whether the scheme:
 - is satisfactory in its existing form; or
 - should be amended; or
 - should be repealed and a new scheme be prepared in its place.

and

- Whether the local planning strategy for the scheme:
 - is satisfactory in its existing form; or
 - should be reviewed; or
 - should be repealed and a new strategy prepared in its place.

Comment

The Regulations require the local government to review its Local Planning Scheme and Strategy every five years to ensure that the documents are current and reflect the requirements and directions of the State Planning Framework.

The Shire of Pingelly Local Planning Scheme No. 3 (LPS3), provides the legal framework for assessing planning proposals while the Local Planning Strategy (LPS) provides a longer term strategic vision for how the Shire could develop. The intent is to allow the LPS3 to be amended from time to time to accommodate development and land uses that align with settlement patterns shown in the LPS.

The following section provides a summary of the “Report of Review” (as attached).

Deemed Provisions

The Regulations have ‘Deemed Provisions’ which automatically apply to every local government in Western Australia, and override some sections of the Shire’s existing Scheme. Where there is a conflict between the Shire’s Scheme and the ‘Deemed Provisions’, then the Regulations prevail. The ‘Deemed Provisions’ mainly cover administrative procedures and common planning requirements such as:

- a. The process for making, amending or revoking a Local Planning Policy;
- b. Heritage Protection;
- c. The process for Structure Plans (which guide larger sized subdivisions);
- d. Listing development that requires planning approval and exemptions from planning approval;
- e. A generic state wide planning application form;
- f. The information to be lodged with a development application;
- g. Advertising procedures;
- h. Processes for dealing with development applications, including the 'Matters to be considered by the Local Government';
- i. Powers of Local Governments; and
- j. Delegations by Local Government.

The 'Deemed Provisions' also include a section on mapping which dictates the zones, reserves and colours that can be used on any Scheme Map.

There are whole sections of the LPS3 text that have become redundant and have been replaced by clauses in the 'Deemed Provisions' of the Regulations

Model Provisions

The Regulations contain a template of a Local Planning Scheme text which outlines what the WAPC considers to be the ideal format for any new or amended Scheme. The template is known as the 'Model Provisions for Local Planning Schemes'. The Regulations use the more modern term 'Local Planning Scheme' instead of 'Town Planning Scheme'.

Some of the Model Provisions are essentially fixed (i.e. the WAPC will not support any variations). An example is that there are set zones and reserves that can be used in a Scheme. There are also set objectives for zones and reserves that have to be utilised. While not stated by the WAPC, the long-term outcome will be that most Local Planning Schemes throughout the State will have similar formats, with consistent zones, reserves and scheme text format. There are some areas within the Model Provisions where local governments can include their own local requirements, such as development controls (like site requirements), and exemptions for development from the need for planning approval.

The Report of Review (attached) has been prepared to satisfy the requirements of the Regulations. This Report shows that that LPS3 and LPS are generally satisfactory, however, due to the significant changes in the Model Scheme Text, a new Scheme is expected to be an efficient way to incorporate the required changes.

Ordinarily, a review of a Local Planning Strategy is completed initially, with the Local Planning Scheme following. Given Pingelly's circumstances are that the Scheme is outdated, while the Strategy in comparison provides solid future direction, the WAPC are likely to approve the review of the Scheme in the first instance. The review of the Strategy could occur in the future, with the DPLH indicating that they may be able to assist with the review at a nil or subsidised cost to the Shire.

Consultation

The Regulations do not require public consultation during the preparation of a 'Report for Review', however, clause 67 (2) of the Regulations does require the advertising of the decision by the WAPC and making the "Report of Review" available for inspection at its office.

Depending on the direction approved by the WAPC, future stages of the review process will require comprehensive advertising/consultation with government agencies and the community.

Statutory Environment

Part 5 of the Planning and Development Act 2005 (the Act) provides local governments with the power to make and review local planning schemes. Division 5 of Part 5 of the Act specifically addresses matters associated with the review of local planning schemes.

The Act is supported by the Regulations. Attachment 2 provides details of Part 6, Division 1 – Review and consolidation of local planning schemes.

Policy Implications

Changes to the Local Planning Scheme may necessitate a number of policy amendments.

Financial Implications

A review of the Shires Local Planning Scheme may require an additional allocation of funds for planning consultant’s advice and assistance. If mapping changes are required, it may be necessary to allocate funding for external drafting, depending on the availability of staff from the Department of Planning Lands and Heritage.

Strategic Implications

Goal 3	Built environment
Outcome 3.2	New development (including commercial) is of a high quality and contributes positively to the character and appearance of the town.
Strategy 3.2.3	Plan for appropriate location of activities within the Shire, in a way that is consistent with the community’s vision for the future
Action 3.2.3.1	Review the Town Planning Scheme

Risk Implications

Risk	The key risk in relation to an outdated TPS, that is not in line with the model provisions, is that decisions by the Shire may be inconsistent with those made by the Department of Planning Lands and Heritage, and may be difficult to apply to modern land uses.
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

Risk Matrix

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

Voting Requirements

Simple Majority

**12956 Moved: Cr Narducci Seconded: Cr Freebairn
Recommendation and Council Decision**

That Council:

- 1. Pursuant to Part 6, Division 1, Sections 66(1)(b) and (c) of the Planning and Development (Local Planning Schemes) Regulations 2015 approves the “Report of Review” (as attached) and provides a copy to the Western Australian Planning Commission.**
- 2. Recognises the need to modernise its key land use planning instruments and seeks the support of the Western Australia Planning Commission to determine the most effective and efficient approach that minimises costs to the Shire.**
- 3. Subject to point 2, the *Shire of Pingelly Local Planning Scheme No.3* should be either be:
 - a) Updated through an omnibus amendment (text and maps); or**
 - b) Repealed and a new *Shire of Pingelly Local Planning Scheme No. 4* prepared in its place to reflect the Regulations.****
- 4. Agrees that the *Shire of Pingelly Local Planning Strategy* should be reviewed including that the Strategy is to only focus on the Shire of Pingelly (and not the Shires of Narrogin and Wickelpin) and it is to review opportunities to facilitate additional industrial/transport logistic development.**

Carried 8:0

14.3 Shire of Pingelly Bushfire Risk Management Plan

File Reference:	ADM0057
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Draft Bushfire Risk Management Plan
Previous Reference:	Nil

Summary

Council is requested to consider the adoption of the Shire of Pingelly Bushfire Risk Management Plan 2020-2025, which has been reviewed and supported by the Office of Bushfire Risk Management (OBRM).

