

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 17 July 2019 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

Pingelly Craft Centre will be providing lunch.

Schedule

12.30pm Lunch
2pm Council Meeting

Mark Dacombe
Acting Chief Executive Officer

12 July 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
17 July 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:

17 July 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 17 July 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 held on 15th May 2019 the following leave was granted:

12661 Moved: Cr Walton-Hassell

Seconded: Cr Hastings

That:

Cr McBurney be granted leave for Wednesday 15th May 2019.

Cr Wood be granted leave from 24th June to 27th July 2019.

Carried 8:0

At the Ordinary Council Meeting held on 19th June 2019 the following leave was updated:

12687 Moved: Cr Freebairn

Seconded: : Cr Hodges

That:

Cr Wood requested and extension of previously approved leave to the 3rd August 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 – 19 June 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 19 June 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 Mulrone Delegate – Cr Freebairn Deputy – Cr Hodges Deputy – Cr Wood
Pingelly Tourism Group	Delegate – Cr McBurney Deputy – Cr Freebairn
Regional Waste Group	Delegate – Cr Mulrone 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 Mulrone (President)

Meetings attended June:

23rd Attendance at celebration of 25th Anniversary Voice of the Avon 101.3 FM
25th Meeting with representatives of the Regional Development Association
26th IPR Workshop
28th Farewell morning tea for Barry Gibbs departing DTS.

Meetings attended July:

3rd Corporate Discussion
10th Budget Workshop
11th Visit from Donnybrook District Sporting and Recreation Working Group
17th Council meeting

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

14.1 Adoption of 2019/20 Budget and Fees and Charges

File Reference: ADM0067
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Stuart Billingham, Director Corporate and Community Services
Date: 8 July 2019
Disclosure of Interest: Nil
Attachments: Statutory Budget and Program Schedules
(Attachment 1 following red sheet in separate attachments booklet)

Summary:

To adopt the 2019/20 Budget in accordance with the requirements of the *Local Government Act 1995* and other relevant legislation.

Background:

The *Local Government Act 1995* requires Councils by 31 August each financial year to prepare and adopt, in the form and manner prescribed a financial budget for its municipal fund for the financial year ending the next following June.

Comment:

The overall increase in rates raised for the year 2019/20 is 4.5%. This increase will enable the Shire of Pingelly to complete its works programs and provide services required by the community and meet the compliance requirements of various governing agencies.

A capital works program amounting over \$3.78 million dollars is included in the budget, including upgrades and replacement of assets as required under the Shire of Pingelly Asset Management Plans. The major projects being undertaken in the 2019/20 budget are the extensive road construction program.

Consultation:

Executive Staff, Councillors

Statutory Environment:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Waste Avoidance and Resource Recovery Act 2007

Policy Implications:

Nil

Financial Implications:

A balanced budget for the 2019/20 financial year.

Strategic Implications:

The budget documents Council's financial objectives for the next twelve months.

The draft 2019/20 budget has been developed based on the existing Community Strategic Plan and Integrated Planning documents prepared by the Shire of Pingelly.

Quadruple Bottom Line Assessment

A Healthy and Cohesive Community

- The draft 2019/20 budget delivers social outcomes identified in various planning and community supporting strategies that have previously been adopted by council. This includes support of medical services, aged care and primary health care services as well as community and sporting organisations and facilities.
- There has been extensive consultation with the community over the last few years as to the expectations of the community with regard to their needs and future development. A community survey was completed in 2018. The information obtained from the survey has been used to determine community needs and future planning.

Enhanced Natural and Built Environment

- The draft 2019/20 budget delivers this on a number of levels, including the Shire is working toward a regional waste management program with a regional refuse site. The Shire of Pingelly also provides support for the University of WA Future Farm and its activities.

Prosperous and Sustainable Community

- The draft 2019/20 budget provides support for the community through financial support of the:
 - Pingelly Development Association-\$2,800
 - Friends of Pingelly Railway Station-\$3,700
 - Pingelly Primary P&C - \$550
 - Pingelly Tourism Group-\$4,831
 - Pingelly Tennis Club-\$200
 - Pingelly Bowling Club-\$200
 - Pingelly Golf Club-\$200
 - Early Years Network Grant-\$4,030
 - Pingelly Rifle Club - \$700
 - Shearing Shed - \$300
 - Pingelly Soccer Club-\$815

Additionally funds will be made available for the continued improvement of road and transport networks, including Commodity Route improvements.

