

Notice of Meeting



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Western Australia 6308
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admin@pingelly.wa.gov.au

Dear Elected Member

The next Ordinary meeting of the Shire of Pingelly will be held on 20 March 2019 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

Schedule

2pm Council Meeting

Mark Dacombe
Acting Chief Executive Officer

15 March 2019

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Pingelly for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Pingelly disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Pingelly during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Pingelly. The Shire of Pingelly warns that anyone who has an application lodged with the Shire of Pingelly must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Pingelly in respect of the application.

AGENDA

Shire of Pingelly
Ordinary Council Meeting
20 March 2019

MISSION STATEMENT

To enhance the quality of life for the people of Pingelly through the provision of leadership, services and infrastructure.

DISCLAIMER

INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

MARK DACOMBE
ACTING CHIEF EXECUTIVE OFFICER

COUNCIL MEETING INFORMATION NOTES

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the Local Government Act 1995 to allow fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas are made available to Councillors within the requirements of the Local Government Act 1995 seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

Agendas for Ordinary Meetings are available in the Shire of Pingelly Office and on the website seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).

Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of Pingelly Office and the Shire of Pingelly website within ten (10) working days after the Meeting.

NOTE:

Unopposed Business

Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.

If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.

A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.

If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

PUBLIC QUESTION TIME AND INFORMATION

QUESTIONS FROM THE PUBLIC (PUBLIC QUESTION TIME)

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

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

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

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

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

SHIRE OF PINGELLY QUESTIONS FROM THE PUBLIC

Name: _____

Residential Address: _____

Phone Number: _____ Meeting Date: _____

Signature: _____

Council Agenda Item Number: _____

If applicable-see below*

Name of Organisation Representing: _____

If applicable

QUESTION

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

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

Please see Notes on Public Question Time overleaf

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

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

SHIRE OF PINGELLY

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

15 March 2019

(Print Name)

(Signature)

(Date)

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9887 1066 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM NO	PAGE NO	TYPE	REASON

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Chief Executive Officer, Shire of Pingelly

In accordance with Section 5.60-5.65 of the *Local Government Act* and Regulation 34(B) and 34(C) of the *Local Government (Administration) Regulations* and Regulation 11 of the *Local Government (Rules of Conduct) Regulations*, I advise you that I declare a (appropriate box):

financial interest (Section 5.60A)

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —
(a) change to a planning scheme affecting land that adjoins the person's land;
(b) change to the zoning or use of land that adjoins the person's land; or
(c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

interest affecting impartiality (Regulation 11). I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association but does not include a financial or proximity interest as referred to in section 5.60.

SHIRE OF PINGELLY

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 20 March 2019 – commencing at 2.00pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Council Agenda Reports

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

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

At the Ordinary Council Meeting of 20 February 2019 the following leave was granted:

12626 Moved: Cr Hotham

Seconded: Cr Wood

That Cr McBurney be granted leave from 24th February to 14th April 2019.

That Cr Walton-Hassell be granted leave from 9th March to 24th March 2019.

Carried 8:0

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 20 February 2019

Statutory Environment:

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

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 20 February 2019 be confirmed.

Moved: _____ Seconded: _____

9.2 Special Meeting – 6 March 2019 – Recruitment of Chief Executive Officer

Statutory Environment:

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

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 6 March 2019 be confirmed.

Moved: _____ Seconded: _____

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

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

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

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

13. REPORTS FROM COUNCILLORS

Cr William Mulronev (President)

Meetings attended February:

18th Meeting with Acting CEO

19th Meeting with CEO Appraisal Committee and Acting CEO re previous CEO's Appraisal results

20th February Council Meeting

25th Radio Interview 101.5FM re status of the Shire and Projects

28th Opening of Cornerstone Project, Beverley with Acting CEO

Meetings attended March:

1st Regional Road Group meeting at Wickepin with Acting CEO and DTS

6th Corporate Discussion and Special Council Meeting to ratify the Advertisement for position of CEO

7th PRACC meeting

15th CCZ Meeting at Corrigin with Acting CEO and Deputy President

Cr David Freebairn (Deputy President)

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

Nil

Cr Jackie McBurney

Nil

Cr Kacey Hastings

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

Note: Standing Orders Apply

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

Motion: That the following matter be lifted from the table and dealt with.