Background

The Shire of Pingelly Bushfire Risk Management Plan 2021-2026, has been developed in accordance with the requirement of the Guidelines for Preparing a Bushfire Risk Management Plan (BRMP), which is consistent with the policies of the State Emergency Management Committee.

The BRMP is a living document that Local Governments are required to produce under the State Hazard Plan for Fire. It details the risk from bushfire to identified assets, allows treatment to be applied and records maintained of all works completed. Once approved by the Office of Bushfire Risk Management (OBRM), it also qualifies the Shire as eligible to apply for funding under the Mitigation Activity Fund (MAF).

The BRMP is a strategic document that identifies assets at risk from bushfire and their priority for treatment. The resulting 'Treatment Schedule' sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRMP. Government agencies, and other land managers responsible for implementing treatments, participate in developing the BRMP to ensure treatment strategies are collaborative and efficient, regardless of land tenure. Treatments will be guided by risk priority, not land tenure, and will not be limited to local government managed lands. Mitigation Activity Funds can, however, only be used on local government vested/managed land /reserves.

The objectives of the BRMP are to:

- Guide and coordinate a tenure blind, multi-agency bushfire risk management program over a five year period;
- Document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- Facilitate the effective use of the financial and physical resources available for bushfire risk management activities;
- Integrate bushfire risk management into the business processes of local government, land owners and other agencies;
- Ensure there is integration between land owners and bushfire risk management programs and activities; and
- Monitor and review the implementation of treatments to ensure treatment plans are adaptable and risk is managed at an acceptable level.

Following Councils approval and formal adoption, the draft BRMP will be submitted to the OBRM to ensure that it meets the required standard as per the Bushfire Risk Management Planning – Guidelines for Preparing a Bushfire Risk Management Plan. Where no significant changes are suggested, the draft will become the final Plan.

Following the BRMP being reviewed and approved by the Office of Bushfire Risk Management (OBRM) the Shire will be eligible to apply under the MAF, for monies to complete the identified treatments.

Comment

There were a total of 268 assets identified for the BRMP assessments covering four (4) Asset Categories (Human Settlement, Economic, Environmental and Cultural). The assets were assessed by DFES in consultation with local stakeholders, on the likelihood rating and the consequence. The assessment also took into consideration the bushfire hazard based on the Classification of Vegetation, Separation Distance and the Slope Rating of the topography.

From this assessment, a Risk Evaluation was formulated identifying the risk category and the treatment priority for each of the assets. Assets listed as High, Very High and Extreme will require treatment. This will be developed in consultation with land owners and other stakeholders, with a treatment schedule to be completed within six months of the BRMP being endorsed by Council.

Within six months of adoption by the Council, the Shire of Pingelly is required to finalise the Treatment Schedule in the Bushfire Risk Management System (BRMS) and provide written notification to OBRM. It is not necessary to provide further updates to OBRM if any individual treatments are subsequently added, edited, rescheduled or deleted from the original schedule after this time.

As per the Guidelines, at the end of each financial year, the Shire of Pingelly will be required to prepare and submit a report to OBRM detailing progress against the BRM Plan. The annual report is a standard report generated within BRMS and comments may be added to the report to provide further context.

Consultation

Discussions have been undertaken with key stakeholders, including:

- DFES Bushfire Risk Planning Coordinator
- Department of Fire Emergency Services
- Chief Bushfire Control Officer
- Community Emergency Services Manager

Statutory Environment

As per obligations under section 2.2.7 of the State Hazard Plan for Fire, an integrated Bushfire Risk Management Plan is to be developed for Local Government areas with significant bushfire risk.

Policy Implications

Nil

Financial Implications

There is funding available annually through the Mitigation Activity Funding, and this will be the primary source of funding. The funding available is for the initial treatment to reduce the fire risk, and thereafter it will be the responsibility of the Shire for ongoing maintenance.

Funding under the MAF will have a resource implication for the Shire's Volunteer Bushfire Brigades, DFES Town Brigade and associated volunteers. In addition, managing the projects funded under the MAF will impact internal staff resources.

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.
Action 2.3.2.1	Prepare a Bushfire Risk Mitigation Plan in conjunction with DFES.

Risk Implications

Risk	Should Council decide not to endorse the BRMP it would place the Shire in default of its obligations under the State Hazard Plan requirements. This poses a significant reputational risk should a disaster occur.
Risk Rating (Prior to Treatment or Control)	High (12)
Principal Risk Theme	Reputational, Health
Risk Action Plan (Controls or Treatment Proposed)	Following endorsement of the BRMP, funding will be sought through the Mitigation Action Fund, to reduce identified risks.

Risk Matrix

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

Voting Requirements

Simple Majority

12957 Moved: Cr Narducci Seconded: Cr McBurney

Recommendation and Council Decision

That Council adopt the draft Bushfire Risk Management Plan 2021 – 2026, noting that this draft Plan will become final, subject to feedback from the Office of Bushfire Risk Management not suggesting any consequential amendments.

Carried 8:0

14.4 Approval of Donation Agreement

File Reference:	ADM0012
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Draft Donation Agreement
Previous Reference:	Nil

Summary

Council is requested to endorse the draft Agreement between the Shire of Pingelly and Mr Neil and Mrs Yvonne Gill for the donation of a collection of sulkies and buggies, and other items.

Background

Mr Neil and Mrs Yvonne Gill have offered to donate a collection of historical items to the Shire of Pingelly. The majority of the Collection are sulkies and buggies ranging from 1910 to 1925. The full inventory list is attached.

Comment

This project commenced in May 2020, with Mr Gill making contact with the Shire to determine if there was interest in obtaining the collection for the purposes of a group display.