Effective Governance and Organisation

- Governance and compliance requirements continue to expand, with the Shire of Pingelly being subject to the same requirements as large metropolitan Councils. This represents a considerable impost on the Shire. The Shire of Pingelly has revised the Integrated Planning documents including preparing a new Asset Management Strategic Plan. There is a requirement for continual revision of these plans in future years, with these plans being the basis of decisions made by Council. Council have also adopted a training policy for Councillors to assist with decision making and to provide an understanding of their roles and responsibilities.

- Staff training is also funded acknowledging that experienced staff are difficult to source in regional areas. The training allows staff to attain a level of competency in an office where multiple complex tasks are undertaken by a small workforce. Works staff will also undertake training to ensure compliance with Worksafe requirements and to ensure competency in work undertaken. In addition support services are sourced externally where expertise is not available locally.
- There are currently systems, policies and processes in place that are reviewed regularly to ensure the smooth and effective operation of the organisation.

Recommendation:

That:

Part A – Municipal Fund Budget for 2019/20

Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996* the council adopt the Municipal Fund Budget as contained in the attachment to this agenda and the minutes for the Shire of Pingelly for the 2019/20 financial year which includes the following:

- **Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for that year of – (\$).**
- **Statement of Comprehensive Income by Program on page 3 showing a net result for that year of – (\$).**
- **Statement of Cash Flows on Page 4.**
- **Rate Setting Statement on page 5 showing an amount required to be raised from rates of \$2,084,538.**
- **Notes to and Forming Part of the Budget on pages 6 to 33.**

Absolute Majority Required

Moved: _____ Seconded: _____

Part B – General and Minimum Rates, Instalment Payment Arrangements

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum rates on Gross Rental and Unimproved Values.

1.1 General Rates

Residential (GRV)	12.0060 cents in the dollar
Commercial (GRV)	12.0060 cents in the dollar
Industrial (GRV)	12.0060 cents in the dollar
Townsite (GRV)	120060 cents in the dollar
Broadacre Rural (UV)	1.0340 cents in the dollar

1.2 Minimum Payments

Residential (GRV)	\$900
Commercial (GRV)	\$900
Industrial (GRV)	\$900
Townsite (GRV)	\$900
Broadacre Rural (UV)	\$900

2. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

• Full payment and 1st instalment due date	27 August 2019
• 2nd half instalment due date	6 January 2020
• 1st quarterly instalment due date	27 August 2019
• 2nd quarterly instalment due date	28 October 2019
• 3rd quarterly instalment due date	6 January 2020
• 4th quarterly instalment due date	9 March 2020

3. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.
4. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.

5. Pursuant to section 6.51 (1) and subject to section 6.51 (4) of the *Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

Absolute Majority Required

Moved: _____ Seconded: _____

Part C – General Fees and Charges for 2019/20

Pursuant to section 6.16 of the *Local Government Act 1995*, council adopts the Fees and charges included with the 2019/20 budget.

Absolute Majority Required

Moved: _____ Seconded: _____

Part D – Other Statutory Fees for 2019/20

1. Pursuant to section 53 of the *Cemeteries Act 1986* council adopts the fees and charges for the Pingelly and Moorumbine cemeteries the 2019/20 budget.
2. Pursuant to section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960* the council adopts a swimming pool inspection fee of \$58.45.
3. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal of domestic and commercial waste:

3.1 Residential Premises including recycling 240L Refuse Bin Collected Weekly and 240L Recycling Bin Collected Fortnightly	\$310 pa
3.2 Commercial and Industrial Premises including recycling 240L Refuse Bin Collected Weekly and 240L Recycling Bin Collected Fortnightly	\$310 pa

Absolute Majority Required

Moved: _____ Seconded: _____

4. Pursuant to section 67 of the *Waste avoidance and Resources Recovery Act 2007*, and section 6.16 of the *Local Government Act 1995* council adopt the following charges for the deposit of domestic and commercial waste (inclusive of GST where applicable):

Refuse Site after Hours Access Fee (unsupervised)	\$120.00
Refuse Site after Hours Access Fee (supervised)	\$108.00
Burial of Hazardous Waste (per m ³)	\$154.00
Building Rubble (per m ³)	\$53.00
Green Waste – Non Residents (per m ³)	\$12.50
Septic Waste (per m ³) as per licence	\$24.00
Contaminated or unsorted mixed loads (per m ³)	\$83.00
Oil Disposal – Non-residential or commercial (per litre)	\$3.00