Moved: _____ Seconded: _____

14.1 Shire of Pingelly – Management Order Reserve 23983 Change of Purpose

File Reference:	ADM0070
Location:	Shire of Pingelly
Applicant:	Mark Dacombe, Acting Chief Executive Officer
Author:	Mark Dacombe, Acting Chief Executive Officer
Date:	6 February 2019
Disclosure of Interest:	Nil
Attachments:	Letter Department of Planning, Lands and Heritage (Attachment 1 following red sheet in separate attachments booklet)
Previous Reference:	Nil

Summary:

Council to request the Minister for Lands to update the wording Management Order for Reserve 23983 be updated to include the wording “Community Purposes”.

Background:

The Shire of Pingelly has now signed a Lease with the Pingelly Recreation and Cultural Centre Association Incorporated for portion of Reserve 23983, being Lot 201 on Deposited plan 410068. The Shire had to obtain the Minister for Lands approval to Lease the land. (Please refer to attached letter from Department of Planning, Lands and Heritage granting approval subject to conditions).

The current Management Order for Reserve 23983 is set aside for the purpose of “Showground and Recreation” with a Management Order to the Shire of Pingelly with power to lease/licence for any term not exceeding 21 years, subject to the Minister for Lands consent with conditions.

Approval subject to the Management Order over Reserve 23983 being updated within the next six months from the date of the letter from the Department of Planning, Lands and Heritage 11 January 2019. Deadline 11 July 2019.

The approval is subject to the registration requirements of the *Transfer of Land Act 1893*. The Shire will need to provide a copy of the letter to Landgate when the documents are lodged for registration at Landgate.

Comment:

This matter was submitted to the Ordinary Council meeting held on 20 February 2019 where the Council resolved that the item lay on the table to obtain more information on the matter.

Further discussion has been held with the Senior State Land Officer handling the matter to confirm the effects of the provisions contained in Annexure 1 of the letter dated 11 January 2019. Verbal confirmation has been received to the effect that the provisions should not affect the normal operations of the Association. It does mean that any surplus funds generated by the Association must be used to “maintain and repair all buildings and structures and to maintain the grounds and facilities of the reserve” and cannot be used for any purpose unrelated to the Reserve.

Consultation:

Department of Planning, Lands and Heritage
Acting Chief Executive Officer

Statutory Environment:

Transfer of Land Act 1893

Policy Implications:

Nil

Financial Implications:

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

Strategic Implications:

Nil

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Legislative Compliance
Risk Action Plan (Controls or Treatment Proposed)	Change in Management Order purpose

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Recommendation:

That Council

- 1. request the Minster for Lands that the current Management order for Reserve 23983 be revoked and a new order be issued with the updated wording adding “Community Purposes”.**
- 2. registers with Landgate a copy of the attached letter from the Department of Planning, Lands and Heritage along with the requirements of the Transfer of Land Act 1893.**

Moved: _____ Seconded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity February 2019

File Reference:	ADM0075
Location:	N/A
Applicant:	Stuart Billingham, Director Corporate & Community Services
Author:	Stuart Billingham, Director Corporate & Community Services
Date:	14 March 2019
Disclosure of Interest:	Nil
Attachments:	Monthly Statements of Financial Activity for the period 1 July 2018 to 28 February 2019 (Attachment 2 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 February 2019 is attached for Council consideration and adoption.

Background:

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

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

Consultation:

Acting Chief Executive Officer

Statutory Environment:

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

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

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

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

Policy Implications:

There are no policy implications.

Financial Implications:

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council’s adopted Budget 2018/2019.

Strategic Implications:

There are no known significant strategic implications.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Recommendation:

That with respect to the Monthly Statements of Financial Activity for the month ending 28 February 2019 be accepted and material variances be noted.

Moved: _____ Seconded: _____

15.2 Accounts Paid by Authority – February 2019

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 14 March 2019
Disclosure of Interest: Nil
Attachments: List of Accounts
(Attachment 3 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 February 2019.

Comment:

Unless otherwise identified, all payments have been made in accordance with Council's 2018/19 Budget.

Consultation:

Nil

Statutory Environment:

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

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

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

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

Policy Implications:

There are no policy implications arising from this amendment.