Since this initial contact, staff as well as Councillors have viewed the collection, and the details of the agreement, potential location for the display, and associated timing have progressed.

The draft Agreement represents the intent of the donor, and the responsibilities of the Shire of Pingelly in accepting and caring for the items. The Shire of Pingelly will have until 30 June 2022 to substantially commence the project.

Consultation

Extensive consultation has taken place with the Donors, in order to ensure the agreement meets their needs and future goal for the Collection.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Insurance – annually estimated at \$200 for the inventory. Further insurance implications will arise from the construction of a facility in which to house the items.

The cost to construct and maintain a facility (shed), as well as associated landscaping and pathways will add to the annual operational expenses of the Shire.

Strategic Implications

Goal 1	Economy
Outcome 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 1.1.4	Support the development and promotion of key messages for use by the community, the Shire and businesses, to convey Pingelly S economic and community vision, the steps being taken to achieve it, and the benefits of living, working, investing in, or visiting the area.
Action 1.1.4.2	Implement initiatives from the Tourism Strategy.

Risk Implications

Risk	The key risks are the financial implications and timing associated with substantially commencing the project by 30 June 2022. A secondary risk is where a decision is made not to carry out the project, resulting in the potential of negative community comment.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Financial, Reputational
Risk Action Plan (Controls or Treatment Proposed)	Tenure of land will be progressed as soon as the Department of Planning Lands and Heritage advises this can commence. A funding strategy with potential avenues for grant funding will be considered over the coming months.

Risk Matrix

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

Voting Requirements

Simple Majority

12958 Moved: Cr Hotham Seconded: Cr Hastings

Recommendation and Council Decision

That Council endorses the draft Agreement, as attached, detailing the donation of a collection of sulkies, buggies and other items from Mr Neil and Mrs Yvonne Gill, to the Shire of Pingelly.

Carried 8:0

14.5 Donation to Lord Mayors Distress Appeal

File Reference:	ADM0012
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

Council is requested to consider a donation to the Lord Mayors Distress Appeal for the Wooroloo and Hills Bush Fires.

Background

The Lord Mayor's Distress Relief Fund was established in 1961 to provide relief of personal hardship and distress arising from natural disasters occurring within Western Australia. The perpetual fund is a registered charitable body and has approval of the Australian Taxation Office for tax deductibility of contributions.

The Fund provides permanent and supplementary funds for the alleviation and relief of distress, suffering and hardships, brought about by any disaster or emergency that has been declared by the Western Australian Government through the State Emergency Service. The Lord Mayor's Distress Relief Fund can offer immediate financial assistance and advice in the event of such a disaster.

Appeals administered by the Fund raise money to assist those suffering hardship as well as helping residents repair their properties and restore normal living conditions. Communities across the State, interstate and overseas have been assisted by the Fund when facing adversity resulting from such natural disasters as floods, bushfires and cyclones.

Comment

Following the recent Wooroloo and Hills bushfire, which resulted in the loss of 81 properties, Council have the opportunity to express their support to all individuals and families affected, by way of a monetary donation to the Lord Mayor's Distress Relief Fund. The Fund has been reactivated to raise and coordinate donations to support the victims of the fires, with the costs of administering the fund being absorbed by the City of Perth.

Consultation

Shire President

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Should Council agree to support the Relief Fund, \$1,000 could be allocated from the Community Assistance Grants which has not been fully expended.

Strategic Implications

Goal	Nil
Outcome	Nil
Strategy	Nil

Risk Implications

Risk	As this is a one off donation the risk implication is considered low. There is the potential that another regional disaster could occur within the State in this financial year that Council may wish to support, with the inability to contribute further funds.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	No further actions proposed.

Risk Matrix

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

Voting Requirements

Absolute Majority

Moved: Cr Hotham Seconded: Cr Wood

Recommendation

That Council support a donation of \$1,000 from the 2020/21 Budget (Community Grant Scheme Allocation) to the Lord Mayor’s Distress Relief Fund, in support of those impacted by the Wooroloo and Hills Bush Fire.

Amendment

Moved: Cr Freebairn Seconded: Cr Hastings

That Council support a donation of \$4,000 from the 2020/21 Budget (Community Grant Scheme Allocation) to the Lord Mayor’s Distress Relief Fund, in support of those impacted by the Wooroloo and Hills Bush Fire.

Carried 8:0

12959 COUNCIL DECISION

That Council support a donation of \$4,000 from the 2020/21 Budget (Community Grant Scheme Allocation) to the Lord Mayor’s Distress Relief Fund, in support of those impacted by the Wooroloo and Hills Bush Fire.

Carried 8:0

Reason for change: Council decided, due to the significant support the Shire of Pingelly received following the 1997 fires from the Lord Mayors Distress Appeal, that a higher amount would be suitable.

14.6 Request for Event Funding

File Reference:	ADM0051
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Community Development Officer
Disclosure of Interest:	Nil
Attachments:	Not Applicable
Previous Reference:	Not Applicable

Summary

Council is requested to endorse reallocating the remaining budget allocation for the 2020-21 Community Grant Scheme to support two new events in Pingelly with considerable community and economic benefit for the Pingelly community.

Background

Pingelly plays host to a variety of cultural, economic, sporting and artistic events to enrich the lifestyle of residents and enhance visitor experiences. Home to award-winning facilities and an abundance of natural attractions, the location of Pingelly is attracting attention of event organisers recognising the community's capacity to host significant events which have potential to increase daytrip and weekend visitation to the community.

Two pilot opportunities for Pingelly have recently emerged. One is the Western Australian Football League (WAFL) expressing interest in hosting a WAFL game consisting of South Fremantle and Peel Thunder Football Club at Pingelly Town Oval. The second opportunity is from the Esperance and Districts Working Sheep Dog Club seeking a new venue to facilitate two Sheepdog Trial Competitions per year in the lower Wheatbelt, and specifically Pingelly. As new events they require initial support and Council's consideration to endorse support of these events is critical to the Shire's emerging reputation for becoming the community of choice for event organisers seeking regional sites in the Wheatbelt close to the Perth Metropolitan Area.