Absolute Majority Required

Moved: _____ Seconded: _____

Part E – Elected Members Fees and Charges

1. Pursuant to section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting fees:

• President	\$10,000
• Deputy President	\$4,400
• Councillors	\$4,000

2. Pursuant to section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual allowances for elected members:

• Phone, Fax, IT & Telecommunications	\$1,000
• Childcare actual cost of \$25 per hour or whichever is the lesser	

3. Pursuant to section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

• President	\$1,200
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4. Pursuant to section 5.98A of the *Local Government Act 1995* and regulations 33A of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

• Deputy President	\$300
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Absolute Majority Required

Moved: _____ Seconded: _____

Part F – Material Variance Reporting for 2019/20

In accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018/19 for reporting material variances shall be 10% and \$5,000, whichever is the greater.

Absolute Majority Required

Moved: _____ Seconded: _____

Part G – Rates Exemption

That pursuant to section 6.47 of the *Local Government Act*, and in keeping with past years, the 2019/20 rates on the following properties be waived to encourage these community organisations:

- Assessment A10364 – 13 Queen Street – Apex Club of Pingelly
- Assessment A8015 – Moorumbine Rd – Church of England
- Assessment A987 – 54 Shire Street – Pingelly Aged Persons Hostel
- Assessment A11033 – 6 Somerset Street – Somerset House
- Assessment A20103 – 34 Parade Street – Pingelly CRC
- Assessment A20450 – Lot 14 Shire Street – Pingelly Cottage Homes
- Assessment A6051 – 33 Somerset Street – Pingelly Cottage Homes
- Assessment A1049 – 37-39 Brown Street – Pingelly Cottage Homes
- Assessment A9390 – 24 Shire Street – Pingelly Cottage Homes
- Assessment A6171 – 29 Review Street – Pingelly Golf Club
- Assessment A22422 – 47 Stratford Street – Pingelly Masonic Lodge Inc
- Assessment A8988 – 51-53 Stratford Street – St John Ambulance Association

Subject to eligibility of exemption being reviewed.

Absolute Majority Required

Moved: _____ Seconded: _____

Part H – Early Payment Incentive Prize

That entry into the Early Payment of Rates competition be offered to ratepayers who have paid in full all rates and charges within 35 days of issue (27 August 2019) and that the draw be conducted at the 18 September 2019 Ordinary Council meeting following the close of the competition.

Simple Majority Required

Moved: _____ Seconded: _____

That entry into the Early Payment of Rates competition prizes offered be made up of:

- **First Prize**
A \$350 Savings Account from the Pingelly Brookton Community Bank
- **Second Prize**
\$200 cash from Matthews Realty Pty Ltd

Simple Majority Required

Moved: _____ Seconded: _____

Terms and Conditions:

Ineligible ratepayers are owners of property that is not fully rated (subject to exemptions) and Shire of Pingelly Councillors or Staff (or partners of).

Sponsors materials be included in the envelope sent to ratepayers with the rate notices. Mention of the sponsors is to be made in the newsletter accompanying the rate notices.

Entry into the Early Payment of Rates competition be offered to eligible ratepayers who have paid in full all rates and charges (including arrears) within 35 days of issue and that the draw be conducted at the Ordinary Council Meeting following the close of the competition.

The Presiding Person at the meeting conducts the draw. The program Random Prize Draw be used to draw the winners. Staff to confirm the eligibility of the winners prior to the announcement of the winners.

Should the assessment drawn be ineligible, then another draw will be done until eligible winners have been selected. When winners are determined the name of the winners will be published in the Shire News as well as an acknowledgement of the provision of prizes by the sponsors.

14.2 Major Strategic Review – Draft Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan for Adoption

File Reference: ADM0310
Location: Pingelly
Applicant: Shire of Pingelly
Author: Mark Dacombe, Acting Chief Executive Officer
Date: 11 July 2019
Disclosure of Interest: Acting CEO Impartiality
Attachments: Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan
(Attachment 2 following orange sheet in separate attachments booklet)

Summary: This item presents the draft 2020 - 2030 Strategic Community Plan for consideration and approval for release for a four-week period of consultation. The item also presents the Corporate Business Plan and Long Term Financial Plan for adoption.

