



Shire of Pingelly

Minutes

Ordinary Council Meeting
18 April 2018

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.08pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Council Agenda Reports

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

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

At the Ordinary Council Meeting held on 13 December 2017 the following leave was granted:

***12327 Moved Cr McBurney Seconded Cr Hodges
That Council approve Cr Freebairn taking leave from 21st June to 28th July 2018
inclusive.***

Carried 7:0

At the Ordinary Council Meeting held on 21 March 2018 the following leave was granted:

***12377 Moved: Cr Walton Hassell Seconded: Cr Hotham
That Cr McBurney be granted leave from Saturday 30th June to Friday 31st August 2018.***

Carried 8:0

MEMBERS PRESENT

Cr WV Mulroney	President
Cr DI Freebairn	Deputy President
Cr BW Hotham	
Cr J McBurney	
Cr LN Steel	
Cr PJ Wood	
Cr JM Walton-Hassell	

STAFF IN ATTENDANCE

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

APOLOGIES

Cr EJ Hodges

OBSERVERS & VISITORS

Mr Stephen Strange, WALGA

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

Public question time opened at 2.11pm. As no questions were asked question time closed at 2.11pm.

7. APPLICATIONS FOR LEAVE OF ABSENCE

12397 Moved: Cr McBurney

Seconded: Cr Wood

That Cr Mulrone y be granted leave from Friday 27th to Monday 30th April 2018.

Carried: 7:0

8. DISCLOSURES OF INTEREST

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 21 March 2018

Statutory Environment:

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

Voting Requirements:

Simple Majority

12398 Moved: Cr Freebairn

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 21 March 2018 be confirmed.

Carried 7:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

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

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

- Central Country Zone of WALGA Delegate – President
Delegate – Deputy President
Deputy – Cr Walton-Hassell
- Hotham-Dale Regional Road Sub-Group Delegate – President
Deputy – Cr McBurney
- Development Assessment Panel Delegate – Cr Mulroney
Delegate – Cr Freebairn
Deputy – Cr Hodges
Deputy – Cr Wood
- Pingelly Tourism Group Delegate – Cr McBurney
Deputy – Cr Freebairn
- Regional Waste Group Delegate – Cr Mulroney
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint
Local Emergency Management Committee Delegate – Shire President
Deputy – Cr Hodges
- Aged Care Planning Regional Sub-Group (BBP) Delegate – Shire President
Delegate – Cr Steel
Deputy – Cr Freebairn
- Youth Focus Group Delegate – Cr Walton-Hassell
Delegate – Cr McBurney
Deputy – Cr Steel
- Pingelly Somerset Alliance Delegate – Shire President
Deputy – Cr McBurney

13. REPORTS FROM COUNCILLORS

Cr William Mulroney (President)

Meetings attended March:

19th WACHS - Meeting regarding surgery rental arrangement
21st Corporate Discussion and March Council meeting
22nd Thank a Volunteer Day event Pingelly Town Hall
26th Komatsu Loader Demonstration - Pingelly Depot/Gravel Pit
26th Meeting with local businesses regarding the closure of IGA
29th Blessing of the Roads, Pasture Street, Pingelly and Morning Tea at Council Chambers

Meetings attended April:

3rd Regional Waste Meeting, Cuballing - introduction of new waste disposal technique
4th Corporate Discussion - Council Chambers
9th ABC Radio Interview with ABC Great Southern - effect of the closure of IGA on the community
10th PRACC Management Committee Meeting
10th President and CEO Meeting re Council matters
10th Meeting with CEO and representatives from Bowling Club regarding the construction of the new bowling green
11th Review Council Agenda
11th Interview with GWN News re Pingelly IGA
12th CRC video making with Shire President's interview
12th Bendigo Bank Sundowner - Council Chambers
13th Pingelly Primary School Anzac Service prior to school term holidays

Cr David Freebairn (Deputy President)

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

Nil

Cr Jackie McBurney

Nil

Cr Lee Steel

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

Note: Standing Orders Apply

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nil

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity - March 2018

File Reference: ADM0075
Location: N/A
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 4 April 2018
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2017 to 31 March 2018
(Attachment 1 following orange sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

In Accordance with the *Local Government Act 1995* Section 5.25 (1) and *Local Government (Financial Management) Regulations 1996*, Monthly Financial Statements are required to be presented to Council, in order to ensure that income and expenditure is in keeping with budget forecasts.

The Monthly Statements of Financial Activity for the month of March 2018 is attached for Council consideration and adoption.

Background:

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

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

Consultation:

Chief Executive Officer

Statutory Environment:

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

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

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

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

Policy Implications:

There are no policy implications.

Financial Implications:

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council's adopted Budget 2017/2018.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority

12399 Moved: Cr Steel

Seconded: Cr Wood

Recommendation and Council Decision:

That with respect to the Monthly Statements of Financial Activity for the month ending 31 March 2018 be accepted and material variances be noted.

Carried 7:0

15.2 Accounts Paid by Authority- March 2018

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 4 April 2018
Disclosure of Interest: Nil
Attachments: List of Accounts
(Attachment 2 following yellow sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

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

Comment:

Unless otherwise identified, all payments have been made in accordance with Council's 2017/18 Budget.

Consultation:

Nil

Statutory Environment:

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

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

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

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

Policy Implications:

There are no policy implications arising from this amendment.