Previous community consultation undertaken to inform the Shire of Pingelly's Community Strategic Plan 2020-30, Corporate Business Plan 2020-24 and Tourism Strategy 2020-24 identify events as an avenue to support Pingelly's community and economic development.

Comment

The South Fremantle Football Club have requested funding of \$2,000 to support a WAFL game for Premiership points in Pingelly at Town Oval against the Peel Thunder Football Club. The game has been fixtured for Saturday April 17 and is the brainchild of both the South Fremantle Football Club and the Upper Great Southern Football League. The game will be high-profile and promoted across the South Fremantle and Peel membership bases, along with the local Pingelly and surrounding community and the member clubs, participants and fans that compose the Upper Great Southern Football League. As well as the game itself, South Fremantle Football Club intends to hold a match-day luncheon, and an after-match function for fans and the two opposing football clubs. South Fremantle will also run a junior football clinic, either on the Saturday morning or the Sunday morning, allowing local juniors to receive skills tuition from South Fremantle WAFL players. A Festival of Footy for Pingelly.

Specifically, the funding would directly support the hiring of a Coach (bus) for both the South Fremantle and Peel teams, which is travel a requirement of the game in-line with guidelines from the West Australian Football Commission. Any residual funds (though we anticipate bus hire will be approx. \$1,000 per team) will be used to fund player post-game meals, to ensure that the community can celebrate post-game with the players, coaches and staff of each Club.

The Esperance and Districts Working Sheep Dog Club are proposing to facilitate two sheep dog trials per year at the Pingelly Recreation and Cultural Centre. There is an area, east of the Town Oval and north of the Shearing Sheds, with sufficient lateral clearance and suitable roadside access to stage the events. To deem the space suitable, a permanent fenced ground is required to be established. While this initial investment would be the responsibility of the Shire as landowner, the two meets per year are expected to bring over 1,000 visitors to Pingelly which will return significant economic and social benefit for the community. There is also potential to amalgamate one of the meets with the annual Pingelly Shears and build an agricultural show into Pingelly's annual event program. The first event would intend to run during ANZAC Day long weekend in April 2021 with the second event in July 2021. Pending Council decision, the Pingelly Shears will coincide with the April 2021 event. The associated start up costs include:

Qty		Description			Price each		Total
2	x	Stock Lock 7/90/30 200mtr Roll			\$ 370.00		\$ 740.00
11	x	80/40 Strainers complete			\$ 104.50		\$ 1,149.50
80	x	Post Star Jio 165cm			\$ 7.95		\$ 636.00
1	x	Clip Post Jio Pkt 250			\$ 44.00		\$ 44.00
2	x	Gate N Sure 3.6m			\$ 134.20		\$ 268.40
1	x	Gate Entry 1220mm			\$ 74.15		\$ 74.15
6	x	Gate Hinges SH80x25			\$ 26.90		\$ 161.40
							\$ 3,073.45

Following endorsement by Council as to the funding of the materials, the Pingelly Tourism Group will be approached to provide the labour component of the set-up.

Consultation

Cameron Britt, Chief Executive Officer of South Fremantle Football Club, has visited Pingelly and met with key staff from the Shire of Pingelly and Pingelly Recreation and Cultural Centre to formally discuss requirements for the WAFL game.

The Esperance Sheep Dog Club Committee have also visited Pingelly to meet with key staff from the Shire of Pingelly, Pingelly Recreation and Cultural Centre, as well as volunteers from the Pingelly Tourism Group on-site.

Statutory Environment

N/A

Policy Implications

N/A

Financial Implications

Council endorsed a \$15,000 allocation in the 2020/21 budget for the Community Grant Scheme. In Rounds 1 and 2 only \$5,951.87 has been allocated leaving \$9,048.13 available to be repurposed for other community uses.

Strategic Implications

Goal 1	Economy
Outcome 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 1.3	The right resources and infrastructure are in place to support business development, including an increase in visitors and visitor spend in the Shire.
Strategy 1.1.1	Support local tourism infrastructure development
Goal 2	Community
Outcome 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.
Outcome 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 2.5.2	Advocate for and facilitate provision of services and resources to address issues experienced by young people and seniors.

Risk Implications

Risk	The key risk from not supporting the two events is maligning from the community's aspirations expectations for staging events as expressed in the Community Strategic Plan 2020-30, Corporate Business Plan 2020-24 and Tourism Strategy 2020-24. The events are critical in supporting the Pingelly Recreation and Cultural Centre establish itself as a venue of choice for events in its infancy, while navigating the disruptions incurred by COVID-19.
Risk Rating (Prior to Treatment or Control)	9
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

12960 Moved: Cr Hotham Seconded: Cr Narducci

Recommendation and Council Decision

Council is requested to approve:

- 1. \$2,000 be allocated to South Fremantle Football club to facilitate the WAFL Game in April 2021.**
- 2. \$3,073.45 be allocated to establish a permanent fenced ground for the Esperance and Districts Working Sheep Dog Club.**

Carried 8:0

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – December 2020

File Reference:	ADM0075
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Executive Manager Corporate Services
Disclosure of Interest:	Nil
Attachments:	Monthly Statements of Financial Activity for the period 1 December 2020 to 31 December 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 December 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;

Comment

The Monthly Financial report has been prepared in accordance with statutory requirements and provides council with their financial position as at 31 December 2020.

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 2020/21.

Strategic Implications

Goal 5	Innovation Leadership and Governance
Outcome 5.6	Financial systems are effectively managed
Strategy 5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting) and long-term financial planning 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 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

Sam Kempton left the room at 2.46pm and did not return.

12961 Moved: Cr Hotham Seconded: Cr McBurney

Recommendation and Council Decision

That with respect to the Monthly Statements of Financial Activity for the month ending 31 December 2020 be accepted and material variances be noted.

Carried 8:0

15.2 Monthly Statement of Financial Activity – January 2021

File Reference:	ADM0075
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Executive Manager Corporate Services
Disclosure of Interest:	Nil
Attachments:	Monthly Statements of Financial Activity for the period 1 January 2021 to 31 January 2021
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 January 2021 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;

Comment

The Monthly Financial report has been prepared in accordance with statutory requirements and provides council with their financial position as at 31 January 2021.