Background:

The Council is required to undertake a major strategic review at least once every 4 years in accordance with S19C of the Local Government (Administration) Regulations 1996. A strategic review is also required to be scheduled two years from when the Strategic Community Plan is adopted. The Council has been undertaking its review over an extended period of time and this will be completed with the proposed adoption of the Strategic Community Plan 2018 – 2028 on 17 July 2019. As part of the review the Council has also completed the development of its Corporate Business Plan which sets out the costed work program of the first four years of the Strategic Community Plan, and its Long Term Financial Plan which contains that Councils projected financial profile for the next 10 years demonstrating the sustainability and affordability of the Strategic Community Plan.

Strategic Community Plan

The Strategic Community Plan sets the scene for the whole planning frame-work of the Council. It expresses the community's vision and priorities for the future and shows how the Council and community intend to make progress over a ten-year period. It is a "rolling" plan which is reviewed every two years. The two-yearly reviews alternate between a minor review (updating as needed) and a major review (going through all of the strategic planning steps in full). The plan keeps a ten-year horizon so that it is continuously looking ahead. This ensures that the best decisions are made in the short to medium term. The draft Strategic Community Plan now presented to the Council for consideration is a result of the first major strategic review following the adoption of the Council's first Strategic Community Plan on 9 October 2013.

Corporate Business Plan

The Corporate Business Plan gives effect to the first four years of the Strategic Community Plan. The Corporate Business Plan incorporates a fully costed work program for the four year period. Each year of the Corporate Business Plan represents the starting point for the consideration of that year's budget and as each budget is adopted the Corporate Business Plan is updated so that it is always in alignment with the annual budget and is always looking out four years.

Long Term Financial Plan

The Long Term Financial Plan has a ten year horizon. The first four years are in alignment with the Corporate Business Plan. As the Corporate Business Plan is updated annually the Long Term Financial Plan should also be updated so that it is always in alignment with the budget and Corporate Business Plan.

The Long Term Financial Plan demonstrates the financial sustainability of the Shire over the ten year period and is a key strategic planning tool to model and consider the impact of future major initiatives. The financial model built by staff projects out fifteen years. The plan proposed for adoption contains a ten year horizon in alignment with the Strategic Community Plan.

Comment:

The Council is just completing an intensive period of capital development demonstrating the commitment of Federal, State and Local Government to a viable and growing Pingelly. The next phase will see a period of consolidation with the Council focused on tight financial management whilst developing the opportunities afforded by the new facilities.

The longer-term projections see the Council adjusting to the financial impact of the developments with the position strengthening over the five to ten year period affording increasing capacity for investment in programs, projects and services.

The Strategic Community Plan incorporates four priority focus areas that are inter-connected to move Pingelly forward. The Corporate Business Plan and the Budget for 2019/20 contain initiatives aimed at making progress in the priority focus areas as follows:

Economic Development

- Strengthening Local Business – Business After Hours, consideration of a possible local association
- Specialisation – working with the Wheatbelt Development Commission and Regional Development Australia on the current focus and support for Wheatbelt economic development including Aboriginal enterprise, developing the relationship with UWA and Future Farm including links to education and short term accommodation, working on the potential for Ag-based industries, astronomy and tourism
- Education – link to aged care
- PRACC – promotion, events, longer term precinct development, accommodation/RVs and units
- Industrial land – increase availability and profile of industrial land

Growing Community

- Healthy kids – Pingelly Early Years Network, whole of community effort
- Pingelly Wellbeing and Community Plan – youth suicide prevention, drug and alcohol, youth at risk
- Ageing in Place – Somerset Alliance, maximise benefits in terms of demand for goods and services and jobs (links to Education)
- Pingelly Age Appropriate Accommodation – expansion dependent on availability of grants

Short Term Accommodation

- RVs and units in PRACC precinct - accommodation/RVs and units (link to Economic Development)
- Bed and Breakfast - Encourage, regularise, promote (link to Branding and Marketing)
- Old Hospital site – first step strategy development
- Caravan Park and RVs – aim to extend visitor nights

Branding and Marketing

- Evidence based, expert and central approach to branding and marketing across investment, resident and visitor attraction – engage expert advice (subject to resources), consider a new tag line, capture high quality images, ensure all relevant organisations are included in event promotion.

The conclusion drawn from the plans and the planning process is that Pingelly is going ahead. There is a relatively short term period of belt tightening required but with the completion of the capital program there is plenty to focus on with the community and key stakeholders, to grow the community and economy. The Shire's debt is sustainable and a very competent Council with a commitment to the community's vision of a Shire that is "Growing, Inclusive and Resilient" is at the helm.