Financial Implications:

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

Strategic Implications:

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

Voting Requirements:

Simple Majority

12400 Moved: Cr Wood Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

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

Carried 7:0

March 2018	
MUNI - 117984856	
EFT4619 – 4729	\$694,661.18
CHEQUE 24527 – 24540	\$24,514.42
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD9601.1 – DD9667.1	\$71,214.00
TRUST FUND – 1922 – 1923	\$250.00
DIRECT DEBIT -	
DD9591.1 – DD9637.10 & EFT 4614 - 4698 – Pay and Super	\$22,544.67
CREDIT CARD	
DD9616.2	\$137.87
GRAND TOTAL	\$813,322.14

Notification	Explanation
Nil	

15.3 Pingelly Public Swimming Pool - Management Request for Tender 03-2017/18

File Reference: ADM0546/ADM0336
Location: Pingelly Swimming Pool
Applicant: Contract Aquatic Services
Author: Stuart Billingham, Director Corporate & Community Services
 Community Services
Date: 4 April 2018
Disclosure of Interest: Nil
Attachments: Tender 03-2017/18 Submission available for inspection at the meeting
Previous Reference: Item 11.3.1 18 March 2015

Summary:

Council to consider tenders for the provision of management services of the Pingelly Swimming Pool for the 3 year period 1 May 2018 to 30 April 2021.

Background:

A contract was entered into in 2009/10 with Contract Aquatic Services for the provision of Swimming Pool management services for a period of three years. The contract was renewed in 2012 for a further 3 years, and again in March 2015 for a further 3 years, with the current contract due to end 31 March 2018.

Prior to outsourcing management services coming on board, a Pool Manager was employed as a member of Staff.

Tenders were called via state wide public notice (The West Australian newspaper) on Saturday 10th and 17th March 2018.

Although four tender packages were sent out, only one tender submission was received by the closing date and time, 4pm Tuesday 27 March 2018.

The submission is detailed below:

CONTRACT AQUATIC SERVICES

Description	\$ Cost (incl. GST)
Operation of Pingelly Swimming Pool from 1 April 2018 to 31 March 2021 including service provisions of:	
Six (6) days per week (including Saturday and Sunday), seven (7) hours per day.(GST inclusive whole contract – annual cost is \$68,200.00) 3 years	\$204,600
Additional hours per hour (GST inclusive)	\$55.00
Aqua Aerobics Instructor per hour subject to availability (GST inclusive)	\$55.00
Maintenance of Swimming Pool buildings (included in normal operations)	
Maintenance of Swimming Pool plant (included in normal operations)	
Maintenance of Swimming Pool grounds (included in normal operations)	
Season start up (included in normal operations)	

Description	\$ Cost (incl GST)
Season shut down (included in normal operations)	
Off Season Turnover Program (13 site visits) \$385 each (GST inclusive)	\$5,005.00
No CPI increase per season	
Price includes 4 x community event days including sausage sizzle, inflatables at dates advised by Shire of Pingelly and aqua aerobics 1 day a week. Oz day event Casual Lifeguard (GST inclusive)	\$660.00
Price includes servicing of C12 gas equipment and replacement of fittings	
Total	\$73,865.00
Discounted Total (fixed for contract term) (GST inclusive) per annum	\$72,000.00

Additional hours will include swimming lessons outside of normal hours and the off season maintenance program, which is required under health regulations

Comment:

Contract Aquatic services have under the previous tender of three years provided satisfactory performance in managing the Shire of Pingelly Aquatic Centre. Contract Aquatics has also met the requirements of the tender and the pricing of their tender is considered competitive. The company currently manage nine other pools in the state including Shires of Dowerin, Wyalkatchem, Beverley, Cunderdin, Brookton, Boddington, Williams, Quairading and Meekatharra.

Consultation:

Chief Executive Officer – Gavin Pollock

Statutory Environment:

Regulation 11 of the *Local Government (Functions and General) Regulations 1996* provides that:

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*
 - [(ba) *deleted*]
 - (c) *within the last 6 months —*
 - (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*
 - (ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

or

 - (d) *the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or*

- (e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or*
- (ea) *the goods or services are to be supplied —*
 - (i) *in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*
 - (ii) *by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;*
- or*
- (f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*
- (g) *the goods to be supplied under the contract are —*
 - (i) *petrol or oil; or*
 - (ii) *any other liquid, or any gas, used for internal combustion engines;*
- or*
- (h) *the following apply —*
 - (i) *the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and*
 - (ii) *the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and*
 - (iii) *the local government is satisfied that the contract represents value for money;*
- or*
- (i) *the goods or services are to be supplied by an Australian Disability Enterprise; or*
- (j) *the contract is a renewal or extension of the term of a contract (the **original contract**) where —*
 - (i) *the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and*
 - (ii) *the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and*
 - (iii) *the original contract contains an option to renew or extend its term; and*
 - (iv) *the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;*
- or*
- (k) *the goods or services are to be supplied by a pre-qualified supplier under Division 3. [Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6.]*

Policy Implications:

Council's Policy 3.8 – Swimming Pool Season provides that having regard to prevailing weather conditions, the season will normally commence in the first week of November each year and close in the first week of April of the following year.

Council's Policy Manual 2018 section 5.11 – Purchasing provides that for purchases \$150,000 and above a public tender process is to be conducted or Source from a WALGA Preferred Supplier or supplier subject to a WA Department Finance Common User Agreement (CUA).