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 2020/21.

Strategic Implications

Goal 5	Innovation Leadership and Governance
Outcome 5.6	Financial systems are effectively managed
Strategy 5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting) and long-term financial planning 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 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

12962 Moved: Cr Narducci Seconded: Cr McBurney

Recommendation and Council Decision

That with respect to the Monthly Statements of Financial Activity for the month ending 31 January 2021 be accepted and material variances be noted.

Carried 8:0

15.3 Accounts Paid by Authority – December 2020 & January 2021

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

Summary

Council endorsement is required for accounts paid by authority for the months of December 2020 and January 2021.

Background

In accordance with *Local Government (Financial Management) Regulations 1996 Clause 13 (1)* schedules of all payments made through Council's bank accounts are presented to the Committee and to Council.

Comment

Unless otherwise identified, all payments have been made in accordance with Council's adopted 2020/21 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 5	Innovation Leadership and Governance
Outcome 5.6	Financial systems are effectively managed
Strategy 5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting) and long term financial planning 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

12963 Moved: Cr Oliveri Seconded: Cr McBurney

Recommendation and Council Decision

That Council endorse the Accounts for Payments for December 2020 and January 2021 as authorised under delegated authority and in accordance with the Local Government (Financial Management) Regulations 1996:

To 31 December 2020:

Municipal Account	\$281,745.97
Trust Account	\$0.00
Trust Licensing Account	\$16,038.55

To 31 January 2021:

Municipal Account	\$203,316.37
Trust Account	\$100.00
Trust Licensing Account	\$0.00

Cr Wood left the room at 3.01pm and returned at 3.09pm.

Carried 8:0

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Proposed Shed Extension

File Reference: A4100
Location: Lot 678 – 58 Pitt Street, Pingelly
Applicant: Mr R Hay & Mrs J Hay
Author: Administration Officer Technical
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: 18 July 2018 Item 16.2

Summary

Council to consider an application for an extension to an existing shed.

Background

Mr R & Mrs J Hay have submitted an application for planning consent for a proposed extension to an existing shed for the storage of a caravan. The extension is 50m² in area creating a total of 200m² outbuilding area.

Comment

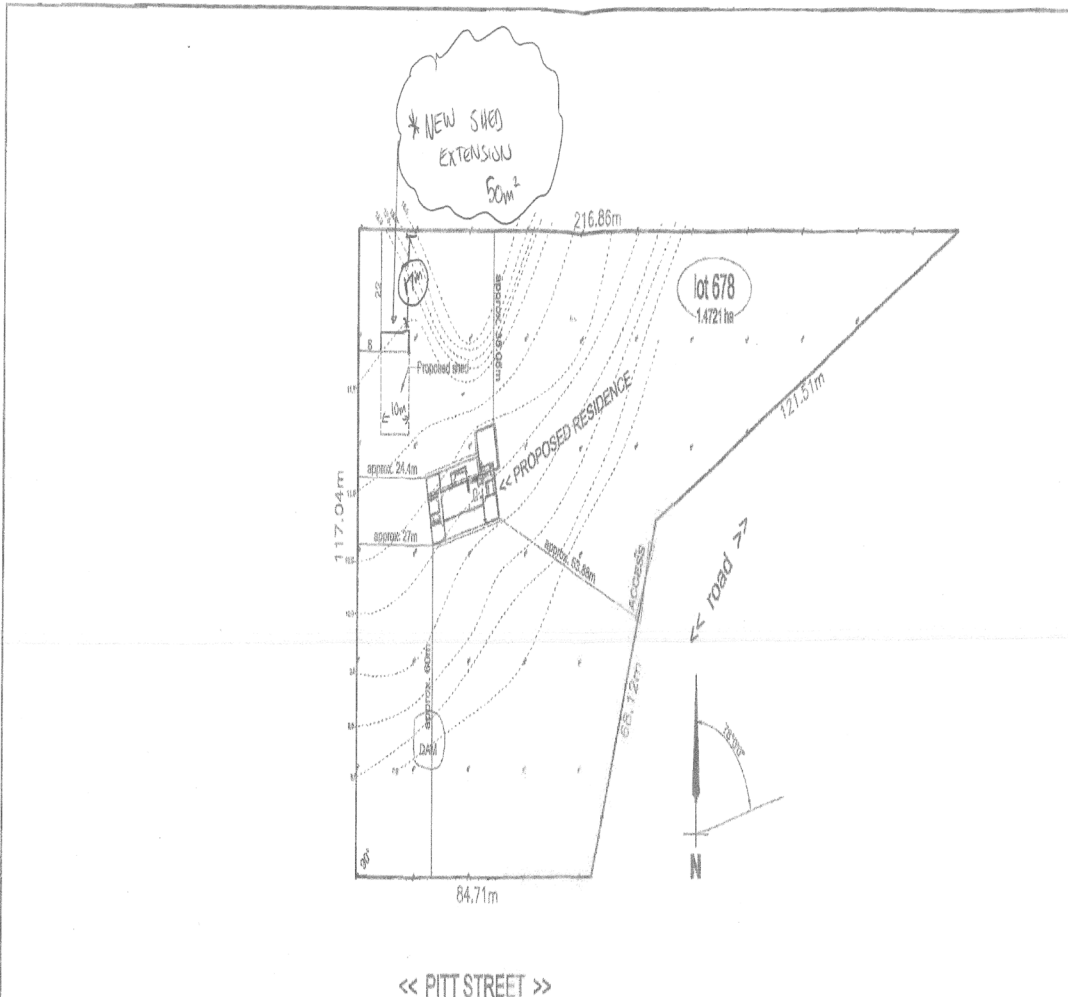
The extension will be on the northern end of the existing shed located at Lot 678 – 58 Pitt Street, Pingelly, which is zoned residential with an R10/R20 code and a total lot area of 14721m².

The existing shed is located 8m from the western boundary and 22m from the northern boundary. The proposed extension will reduce the northern boundary setback to 17.5m, this will give a total outbuilding area of 200m².

The shed extension will be constructed in colorbond materials to match the existing shed.

The extension will be enclosed on three sides with the eastern end open.