Consultation:

The Shire of Pingelly included extensive community engagement as part of the major strategic review. The results provided vital input to the Council when making decisions on priorities and plans.

The following engagement events were undertaken:

- A community engagement 'drop-in' process was held, which was attended by approximately 70 people. There was a good spread of participants overall, with the 15-24 age group and the 25-34 age group being somewhat under represented.
- Statistically valid Community Surveys were undertaken in 2016 and 2018.
- In addition, ten face-to-face interviews were undertaken with members of the Noongar community.

The total number of participants (approximately 190) exceeded the Department of Local Government, Sport and Cultural Industries minimum community engagement threshold of 10% of the population.

It is proposed that the Strategic Community Plan be adopted for a period of public consultation of four weeks to enable report back to the community on the Council's responses to their input and to facilitate any comment from the community on the specifics of the plan.

Statutory Environment:

The Strategic Community Plan is prepared in accordance with Regulations 19C and 19D of the Local Government (Administration) Regulations 1996. The Corporate Business Plan is prepared in accordance with Regulation 19DA of the Local Government (Administration) Regulations 1996. The Corporate Business Plan integrates matters relating to resources, including asset management, workforce planning and long term financial planning hence the proposed adoption of the Long Term Financial Plan.

Policy Implications:

The major strategic review is being conducted with reference to Council Policy 4.8 "Consultation and Communication".

Financial Implications:

In developing the Strategic Community Plan the Council is mindful that it must be achievable within the capacity of the Shire's current resources and the anticipated capacity of its future resources. A great deal of care and attention has been invested in developing the 2019/20 Budget, the four-year budgets incorporated in the Corporate Business Plan, and the ten-year budgets incorporated in the Long Term Financial Plan.

These demonstrate that the strategies identified can be implemented in a manner that is financially sustainable, minimising as far as possible the financial impost on the local community, while improving the financial position of the Shire over time.

Work will continue on the development of the Shire's asset management plans to ensure that the appropriate level of investment is being made in maintenance and renewals. The short to medium term challenge is in meeting the requirement to provide key services whilst managing the impact on ratepayers so that the plan is affordable and the Shire is sustainable.

Risk Implications:

There is a high level of confidence that the draft Strategic Community Plan reflects the community’s aspirations. This will be tested during the formal consultation process. Each plan has a section on risks and the actions required to mitigate the identified risks.

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 (4)
Risk Action Plan (Controls or Treatment Proposed)	Low (4)

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:

That Council:

1. Adopts the Strategic Community Plan 2019/20 to 2029/30 as presented for community consultation.
2. Approves community consultation on the draft Strategic Community Plan to take place for a period of approximately four weeks from 18 July 2019 to 15 August 2019.
3. Adopts the Corporate Business Plan 2019/20 to 2022/23 as presented.
4. Adopts the Long Term Financial plan 2019/20 to 2029/30 as presented.

Moved: _____ Seconded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity June 2019

File Reference: ADM0075
Location: N/A
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 8 July 2019
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

Due to preparation of end of financial year to 30 June 2019 Monthly Statement of Financial Activity is not available and will be presented to the August 2019 Council Meeting.

15.2 Accounts Paid by Authority – June 2019

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 8 July 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 June 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 June 2019 as presented:

JUNE 2019	
MUNI - 117984856	
EFT 6070 - 6153	\$291,824.11
CHEQUE 24673 - 24682	\$24,621.49
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD10602.1 – DD10652.1	\$41,174.40
TRUST FUND – 1955 - 1955	\$200.00
DIRECT DEBIT -	
DD10610.1 – DD10624.5 & EFT6084 – EFT6151 – Pay and Super	\$17,653.15
CREDIT CARDS	
DD10622.1 – DD10622.1	\$831.36
GRAND TOTAL	\$376,304.51
Notification	Explanation
Nil	N/A

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Sale of Surplus Equipment EOI Tender

File Reference: ADM0570
Location: Lot 2 Paragon St – 16 Somerset Street and Reserve 5004
Applicant: Director Technical Services
Author: Director Technical Services
Date: 10 July 2019
Disclosure of Interest: Nil
Attachments: List of Assets for Sale and EOI received
(Attachment 4 following green 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 Depot and construction of the new Pingelly Recreation and Culture Centre.