Financial Implications:

2018/19 to 2020/21 Budget.

Previously Contract Aquatics last successful tenderer, three year total amount was \$194,700. Current Tender offer is \$216,000 or 10.94% increase over the last three years (avg increase 3.64%p.a.).

Strategic Implications:

Shire of Pingelly Strategic Community Plan

Strategy 1.3.1 Maintain and improve sporting and recreation facilities

Strategy 1.3.2 Promote sporting, recreation and leisure facilities and programs to encourage increased patronage

Voting Requirements:

Simple Majority

12401 Moved: Cr Hotham

Seconded: Cr McBurney

Recommendation and Council Decision:

That Council

- 1. Accepts the tender 03-2017/18 received from Contract Aquatic Services for the provision of Swimming Pool Management Services from 1 May 2018 to 30 April 2021;**
- 2. Authorise the Shire President and Chief Executive Officer to sign and affix the Shire Common Seal the contract to engage Contract Aquatic Services for the 3 year Tender period.**
- 3. Authorise the Chief Executive Officer to enter into a 3 year Tenancy Agreement with Contract Aquatic Services for unit 9B Webb Street.**

Carried 7:0

15.4 Minutes of Audit Committee and Regulation 17 Review December 2017

File Reference: ADM0074
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 10 April 2018
Disclosure of Interest: Nil
Attachments: Regulation 17 Review December 2017 (Can be found in the Audit Committee Meeting Agenda Booklet)
Previous Reference: 11.3.1 in December 2014

Summary:

Submission of the Shire of Pingelly Regulation 17 Review December 2017 to Council for consideration of receiving.

Background:

The Shire of Pingelly engaged AMD Chartered Accountants to undertake the Reg 17 review on behalf of the Chief Executive Officer. The review was conducted on the 20th to 23rd of December 2017.

Consultation:

Audit Committee – Shire of Pingelly
Chief Executive Officer – Shire of Pingelly
AMD Chartered Accountants

Statutory Environment:

Under the Local Government Audit Regulations 1996, Regulation 17, CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.
[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

Comment:

The last Shire of Pingelly Regulation 17 Review was undertaken item 11.3.1 in December 2014 Ordinary Council Meeting and was due in December 2016, as it is required to be undertaken every two years.

Please refer to the separate attachment for management comments on the points raised by the Auditors.

Overall the following results were obtained

Compliance Breach	Significant Risk	Moderate Risk	Minor Risk
2	1	3	12

The two non-compliance matters previously raised in the 2016/17 Final Audit report and presented to the Audit Committee and Council.

Policy Implications:

Policy 2.7 Risk Management.

Financial Implications:

To be considered in future budgets and Long Term Financial Plans.

Strategic Implications:

Shire of Pingelly Strategic Community Plan

Strategy 4.5.2: Develop and maintain risk management policies and procedures.

Voting Requirements:

Simple Majority

12402 Moved: Cr Mulroney

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council receives:

1. the minutes of the Audit Committee dated 18 April 2018.
2. the Regulation 17 Review December 2017, finding and recommendations as presented; noting further actions required by the Chief Executive Officer.

Carried 7:0

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Proposed Non Commercial UTV (Utility Task/Terrain Vehicle) Activities

File Reference: A22292
Location: Loc 5048 & 9489 – 3810 Wickepin-Pingelly Rd, East Pingelly
Applicant: Mr M Savill, UTV Club of WA Inc.
Author: Sheryl Squiers, Administration Officer Technical
Date: 3 April 2018
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for proposed non-commercial activities at Locations 5048 & 9489 – 3810 Wickepin-Pingelly Road, East Pingelly.

Background:

Mr Mark Savill on behalf of the UTV Club of WA Inc. has submitted an application for planning consent for the events for 2018 to be held at Locations 5048 & 9489 – 3810 Wickepin-Pingelly Road, East Pingelly.

Comment:

An application has been received from the UTV Club of WA Inc for planning consent for proposed Non Commercial UTV Activities on the property owned by Mr WS Brain.

The land is zoned General Agriculture and with the subject lots to be used for the events at 3810 Wickepin-Pingelly Road in the Shire of Pingelly and is owned by Mr WS (Bill) Brain who has given consent for these events to be held on his property.

The UTV Club of WA are proposing 6 Club meeting dates (includes People with Disabilities) in a calendar year and 3 drive days exclusive to People with Disabilities and the general public. The UTV Club has already held one event but further events in 2018 are planned for the following dates:

5-6 May 2018 Enduro Round 2.

26-27 May 2018 People with Disability Drive Day

9-10 June 2108 Enduro Round 3

4-5 August 2018 Enduro/Drive Day Round 4

6-7 October 2018 Enduro Round 5

10-11 November 2018 People with Disability Drive Day

24-25 November 2018 Enduro/Drive BBQ Finally Round 6

The event will be run under the UTV Club of WA Inc. constitution. Public Liability Cover of \$10,000,000 through Certain Underwriters at Lloyds of London.

The type of event is an Enduro/Wheel to Wheel/Drive Days and People with Disability Drive days (PDDD).

The main potential disturbance to amenity would be from noise and traffic. To ensure such amenity disturbance is minimised, should Council grant planning consent for the application, hours of operation could be restricted as a condition of approval.