Financial Implications:

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

Strategic Implications:

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

Risk Implications:

Risk	Low (1)
Risk Likelihood (based on history and with existing controls)	Low (1)
Risk Impact / Consequence	Low (1)
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Low (1)
Risk Action Plan (Controls or Treatment Proposed)	Low (1)

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Recommendation:

That Council endorse the Accounts for Payments for February 2019 as presented:

FEBRUARY 2019	
MUNI - 117984856	
EFT 5721 - 5791	\$159,376.26
CHEQUE 24645 - 24648	\$5,961.05
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD10365.1 – DD10417.1	\$44,642.80
TRUST FUND – 1949 - 1953	\$420.00
DIRECT DEBIT -	
DD10361.1 – DD10387.7 & EFT 5734 – 5793 – Pay and Super	\$20,036.00
CREDIT CARD	
DD10385.1	\$786.55
GRAND TOTAL	\$231,222.66

Notification	Explanation
Nil	

Moved: _____ Seconded: _____

15.3 2018/2019 Annual Budget Review

File Reference:	ADM0067
Location:	Shire of Pingelly
Applicant:	N/A
Author:	Stuart Billingham, Director Corporate & Community Services
Authorising Officer	Mark Dacombe, Acting Chief Executive Officer
Date:	12 March 2019
Disclosure of Interest:	Nil
Attachments:	2018/19 Budget Review (Attachment 4 after green sheet in attachments book)

Summary:

To consider and adopt the Budget Review as presented for the period 1 July 2018 to 28 February 2019, as presented in the Budget Review (as attached).

Background:

Council adopted its 2018/2019 Municipal Budget at its Special Council meeting held 8 August 2018. It is now appropriate that a review of the Budget be put before Council for consideration and indeed this is required by Legislation.

Nature of Councils Role in the Matter:

Council is to consider the review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

Comment:

The purpose of the budget review is to ensure that that Council is informed of the like financial position of the Shire at 30 June 2019 in terms of its adopted budget. For purposes of annual reporting, Council is required to report against the adopted budget.

In reviewing the 2018/19 Budget and incorporating the amendments and the audited surplus for the 2016/17 financial year, the changes made to the various accounts has resulted in a change in the revised estimated closing balance of \$200,000 to 30 June 2019.

A copy of the 2018/19 Budget Review report and associated attachments include details of the individual amendments and a commentary.

Consultation:

Direct consultation has occurred with the Acting Chief Executive Officer and Director of Corporate and Community Services.

Statutory Environment:

Local Government Act 1995 Section 6.2 Municipal Budget

Local Government (Financial Management) Regulations 1996 as amended, Regulation 33A, requires local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government & Communities within 30 days of the adoption of the review.

Regulation 33A Review of Budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department of Local Government, Sport & Cultural Industries.

Policy Implications:

There are no policy implications

Financial Implications:

Variances in revenue and expenditure from adopted 2018/19 Budget.

Assuming Council accepts the officer’s recommendation to amend the budget as per attached summary, the net impact on the end of year position would result in the end of year estimated Surplus \$200,000. Therefore, it is seen that the proposed budget is prudent given that we have a number of large capital expenditure items in the remaining four months of the financial year.

Strategic Implications:

There are no known significant implications relating to the report or the Officer recommendation

Risk Implications:

Risk	Low (4)
Risk Likelihood (based on history and with existing controls)	Low (4)
Risk Impact / Consequence	Low (4)
Risk Rating (Prior to Treatment or Control)	Low (3)
Principal Risk Theme	Low (4)
Risk Action Plan (Controls or Treatment Proposed)	Low (3)

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority

Recommendation:

That:

- 1. Council, in accordance with Local Government (Financial Management) Regulation 33A and the Local Government Act, Council adopts the 2017/18 Budget Review for the period ending 28th February 2019, as attached to the Agenda.**
- 2. a copy of the Budget Review and determination be submitted to the Department of Local Government, Sport & Cultural Industries Portal within 30 days of determination.**

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Proposed Change of Existing Use of Premises

File Reference: A6157
Location: Lot 1 – 8 - 10 Parade Street0
Applicant: Craig Thomas & Arola Langford
Author: Sheryl Squiers, Administration Officer Technical
Date: 1 March 2019
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

Council to consider an application for planning consent for the proposed establishment of a takeaway/café business Lot 1 – 8 - 10 Parade Street and a BYO Licence.

Background:

The Shire of Pingelly has received an application for planning consent for the establishment of a takeaway/café business at Lot 1 – 8 - 10 Parade Street and planning consent for a BYO Licence.