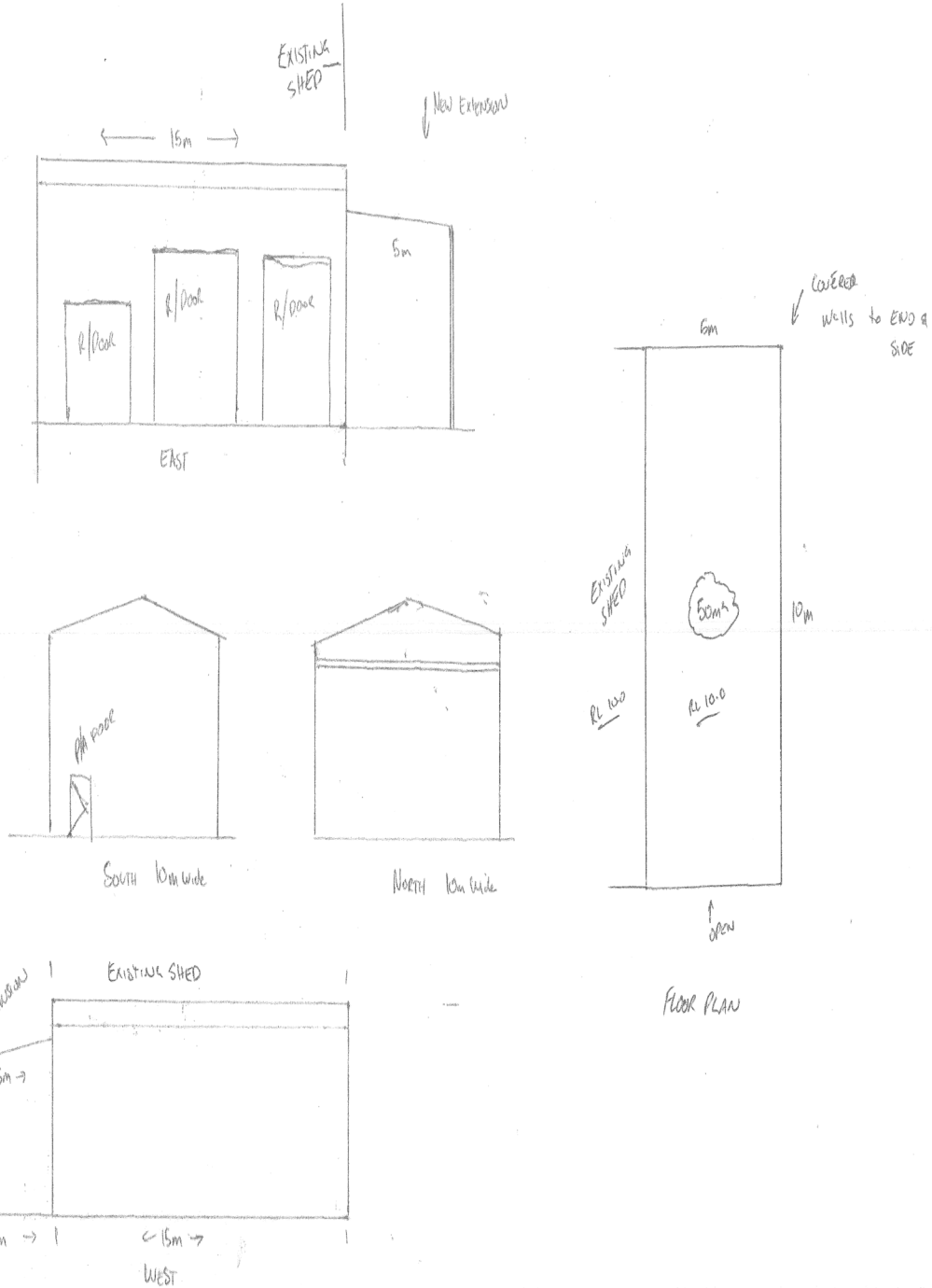
BLOCK PLAN
SCALE 1:1000

NOTE
ALL SETBACKS
TO BE CHECKED
BY OWNER (R)

NOTE
ALL DIMENSIONS
TO BE CHECKED
ON SITE (R)

DATE	AMENDMENTS	HOUSE TYPE	PAGE No	SCALES	AS SHOWN	PROPOSED RESIDENT FOR	MICHAEL HAY	OWNER	WITNESS
			1.	DATE DRAWN 01-05-18	AS SHOWN	MR HAY	FOUND AS MICHAEL HAY'S CARPENTRY SERVICE PH: 0417962009 Email: michael@home@bigpond.com	OWNER	WITNESS
				JOB NUMBER 60026				OWNER	WITNESS
				No. IN SET DRAWN BY ZK		TO BE CONSTRUCTED ON Lot 678 (#58) PITT STREET PINGELLY		BUILDER	WITNESS
				CHECKED BY					
				60026 SITE					COPYRIGHT

EXPLAN - DO NOT SCALE FROM DRAWING AS DIMENSIONS CAN VARY DURING CONSTRUCTION



DATE	AMENDMENTS	design	FACE No	2	SCALES	AS SHOWN	PROPOSED RESIDENCY FILE	MR HAY	MICHAEL HAY TRADING AS MICHAEL HAY'S CARPENTRY SERVICE PH: 0417962009 Email: michael@hayscarpentry.com reg. # 13712	OWNER	WITNESS
					DATE DRAWN	01-05-18				OWNER	WITNESS
					JOB NUMBER	60026				BUILDER	WITNESS
			No. in SET	1	DRAWN BY	ZK	TO BE CONSTRUCTED ON	Lot 678 (#58) PITT STREET PINGELLY			COMPANET
			CHECKED BY								
NOTES - DO NOT COPY FROM DRAWING AS THIS IS A WORKING COPY											

Consultation

Nil

Statutory Environment

Shire of Pingelly Local Planning Scheme No.3

Policy Implications

Policy 13.2 Outbuildings

“Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties.”

Buildings are to comply with any local planning policy made under the Scheme in respect of the design of carports and garages, including the colour, scale, materials and roof pitch of buildings. This policy provides design requirements for carports and garages; however it does not interfere with any other requirement of the Residential Design Codes relating to carports and garages.