Separate areas have been designated for parking, drivers, spectators, ambulance & fire control and are controlled by volunteers. All volunteers are to wear high visual gear supplied by the club and the designated muster point is the farm homestead.

Catering for the event is by Brummells's Brew food van and there will be 3 x portable toilets and 2 x disabled toilets and showers on site.



www.utvwa.com

19th March 2018
Shire of Pingelly
17 Queen St
Pingelly WA 6308

Att: Sheryl Squiers
Administration Officer Technical
17 Queen Street, Pingelly WA 6308
PH: (08) 9887 1066 Fax: (08) 9887 1453
Email: aot@pingelly.wa.gov.au
Web: [www.pingelly.wa.gov.au]www.pingelly.wa.gov.au

Re: Proposal Non Commercial UTV Activity

Property Owned by: Bill and Sherryl Brain
3810 Wickepin – Pingelly Road. East Pingelly WA

Hello Sheryl,

We are looking at running 6 Club Meetings (includes People with Disabilities) in a calendar year + 3 Drive days exclusive to People with Disabilities and general Public.
I have included some key information about ourselves and the events we would like to run.

The UTV Club of WA Inc. is an incorporated association of like-minded UTV enthusiasts involved in UTV related activities.

We cater for all types of UTV's from farming UTV to fully modified race prepped UTV's.

The track on the Brain Property that we have marked out is 17.8km long where we can do 12 Laps = 200km Enduros over a weekend. In a controlled environment we also invite People with Disabilities to come along where after the racing is finished drivers will take the people with Disabilities for a drive around the track and farm area. We also have marked out a 1.8 km Kiddy track which is within viewing distance from what we call the pit/public area.

What is a UTV? UTV stands for Utility Task Vehicle or Utility Terrain Vehicle. The more common name is Side by Side.

Membership fees collected go towards the running of various events, promotion of the club and securing different venues and events for members.

If I can help with any other information you might need please don't hesitate to contact me.

Yours Sincerely;
Mark Savill Vice President and Co-Founder UTV Club of WA Inc.

Postal Address :
PO Box 207
Wanneroo 6945
Web: UTVWA.COM Facebook Page: UTV club of WA Inc.





Type of event: Enduro/Wheel to Wheel/Drive Days, People with Disability Drive days (PDDD).
Date of Events: 3-4-5 March 2018. Enduro Rd 1. (PDDD)(Completed)
5-6 May 2018 Enduro Rd 2.
26-27 May 2018 (PDDD)
9-10 June 2018 Enduro Rd 3.
4-5 August 2018 Enduro/Drive Day Rd 4.
6-7 October 2018 Enduro Rd 5.
10-11 November 2018 (PDDD)
24-25 November 2018 Enduro/Drive Day BBQ Finally Rd 6.

Track Area required: From 20km + of farm land.

Race/leisure times: As per council regulations. With the exemption of the occasional night drive and start times.

Access Required: 1 Week before events volunteers helping prep track.

Parking: Separate areas have been designated for Drivers, Spectators, Ambulance, Fire and Controlled by Volunteers.

Toilets: 3 x Portable Toilets, 2 x Disabled Toilets and showers.

Camping: Yes.

Alcohol: Will not be sold at this stage.

Food Catering: Brummell's Brew.



Event Guidelines: Our events will be run under the UTV Club of WA Inc. Constitution.

Risk mitigation: Disclaimers are posted around the Pit and Public areas, All Volunteers are to wear High Viz supplied by the Club, Muster point is designated at the farm homestead.

Ambulance: Local.

Fire Control: Provided by Property Owner.

Event Sponsorship: TBA.

Public Liability Cover: \$10,000,000

Lloyds Of London Insurer: Liability Insurance Class of Policy:



Friday, 02 March 2018

CERTIFICATE OF CURRENCY

Insured	UTV Club Of WA Inc
Insurer	Certain Underwriters at Lloyds of London
Policy	Liability Insurance
Policy Number	17020185
Expiry Date	2/03/2019
Policy Details	

Insured:
UTV Club of WA (Inc)

Description of Business:
UTV (off-road buggy) association involved in social & racing meets & associated activities & property owners/occupiers

Period Of Insurance:
Inception: 02/03/18 At 4pm Local Time Expiry : 02/03/19 At 4pm Local Time

Currency:	AUD
Limits of Liability	
Public Liability	\$10,000,000
Products Liability	\$10,000,000

Property in the Physical or Legal Control of Insured	\$250,000
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Policy Wording:
Public & Products Liability Form V2017-I (E-Pack)