The application for planning consent is required as a change of existing use for the premises to the new use of a takeaway food business, diner/café.

Comment:

The applicant currently operates as Pingelly Café & Bakery from premises at Lot 2 – 4b Parade Street and is proposing to relocate into premises at Lot 1 – 8 - 10 Parade Street to allow for expansion of the business in the larger premises.

The owners of the property Anthony & Sharon Oliveri operate the Pingelly IGA Express from 8 – 10 Parade Street but do not use the vacant shop attached to the northern end of the IGA business, have given full agreement and support for the takeaway/cafe food business to be relocated to their premises.

A complete shop fit out will be required and proposed layout is shown in attached plan which will require an application for a building permit and comply with the following standard - AS 4674—2004 Australian Standard Design, construction and fit-out of food premises.

The applicant will currently share the toilet facilities with the IGA with the plan to install another ablution block at the rear of the premises for future use by patrons.

The proposed relocation of the food business fits into two uses in the Shire of Pingelly Local Planning Scheme No.3 Town Centre Zone, fast food outlet which is an 'A' and restaurant (café) which is a 'D' use both requiring consent from Council.

'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

This proposal was advertised in the Shire News on 12 & 19 February and posted on the Shire of Pingelly Website for Public Comment on the proposed relocation of the business to a larger premises.

There were five (5) submissions for the proposal and zero (0) against the proposal.

The applicant has also requested consent from Council for a BYO Licence. The Liquor and Licensing Western Australia do not issue BYO licences, rather it is the prerogative of the local authority to grant or refuse such applications as part of the conditions imposed on such premises.

Previous BYO Licences were issued to premises located at 4 Parade Street, 17 Parade Street and 19 Parade Street.

Extract below in regards to Unlicensed Restaurants issued by the Department of Racing Liquor and Gaming's from the *Liquor Control Act 1988 and the Liquor Control Regulations 1989*:

Unlicensed restaurants

Only liquor that was brought to the premises by the patron can be consumed on an unlicensed premises. A person who supplies liquor in an unlicensed restaurant commits an offence. The maximum fine for a penalty of this nature is \$2000.

Whilst you can determine what alcohol can be brought on site, a general rule of thumb is that you should not allow people to bring along more alcohol than they may reasonably consume over the course of the meal.

Consultation:

Jacky Jurmann – Planner
Tim Jurmann – Environmental Health Officer
Barry Gibbs – Director Technical Services
Community Consultation

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3
Food Standards Australian and New Zealand
Food Act 2008

Policy Implications:

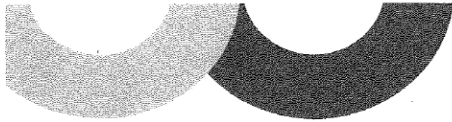
There are no policy implications.

Financial Implications:

There are no known financial implications.

Strategic Implications:

There are no known strategic implications.



Pingelly Café & Bakery

To whom it my concern

Dear Recipient:

It is with great passion and commitment I write this letter to Council to explain my reasoning for wanting to move my small business from my present premises into a new shop attached to Pingelly, IGA.

I am proposing to fit out attached building to IGA as a café/Diner/Fast food outlet. As the current building we are leasing is not big enough. The café dining area will be larger for patrons and therefore more comfortable. The kitchen area will be larger, however more functional for catering for customers and patrons.

We all know that the Pingelly Community found it hard with businesses closing down over the last few years, this is where I found my passion to come back to my home town and try and help our community.

I feel the bigger space upgrade will benefit customers, staff and I, with also a higher opportunity in employment for locals as the catering side of the business expanding. I am planning on a long term lease from 5 to 10 years. As I have just recently purchased my father's home with my partner as we are planning to retire in years to come in Pingelly.

After much discussion with my Family and Friends it has been brought to my attention that we could expand the Cafe as we have now, into a more prosperous venture if approved by council.

With much discussion also with Sharon and Anthony at the IGA as it will also help their business as well.

Due to financial out goings [REDACTED] being raised to an amount which is beyond our financial ability we have done some calculations and found it is more viable to consider going down this track as the building we are currently sub leasing needs a lot of work which we don't believe should be our responsibility, the building is too small for us to expand in our dining room and catering side of the business.

After speaking with Tim our Health Inspector we have come to the conclusion that we can work with all rules and regulations to bring this premises up to code so we can provide a premises to cater for the wider community.