This policy does not alter or change in any way the acceptable development criteria of the *Residential Design Codes currently in force*.

Within all “Residential” and “Rural Residential” zoned areas of the Shire and on Farming zoned lots with an area of 2ha or less except as otherwise stated, planning consent for all outbuildings is required. If planning consent is granted, building approval will be issued for outbuildings which are appurtenant to a dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any residence on-site and provided the proposed development complies with the following:

1. In any residential zone with an R10 code or above in the Shire:
 - a. Non-masonry construction, where the total non-masonry outbuilding area does not exceed 60m² and the total outbuilding area does not exceed 75m²;
 - b. Masonry or other approved construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 75m² and no parapet wall is greater in length than 8m;
 - c. Wall height of any outbuildings not to exceed 3m. This height limitation also applies to parapet walls. In the case of gable roof construction, the maximum building height is not to exceed 4.2m;
 - d. Prior to considering a parapet wall construction over 8m in length, the applicant will present Council with written agreement to the same by any affected adjoining landowner;
 - e. No planning consent or building licence approval will be granted or issued for any outbuildings, on any Residential zoned lot, which does not contain a residence;
 - f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Shire’s operative Local Planning Scheme;
 - g. Any development application which does not comply with the above, shall be referred to Council for consideration.

Financial Implications

No known financial implications.

Strategic Implications

Goal 3	Built Environment
Outcome 3.2	New development (including commercial) is of a high quality and contributes positively to the character and appearance of the town.
Strategy 3.2.1	Encourage new developments to be designed and built in a way that reduces pressure on and demand for resources (e.g. energy efficiency and water conservation) and gives priority to development/infill of currently zoned land.

Risk Implications

Risk	The key risk has already been assessed with previous application and the size of the property and location of buildings in relation to neighbouring properties.
Risk Rating (Prior to Treatment or Control)	Low (4)
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

Simple Majority

12964 Moved: Cr Narducci Seconded: Cr Oliveri

Recommendation and Council Decision

That Council grant planning approval for the proposed extension to the existing shed at Lot 678 – 58 Pitt Street, Pingelly which is to be used ancillary to the dwelling and not for commercial purposes.

Carried 8:0

16.2 Proposed Second Shed

File Reference: A5005
Location: Lot 192 – 45 Queen Street
Applicant: B & L Kickett
Author: Administration Officer Technical
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary

Council to consider an application for an additional shed at Lot 192 – 45 Queen Street, Pingelly.

Background

The applicant has submitted an application for planning consent for a proposed second shed with an area of 63.4m² at Lot 192 – 45 Queen Street. There is an existing shed on the property which has an area of 23.04m² which creates a total outbuilding area of 86.44m².

This application is required to be referred to Council as the new shed will create a larger outbuilding area bringing it over the requirements of 75m² for the residential zoning of R12.5/R20 as referenced in the Shire of Pingelly's Policy 13.2 Outbuildings.

Comment

The shed is proposed to be located at Lot 192 – 45 Queen Street, Pingelly, which is zoned residential with an R12.5/R25 code and a total lot area of 1619m². The shed will be constructed in colorbond materials and be located on the north eastern corner of the property setback 7.615m from the front boundary with Queen Street, side boundary setback 3m from boundary with Palm Street.

The shed will have a total area of 63.48m² with a gable height of 3.926m. There is an existing shed on the property the owners will be keeping which has an area of 23.04m² giving a total outbuilding area of 86.52m² of total outbuilding area.

There will be no overshadowing issues with neighbouring properties as the property is on the corner of Queen and Palm Streets and the rear boundary is on an access lane with a reserve on the western side of this lane.



Consultation

No consultation required.

Statutory Environment

Shire of Pingelly’s Local Planning Scheme No.3

Policy Implications

“Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties.”

Buildings are to comply with any local planning policy made under the Scheme in respect of the design of carports and garages, including the colour, scale, materials and roof pitch of buildings. This policy provides design requirements for carports and garages; however it does not interfere with any other requirement of the Residential Design Codes relating to carports and garages.

This policy does not alter or change in any way the acceptable development criteria of the *Residential Design Codes currently in force*.

Within all “Residential” and “Rural Residential” zoned areas of the Shire and on Farming zoned lots with an area of 2ha or less except as otherwise stated, planning consent for all outbuildings is required. If planning consent is granted, building approval will be issued for outbuildings which are appurtenant to a dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any residence on-site and provided the proposed development complies with the following:

1. In any residential zone with an R10 code or above in the Shire:
 - a. Non-masonry construction, where the total non-masonry outbuilding area does not exceed 60m² and the total outbuilding area does not exceed 75m²;
 - b. Masonry or other approved construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 75m² and no parapet wall is greater in length than 8m;
 - c. Wall height of any outbuildings not to exceed 3m. This height limitation also applies to parapet walls. In the case of gable roof construction, the maximum building height is not to exceed 4.2m;
 - d. Prior to considering a parapet wall construction over 8m in length, the applicant will present Council with written agreement to the same by any affected adjoining landowner;
 - e. No planning consent or building licence approval will be granted or issued for any outbuildings, on any Residential zoned lot, which does not contain a residence;
 - f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Shire’s operative Local Planning Scheme;
 - g. Any development application which does not comply with the above, shall be referred to Council for consideration.

Financial Implications

There are no known financial implications.

Strategic Implications

Goal 3	Built Environment
Outcome 3.2	New development (including commercial) is of a high quality and contributes positively to the character and appearance of the town.
Strategy 3.2.1	Encourage new developments to be designed and built in a way that reduces pressure on and demand for resources (e.g. energy efficiency and water conservation) and gives priority to development/ infill of currently zoned land.

Risk Implications

Risk	The key risk arises from the failure to consult with neighbouring properties resulting in complaints. This has been managed through the consultation process.
Risk Rating (Prior to Treatment or Control)	Low (4)
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

12965 Moved: Cr McBurney Seconded: Cr Hastings

Recommendation and Council Decision

That Council grant planning approval for the proposed second shed at Lot 192 – 45 Queen Street, Pingelly which is to be used ancillary to the dwelling and not for commercial purposes.