Endorsements:
120A INJURY/DAMAGE TO PARTICIPATION EXCLUSION

Security:
100% underwritten by certain underwriters Lloyd's

Situation and/or Premises:
Worldwide Excluding USA/Canada

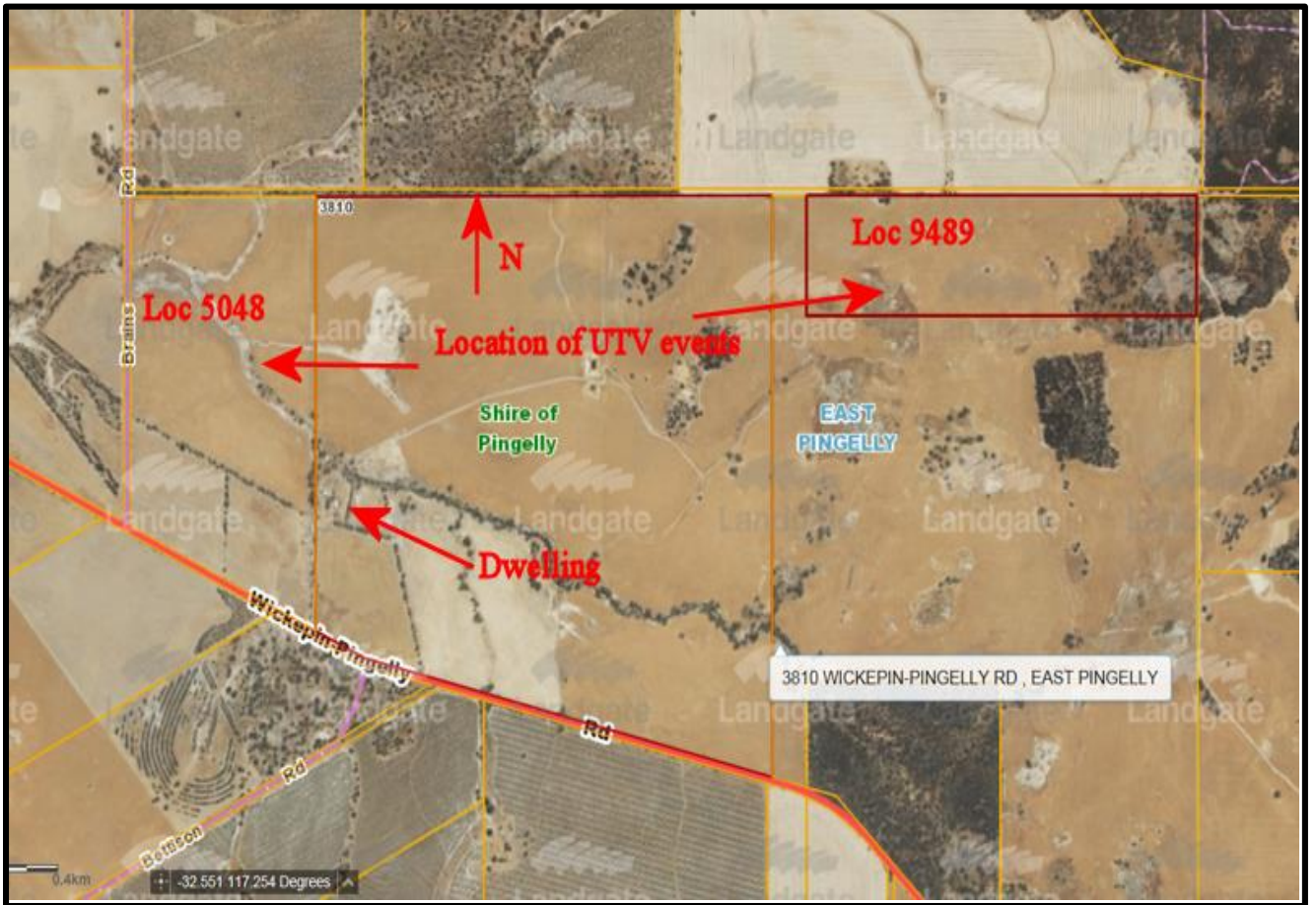
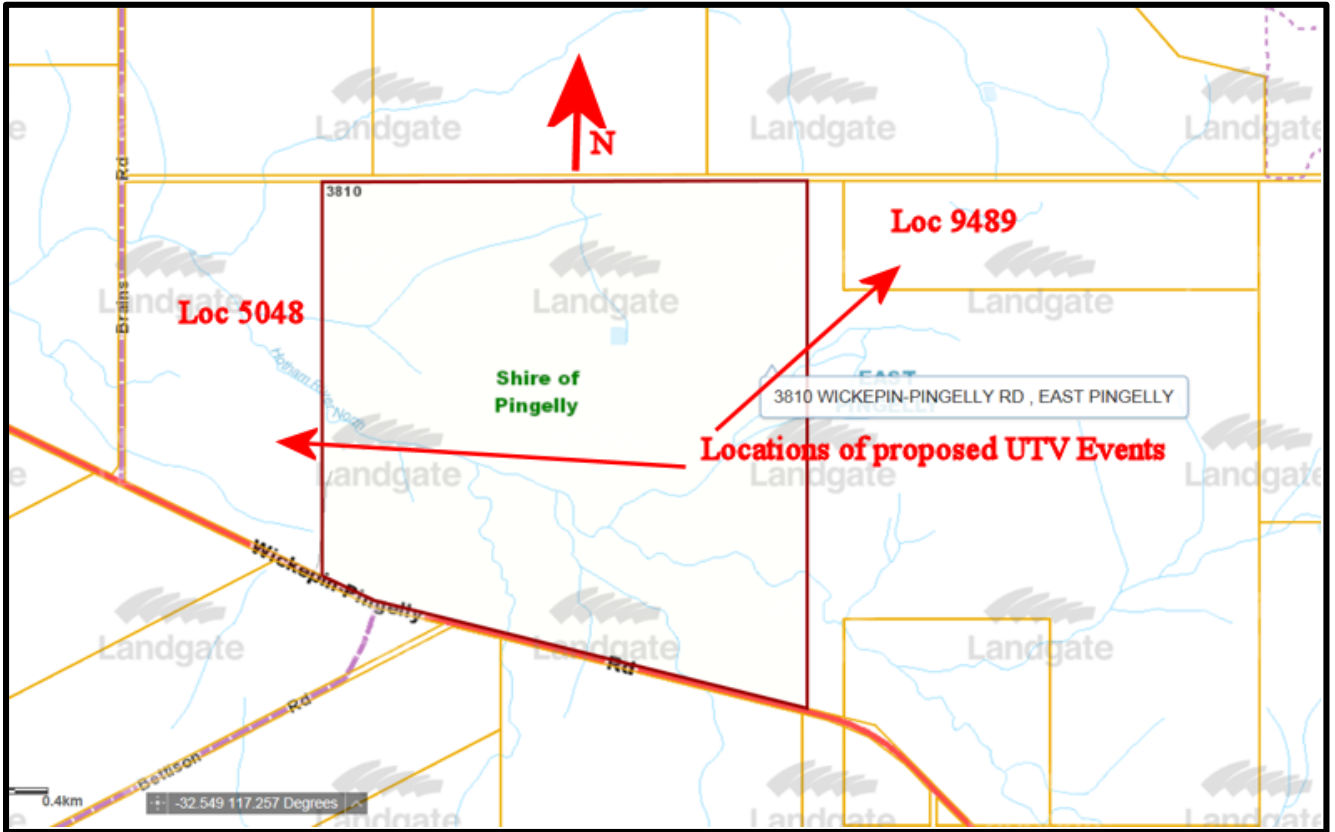
This certificate confirms the current details of the clients insurance policy. The issue of this certificate does not guarantee an ongoing currency of this policy which has a cancellation clause that is excisable by both the insured and insurer. Furthermore the currency of this policy does not infer that the holder of the certificate is entitled to claim under the policy