The positive in this joint venture between us and IGA is that there is a guarantee of two small businesses succeeding in our tight knit community.

We hold ourselves high in helping when times are tough and support is needed.

As someone who has grown up in this community we do want to stay and provide a service to the fellow people of Pingelly and we also want to be here to watch our little town grow to its fullest potential.

Therefore with this in mind, it is going to be, a long term project and feel the upgrade will benefit customers, staff and employment in the community as a whole for years to come.

Sincerely,
Arola Langford

I would also like to have Byo approval if possible too An

IGA[®]

X-press

PH: 9887 0057
[REDACTED]

PINGELLY

8-10 Parade street
Pingelly WA 6308

To Whom It May Concern,

We are writing to inform you that we wholeheartedly support Arola's decision to move her cafe into the shop next door and are happy to write a long term legal lease agreement with her as soon as we can.

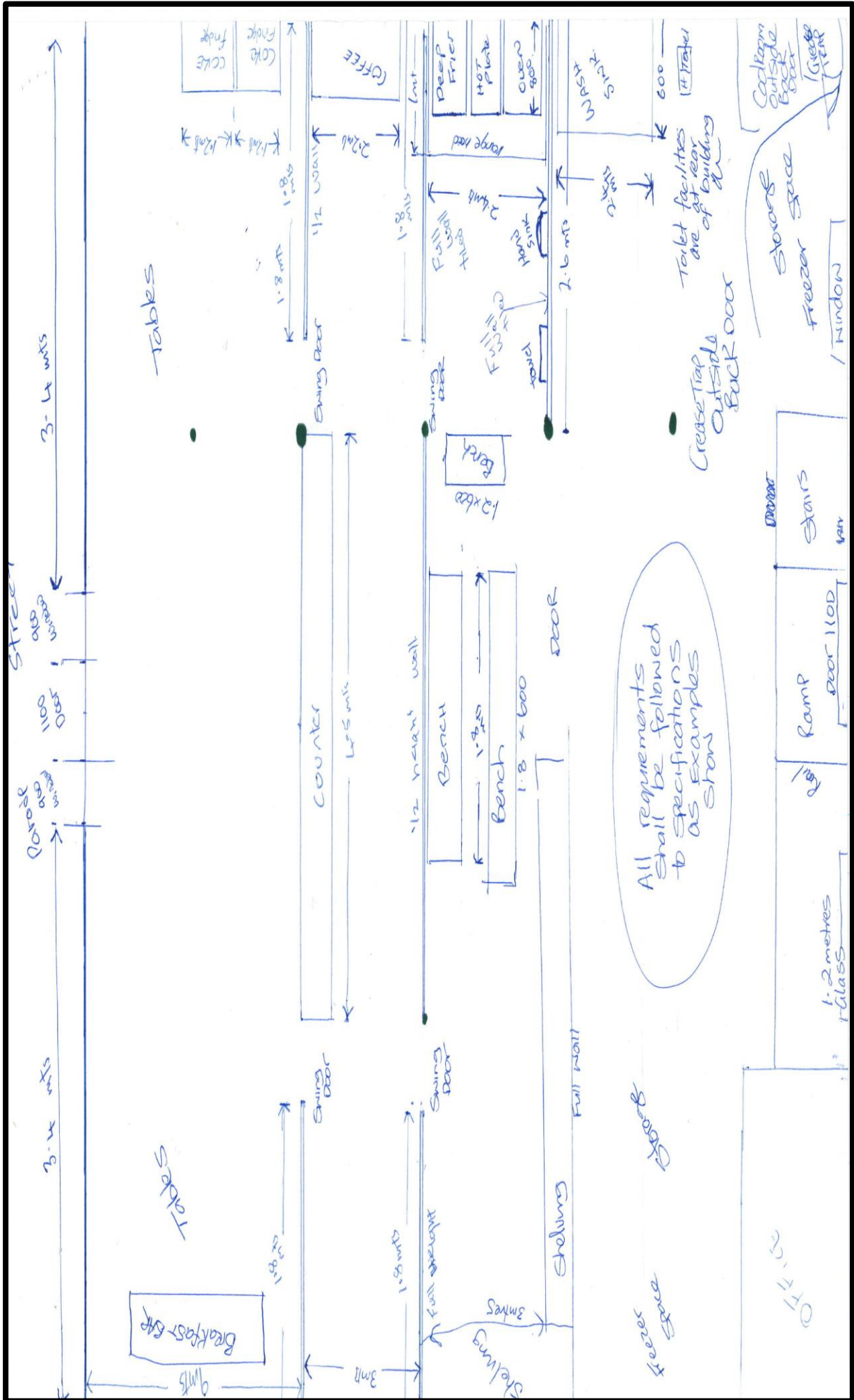
We feel that not only will it be a good business decision for her but also good for the town and its needs. The fact that the Cafe has grown so quickly in such a short time is a great testimony to her and her business. If there is anything we can do regarding paperwork that will help her get things moving quickly so her business can open quickly, please don't hesitate to let us know.