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	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 3 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:

Thant Council:

1. endorse the sale of surplus items by expression of interest from the Depot and Pingelly Recreation and Cultural Centre as listed in attached papers.
2. accepts EOI from LR & BJ Shaddick and Son for two 40ft Sea containers of item 001 \$2,750 including GST and item 002 \$2,450 including GST, total \$5,200.00 incl GST.

Moved: _____ Seconded: _____

16.2 Application for an Exemption for Three Dogs

File Reference: A9876
Location: Lot 12-824 – 19 Railway Street
Applicant: Mr G & Mrs D Currell
Author: Sheryl Squiers, Administration Officer Technical
Date: 24 June 2019
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for an exemption to keep three dogs at Lot 12-824 – 19 Railway Street, Pingelly.

Background:

The applicant has written to Council requesting an exemption to keep three dogs at Lot 12-824 – 19 Railway Street, Pingelly. The third dog is currently registered to Lot 155 - 33 Sharow Street and the current registered owner can no longer keep the dog.

Comment:

It is a requirement of the Shire of Pingelly's Dogs Local Law (2003) the maximum number of dogs that can be kept on a premise within a town site is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as amended).

Under the Dog act 1976 the maximum number of dogs permitted before constituting a kennel is six and this is where the local government may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only.

The *Shire of Pingelly's Policy 13.12 Dog Kennels/Dog Keeping* covers the General Agriculture Zone only, the townsite and rural residential are not included in this policy.

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

The following conditions to be stipulated on the approval:

1. That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption, and
2. That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.
3. That the exemption applies only to the dogs nominated by the applicant.
4. Each dog on the property must be micro chipped and registered with the Shire of Pingelly if not already completed.
5. Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.
6. That the property has adequate fencing to ensure it is suitable for keeping dogs within the property boundary.

Chris Cockburn Shire of Pingelly's Ranger sought public comment on the matter from the residents living in close proximity to the above property. There was no objection to the third dog at 19 Sharow Street.

The applicants already have two dogs of their own registered with the Shire of Pingelly. They have taken the third dog as the current registered owner can no longer keep the dog. The dog is a 10 month old sterilized & microchipped female Chihuahua.

The applicants currently own a sterilized female German Spitz Mittel (which is a small dog) and a sterilized male Belgian Shepherd and have previously had an exemption from Council for three dogs.



Ranger Services have not received any complaints of barking issues, dog attack reports or any other complaints in relation to the two dogs already owned by the applicants and see no reason why Council approval should not be granted.

A local government may, by way of a local law under the Dog Act 1976 Part V The keeping of dogs, Section 26 – Limitation as to numbers put a limit of the number of dogs kept at a premises in the local government district. Extract of this section inserted in Statutory Environment below.

Extract from the Shire of Pingelly's Dogs Local Law on the limitation on number of dogs which may be kept on a premises:

Shire of Pingelly's Dogs Local Law (2003) Section 3.2

Limitation on the number of dogs

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

Consultation:

Barry Gibbs – Director Technical Services

Dog Act (1976)

Chris Cockburn – WA Contract Ranger Services

Statutory Environment:

DOG ACT 1976 - SECT 26

26 Limitation as to numbers

- (1) *A local government may, by a local law under this Act —*
- (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or*
 - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.*

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

Penalty:

- (a) *for an offence relating to a dangerous dog —*
 - (i) *a fine of \$10,000, but the minimum penalty is a fine of \$500;*
 - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;*
- (b) *for an offence relating to a dog other than a dangerous dog —*
 - (i) *a fine of \$5,000;*
 - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.*
- (5) *Any person who is aggrieved —*
 - (a) *by the conditions imposed in relation to any exemption under subsection (3); or*
 - (b) *by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,*
may apply to the State Administrative Tribunal for a review of the decision.

- (6) *An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

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

Shire of Pingelly’s Dogs Local Law (2000) Section 3.2

Limitation on the number of dogs

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

Financial Implications:

No known financial implications.

Strategic Implications:

Dog Act 1976 (As Amended)
Shire of Pingelly’s Dogs Local Law (2003)

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	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 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 an exemption for the keeping of three dogs at 19 Railway Street subject to the following conditions:

1. That the exemption be reviewed in twelve months' time to ensure that no adverse problems have been experienced as a result of the exemption.
2. That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.
3. The exemption applies only to the dogs nominated by the applicant.
4. Each dog must be microchipped and registered with the Shire of Pingelly within one month of Council approval.
5. Upon the death or permanent removal of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.
6. That the property has adequate fencing to ensure it is suitable for keeping three dogs.

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.