Yours Faithfully

Robert Hill
Managing Director

Insurance Brokers & Risk Managers

Sudak Pty Ltd as trustee for the Broker Man Trust ACN 33 770 747 514
T/as Broker Man Australia AFS Lic No 230168
Suite 12, 339 Cambridge Street, WEMBLEY WA 6014 Postal Address PO Box 8076, Subiaco East WA 6008
Telephone: (08) 9287 2147 Facsimile: (08) 9387 8232 Mobile: 0408 645 902 Email: rob@brokerman.com.au



The proposed land use is a *use not listed* under the Shire of Pingelly's Local Planning Scheme No.3 (LPS 3) Table 1 – Zoning Table and cannot be reasonably determined as falling within the

interpretation of one of the existing uses. Therefore the provisions contained in Clause 4.4.2 of LPS 3 must be followed:

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Given the temporary nature of the proposal it is unlikely there will be any substantial negative impact on rural character, amenity or agricultural production in the surrounding area.

The main potential disturbance to amenity would be from noise and traffic. To ensure such amenity disturbance is minimised, should Council grant planning consent for the application, hours of operation could be restricted as a condition of approval.

It would also be suggested an Emergency and Risk Management Plan for the event addressing possible identified risks and proposed mitigation measures be submitted to include:

- Emergency Evacuation
- Fire Management
- First Aid and Ambulance Services
- Toilet Facilities etc

Previous similar events have been approved and operated in the Shire of Pingelly such as dirt bike events.

That issuing a temporary planning approval under clause 10.6 of the LPS No.3, approvals would be required for permits under other Acts, Local Laws and Council Policies. If these are in place to Council's satisfaction then a temporary approval could be issued subject to any conditions Council deems necessary.

Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

Policy Implications:

There are no policy implications arising from this application.

Consultation:

Barry Gibbs – Director Technical Services

Statutory Environment:

Shire of Pingelly's Local Planning Scheme No.3

Financial Implications:

There are no known financial implications.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority

12403 Moved: Cr Wood

Seconded: Cr Hotham

Recommendation and Council Decision:

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

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

Carried 6:1

16.2 Sale by Tender of Surplus Plant and Equipment

File Reference: AMD0043
Location: Shire Depot – 2 Paragon Street, Pingelly
Applicant: Shire of Pingelly
Author: Barry Gibbs, Director Technical Services
Date: 6 April 2018
Disclosure of Interest: Nil
Attachments: Photographs of Items (Attachment 3 following blue sheet in separate attachments booklet)

Summary:

Council to consider the sale by Tender of surplus materials, plant and equipment located at the Shire Depot, 2 Paragon Street, Pingelly.

Background:

The Shire of Pingelly annually reviews materials, plant and equipment requirements as part of our financial requirements and our occupation health and safety process so to reduce the build-up of non-required items

Comment:

A total of 42 lots have been put forward for sale as listed below:

Lot No	Location	Description	Make/Model	Serial No
001	Depot	2 Roller Doors		
002	Depot	Grey Steel Box wood lined		
003	Depot	Roof Tiles Terracotta Ridge Cap		
004	Depot	Roof Tiles Flat and Ridge Cap		
005	Depot	40 Plus Old Railway Sleepers		
006	Depot	Roof Tiles Flat		
007	Depot	Roof Tiles Flat		
008	Depot	Roof Tiles Flat		
009	Depot	Roof Tiles Terracotta Ridge Cap		
010	Depot	Stainless Steel Kitchen Sink and drainer 1530 mm long		
011	Depot	Steel Frames		
012	Depot	Steel Cage for ute		
013	Depot	Stack of Timber beams		
014	Depot	Stack of Timber beams		
015	Depot	20 Treated Pine Post and Rail		
016	Depot	Steel Trolley		
017	Depot	2 x Glass Windows with wooden frame	920mm x 1120mm & 1100mm x 1560mm	
018	Depot	Two-way Road aerial and cable		
019	Depot	Stihl Chainsaw	230C	
020	Depot	2 Swing Doors		
021	Depot	2 Dog Beds		
022	Depot	5 Chairs steel fame		
023	Depot	Fiberglass Playground Slide		
024	Depot	Excavator Bucket 750mm		
025	Depot	2 Vehicle Access gates 4550mm long by 1750mm high		
026	Depot	2 Fire Hose Reels with hose		
027	Depot	Jib to suit loader not rated		

Lot No	Location	Description	Make/Model	Serial No
028	Depot	Motorised concrete bull float		
029	Depot	3HP 3" Stalker Pump with electric motor		
030	Depot	Mobile air compressor	Ingersoll-Rand	
031	Depot	Old Galvanized custom orb sheeting various lengths		
032	Depot	Free Standing Stove top & Fan Forced Oven	Chef Solitaire	
033	Depot	Assorted two-way radios	Bushfire Analogue	
034	Depot	Stone Spreader Box for 8 tonne truck	Manufactured in Cuballing	
035	Office	AdaSound - 70s style PA System	PEM 3M	980472
036	Depot	13 Office Telephones	NEC	COMMANDER Phone Systems
037	Depot	Yamaha Electone Organ	B-35NF	4151
038	Depot	Toyota Ute	Hilux	1995
039	Depot	Wooden Bookshelf 1400mm high by 1200mm wide		
040	Depot	Simpson Top loading Washing Machine	5.5 Load capacity	
041	Depot	2 Desk Telephones	Telstra Access 35 and Uniden 900MHz	
042	Depot	Folding Wall Table	White finish	

Policy Implications:

There are no known policy implications.

Consultation:

Russell Dyer – Works Supervisor
 Allan Bell - Senior Mechanic
 Stuart Billingham - Director Community Corporate Services
 Gavin Pollock – Chief Executive Officer

Statutory Environment:

Local Government (Financial Management) Regulations 1996

Financial Implications:

Minor income as per 2017/18 Budget - General Ledger 1476

Strategic Implications:

There are no known strategic implications.

Voting Requirements:

Simple Majority

12404 Moved: Cr Steel Seconded: Cr Wood

Recommendation and Council Decision:

That Council proceed to proceed with a tender to sale 42 lots of surplus goods as listed within the Council Agenda April 2018 - Directorate of Technical Services 16.2.

Carried 7:0

16.3 LGIS Motorbike Preliminary Risk Assessment on Reserve 9593

File Reference: AMD0411
Location: Paragon Street, Pingelly
Applicant: Shire of Pingelly
Author: Barry Gibbs, Director Technical Services
Date: 10 April 2018
Disclosure of Interest: Nil
Attachments: LGIS Motorbike Preliminary Risk Assessment
(Attachment 4 following red sheet in separate attachments booklet)

Summary:

Council to receive a Preliminary Risk Assessment report from LGIS for the Motorbike Track located on Reserve 9593, Paragon Street, Pingelly.

Background:

The Shire of Pingelly has a community constructed motorbike track that has been in operation several years prior to 2009 when the Shire of Pingelly received our a Risk Mitigation Recommendations Report from Trail Bike Management Australia in September 2009. The Shire has implemented several of recommendation listed in that report as part of our risk mitigation for this facility.

Comment:

The Shire believes that the current report from LGIS reinforces the work already undertaken by the Shire of Pingelly and the Shire will increase the leave of monitoring of the motorbike track by including it as part of our Playground Inspection Program so any major concerns are dealt within in a timely manner.

Policy Implications:

There are no known policy implications.

Consultation:

Russell Dyer – Works Supervisor
Stuart Billingham - Director Community Corporate Services
Gavin Pollock – Chief Executive Officer

Statutory Environment:

Nil

Financial Implications:

Minor cost to general ledger number 1118.

Strategic Implications:

There are no known strategic implications.

Voting Requirements:

Simple Majority

12405 Moved: Cr McBurney

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council receive the Motorbike Track Preliminary Risk Assessment from LGIS dated November 2017.

Carried 7:0

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

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

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

12406 Moved: Cr Steel Seconded: Cr Wood

To introduce new business to the meeting – PRACC Inaugural Interim Board Membership for Council Endorsement.

Carried 7:0

18.1 PRACC Inaugural Interim Board Membership for Council Endorsement

File Reference: ADM00661
Location: Shire of Pingelly
Applicant: Pingelly Recreation & Cultural Centre Inc.
Author: Stuart Billingham, Director Corporate & Community Services **Date:** 18 April 2018
Disclosure of Interest: Nil
Attachments: PRACC Constitution February 2018, PRACC Minutes 17/4/2018 x 2
Previous Reference: Council Item 14.1 December 2017

Summary:

To present the Council with the Inaugural Pingelly Recreation and Cultural Centre Interim Board members for Council consideration of endorsement as per the PRACC Constitution clause 31 Board Members 31(5) *“First members elected to the board must be endorsed by Council”*.