Kind regards

Anthony & Sharon Oliveri
Pingelly IGA X-Press



8-10 Parade St
Pingelly, WA
PingellyIGA@hotmail.com





Planning and Development Act 2005

Shire of Pingelly

Notice of Public Advertisement of Planning Proposal

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.


Lot No: 33 **H.No:** 10 **Street:** Parade

Suburb: Pingelly

Proposal: To change the use of an existing premises for use as a café and takeaway food outlet.

Details of the proposal are available for inspection at the Shire office.

Comments on the proposal may be submitted to the Shire of Pingelly in writing on or before the Twenty Fifth day of February 2019.

Signed: 

Dated: 11/2/19

for and on behalf of the Shire of Pingelly

Risk Implications:

Risk	Low (1)
Risk Likelihood (based on history and with existing controls)	Low (1)
Risk Impact / Consequence	Low (1)
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Low (1)
Risk Action Plan (Controls or Treatment Proposed)	Low (1)

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Recommendation:

That Council grant planning approval for the proposed relocation of the existing food business to the premises at Lot 1 – 8-10 Parade Street, Pingelly and to grant consent for the issue of a BYO Licence.

Moved: _____ Seconded: _____

16.2 Surplus Equipment Tender

File Reference: ADM0570
Location: Lot 368 – 20 Parade Street and Lot 822 – 1 Paragon Street
Applicant: Barry Gibbs, Director Technical Services
Author: Barry Gibbs, Director Technical Services
Date: 11 March 2019
Disclosure of Interest: Nil
Attachments: List of Assets for Sale
(Attachment 5 following blue sheet in separate attachments booklet)

Summary:

Council to approve the sale and disposal of surplus items through a notice of expression of interest.

Background:

The Shire had accumulated an assortment of surplus items from the Town Hall and Shire Depot.

Comment:

Any items not sold will be assessed for either readvertising for sale, sold as scrap or disposal at the Pingelly Refuse site.

Consultation:

Acting Chief Executive Officer – Mark Dacombe
Director Community and Corporate Services - Stuart Billingham

Statutory Environment:

Local Government Act 1995 - 3.58. Disposing of property

Local Government (Functions & General) Regulations 1996 Reg 30

30. *Dispositions of property excluded from Act s. 3.58*

(1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(2) *A disposition of land is an exempt disposition if —*

(a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*

(i) *its market value is less than \$5 000; and*

(ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*

or

(b) *the land is disposed of to a body, whether incorporated or not —*

(i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

(ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

or

- (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*

or
 - (d) *it is the leasing of land to an employee of the local government for use as the employee’s residence; or*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
 - (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
- (2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —*
- (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or*
 - (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
 - (c) *the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) *the names of all other parties concerned; and*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) *Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.*
- (3) *A disposition of property other than land is an exempt disposition if —*
- (a) *its market value is less than \$20 000; or*
 - (b) *the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6; 27 Sep 2011 p. 3846; 18 Sep 2015 p. 3812.]

Policy Implications:

Nil

Financial Implications:

Income from the sale of surplus plant and equipment will be placed in the General Ledger Account 1476 – Sale of Sundry Items.

Strategic Implications:

Nil

Risk Implications:

Risk	Low (3)
Risk Likelihood (based on history and with existing controls)	Low (3)
Risk Impact / Consequence	Low (3)
Risk Rating (Prior to Treatment or Control)	Low (3)
Principal Risk Theme	Low (3)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority

Recommendation:

Council to endorse the sale of surplus items by expression of interest from the Town Hall and Shire Depot as listed in the attachment.

Moved: _____ Seconded: _____

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

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

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

19. CLOSURE OF MEETING

The Chairman to declare the meeting closed.