Carried 8:0

16.3 Proposed Partial Permanent Closure of Scudds Lane

File Reference:	ADM0393
Location:	Scudds Lane
Applicant:	Nil
Author:	Administration Officer Technical
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	18 November 2020

Summary

It is recommended that Council endorse the partial permanent closure of Scudds Lane.

Background

The Council at its Ordinary Meeting on 18 November 2020 resolved the following at Resolution 12920:

‘That Council:

1. Agrees to initiate permanent road reserve closure action, under section 58 of the *Land Administration Act 1997*, to close a portion of Scudds Lane as outlined in the Concept Plan, with the road reserve proposed to be amalgamated into Reserve 10705 and Reserve 17942.
2. Notes the Shire administration will invite submissions on the closure of a portion of Scudds Lane for a period of six (6) weeks.
3. Will reconsider the road closure request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Lands permanently closes a portion of the Scudds Lane reserve.’

In accordance with the Council resolution, the *Land Administration Act* and the *Land Administration Regulations*, the Shire administration consulted extensively for a six week period through the Shire administration:

- Writing to and inviting comments from adjoining/nearby landowners;
- Writing to and inviting comments from relevant State Government and servicing authorities;
- Placing a public notice in the Pingelly Times;
- Placing details on the Shire website;
- Placing details on the Shire’s Facebook page; and
- Having information available at the Shire office.

The submission period closed on the 11th of January 2021. The Shire received one submission on the proposed closure from Telstra which raised no objections.



Comment

It is recommended that the Council endorses the partial permanent closure of Scudds Lane outlined in the Concept Plan given no objections have been raised by adjoining landowners, servicing authorities, the community or other stakeholders.

It is proposed that the portion of the Scudds Lane road reserve is amalgamated into Shire managed reserves (Memorial Park).

Subject to the Council’s decision, the Minister for Lands will determine whether to permanently close the section of the Scudds Lane road reserve. Should the Minister agree, the road reserve will be amalgamated into Memorial Park.

Consultation

The Shire administration wrote to adjoining/nearby landowners, relevant servicing authorities and State Government agencies, placed notices in the local paper and invited comment through information on the Shire website, on the Shire’s Facebook page and at the Shire office.

Statutory Environment:

Land Administration Act 1997 and the Land Administration Regulations 1998. A Council resolution is required to initiate the road closure process.

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request;
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Policy Implications

No known policy implications.

Financial Implications

The Shire is required to meet all costs associated with the road closure process including survey, possible land acquisition, State Government administration fees and amalgamation fees.

Strategic Implications

Goal 1	Economy
Outcome 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.

Risk Implications

Risk	The road closure will retain vehicular access to properties in Scudds Lane. There are existing services in the road reserve which may need to be protected by an easement. Without the closure of Scudds Lane, the full economic and social benefits of an enhanced Memorial Park will not be realised.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Compliance
Risk Action Plan (Controls or Treatment Proposed)	Consultation has been undertaken with property owners on Scudds Lane (between Pasture Street and Sharow Street), servicing authorities and other stakeholders.

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

**12966 Moved: Cr Freebairn Seconded: Cr Hotham
Recommendation and Council Decision**

That Council:

- 1. Agrees to the partial permanent closure of Scudds Lane as set out in the Concept Plan.**
- 2. Requests the Minister for Lands to support the partial permanent closure of Scudds Lane, as set out in the Concept Plan, with the road reserve being amalgamated into Reserve 10705 and/or Reserve 17942.**
- 3. Delegates authority to the Shire’s Chief Executive Officer to progress matters with the Department of Planning, Lands and Heritage and other agencies regarding the closure of the road reserve, including the signing and sealing of all documentation required.**
- 4. Indemnifies the Department of Planning, Lands and Heritage against any costs in the process, with these costs being borne by the Shire.**

Carried 8:0

In the interim, the Model Code of Conduct has been mandated and replaces the current Shire of Pingelly Councillor Member Code of Conduct.

The guidelines indicate that local governments must authorise at least one person to receive complaints regarding Councillors and candidates. The Regulations state that the Local Government must, in writing, authorise one or more persons to receive complaints and withdrawals of complaints.

The DLGSC has also produced a template complaints form. The DLGSC template form is attached to this item and recommended for adoption.

It is recommended that the CEO be authorised for the purposes of receiving and withdrawing complaints of alleged breaches of the Model Code and the Code, and further, that the CEO be delegated the power to appoint one or more other persons to receive complaints and withdrawals of complaints.

Consultation

Nil

Statutory Environment

The adoption of the Shire of Pingelly Code of Conduct for Council Members, Committee Members and Candidates is required under sections 5.103 and 5.014 of the Act and the new *Local Government (Model Code of Conduct) Regulations 2020*.

Schedule 1, Division 3, clause 11(3) of the Regulations requires Council to authorise one or more persons to receive complaints and withdrawals of complaints, while clause 11(2)(a) requires the approval of a form for the receiving of complaints.

Section 5.42 of the Act provides for duties and powers to be delegated to the CEO, other than those referred to in section 5.43 of the Act.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Goal 5	Innovation, Leadership and Governance
Outcome 5.8	A strong corporate governance framework is maintained
Strategy 5.8.2	Ensure compliance with legislative requirements and excellence in business performance

Risk Implications

Risk	Not considering this matter by the required date will result in non-compliance with legislation.
Risk Rating (Prior to Treatment or Control)	Medium (6)
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

12968 Moved: Cr McBurney Seconded: Cr Hastings

Recommendation and Council Decision

That Council:

- 1. Pursuant to the Local Government (Model Code of Conduct) Regulations 2021 Clause 11 (2), adopt the form for lodging complaints, as attached.**
- 2. Pursuant to the Local Government (Model Code of Conduct) Regulations 2021 Clause 11 (3), authorise the Chief Executive Officer to receive complaints and withdrawals of complaints, relating to Council Members, Committee Members and Candidates.**
- 3. Delegate to the Chief Executive Officer the power to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with Schedule 1, Clause 11(3) of the Regulations.**

Carried 8:0

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 3.23pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 17 March 2021.

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