Background:

The Pingelly Recreation and Cultural Centre Incorporated (PRACC Inc.) held its Inaugural meeting on Tuesday 17 April 2018 at 5.30pm after it officially becoming incorporated through the Department of Commerce in February 2018.

The meeting elected an interim board of a maximum of 10 people as listed below:

Affiliated Sport & Recreation Clubs & Associations Representatives

- Bruce Sewell
- Rheannon Turton
- Peter Wood

Cultural & Community Representatives

- Michelle Walton-Hassell
- Evan Hodges
- Lee Steel

Independent Representatives

- Anne Goldsmith
- Alex Hodges
- Kerry Keys

Shire Representative

- Cr Bill Mulroney (Shire President)

From amongst the new Interim Board members the following office bearers were elected:

- Interim Chair: Bruce Sewell
- Interim Deputy Chair: Michelle Walton-Hassell
- Interim Secretary: Anne Goldsmith
- Interim Treasurer: Rheannon Turton

The first Annual General Meeting (AGM) for PRACC Inc. to be held before 30 September 2018. Within 28 days of the AGM the new board to hold its first meeting with a separate election for each office holder.

Comment:

In order to progress in a timely manner the various tasks required of the PRACC Inc. an Interim Board was required to be established as a matter of priority. Issues such as setting up Bank Accounts, Applying for a Liquor License etc. are some of the tasks at hand.

Consultation:

Chief Executive Officer-Shire of Pingelly

Statutory Environment:

PRACC Inc. Constitution.

Policy Implications:

Nil.

Financial Implications:

Financial Contribution towards a Centre Manager for possibly a three year budget period 2019/20-2022/23.

Strategic Implications:

Direction of the Community Recreational and Cultural needs.

Voting Requirements:

Simple Majority.

12407 Moved: Cr McBurney

Seconded: Cr Hotham

Recommendation and Council Decision:

That the Council endorses the inaugural Committee Members as listed below:

Sport Representatives

Bruce Sewell (Interim Chair)

Rheannon Turton (Interim Treasurer)

Peter Wood

Community & Cultural Representatives

Michelle Walton-Hassell (Interim Deputy Chair)

Evan Hodges

Lee Steel

Independent Representatives

Anne Goldsmith (Interim Secretary)

Alex Hodges

Kerry Keys

Shire Representative

Bill Mulrone

Carried 7:0

12408 Moved: Cr McBurney

Seconded: Cr Steel

Introduce new business to the meeting – Pingelly Youth Group Inc. Lease Agreement.

Carried 7:0

18.2 Pingelly Youth Group Inc. Lease Agreement

File Reference: ADM00661
Location: Lot 202 Pemberton Street Pingelly
Applicant: Pingelly Youth Club Inc.
Author: Stuart Billingham, Director Corporate & Community Services **Date:** 18 April 2018
Disclosure of Interest: Nil
Attachments: Pingelly Youth Club Lease
Previous Reference: Nil

Summary:

To present the Council with the Lease of Lot 202 Pemberton Street between the Shire of Pingelly and the Pingelly Youth Club Inc. for consideration of authorisation for signing by the Shire President and Chief Executive Officer and affixing the Shire Common Seal.

Background:

The Shire of Pingelly has offered the Pingelly Youth Club Inc. a lease for the use of the buildings and land located at Lot 202 Pemberton Street Pingelly. See attached lease submitted as a separate attachment.

Comment:

The Lease is now presented to Council for consideration of authorising the Shire President and Chief Executive Officer to sign and affix the Shire Common Seal.

Consultation:

Chief Executive Officer - Shire of Pingelly.
Aaron Morton - President Pingelly Youth Club Inc.
Councillor Michelle Walton Hassell – Shire of Pingelly.

Statutory Environment:

Common Law - Lease agreement.

Policy Implications:

Nil.

Financial Implications:

Possible rental income \$1 per annum, payable on demand for the term of the lease.

Strategic Implications:

Youth Services.

Voting Requirements:

Simple Majority.

12409 Moved: Cr Walton-Hassell Seconded: Cr Freebairn

Recommendation:

That Council endorse

- entering a five (5) year lease agreement with additional two (2) plus two (2) year extension options with the Pingelly Youth Group Inc to operate at Lot 202 Pemberton Street Pingelly;

- the lease term to be effective from the 1st April 2018 and the lease document to be signed by the Shire President and the Chief Executive Officer with the Shire of Pingelly common seal being executed;
- the additional options of two (2) plus two (2) year lease extensions up to 2025 and 2027 to be actioned under delegation of the Chief Executive Officer on the receipt of a letter of request from the Lessee.

COUNCIL DECISION:

That Council endorse

- entering a five (5) year lease agreement with additional two (2) plus two (2) year extension options with the Pingelly Youth Group Inc to operate at Lot 202 Pemberton Street Pingelly, subject to a valid certificate of currency for \$10,000,000 in public liability insurance be presented to the Chief Executive Officer;
- the lease term to be effective from the 1st April 2018 and the lease document to be signed by the Shire President and the Chief Executive Officer with the Shire of Pingelly common seal being executed;
- the additional options of two (2) plus two (2) year lease extensions up to 2025 and 2027 to be actioned under delegation of the Chief Executive Officer on the receipt of a letter of request from the Lessee.

Carried 7:0

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 2.57pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 16 May 2018

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