

Notice of Meeting



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Dear Elected Member

The next Ordinary meeting of the Shire of Pingelly will be held on 18 September 2019 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

The Pingelly Community Craft Centre will be providing lunch.

Schedule

12.30pm	Lunch
2pm	Council Meeting

Julie Burton
Chief Executive Officer

13 September 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
18 September 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.

Julie Burton
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:

18 September 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 18 September 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 Meeting of Council held on 21 August 2019 the following leave was granted:

12724 Moved: Cr Walton-Hassell Seconded: Cr Wood

That:

Cr McBurney be granted leave from 1st September to 30th September 2019.

Carried 8:0

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

7. APPLICATIONS FOR LEAVE OF ABSENCE

By Email Cr Walton-Hassell 15th – 19 September 2019 inclusive.

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 21 August 2019

Statutory Environment:

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

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 21 August 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 August

26th Radio interview with FM 101.3 re Council Rates and Roads Program 2019/20

27th Presidents and CEO Meeting - update on activities

30th Central Country Zone Meeting at Beverley with Deputy President and CEO

Meeting attended September

4th Meeting with the PRACC and Pingelly Bowling Club re transition of Bowling Club to the PRACC

10th Local Emergency Management Committee meeting Pingelly SES Building. Joint meeting with Brookton and Beverley to align and understand each Council's arrangements in the event of a large incident within adjoining Shires

11th Agenda Briefing for September Council Meeting

12th Pingelly Somerset Alliance meeting

18th Council Meeting

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Shire of Pingelly Policy – Ordinary Meetings of Council

File Reference:	ADM0310
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachment:	(Attachment 1 following red sheet in separate attachments booklet)
Previous Reference:	OCM 17 April 2019 Resolution Reference: 12663

Summary

Council is requested to consider a minor amendment to the Ordinary Meetings of Council Policy, which removes the specification of a day and time for Corporate Discussion.

Background

The current Shire of Pingelly Ordinary Meetings of Council Policy states:

Ordinary meetings of Council shall be held on the third Wednesday of each month, except for January and December. The Ordinary Meeting of the Council in December shall be held on the second Wednesday of the month.

*Corporate Discussion first Wednesday of the month 2pm to 5 pm
Agenda to comprise:*

- a) Upcoming agenda items (non-routine)*
- b) Council work program (likely non-routine items for the next 3-4 months)*
- c) Action items from previous Corporate Discussions*
- d) Key issues raised by Chief Executive Officer*
- e) Key issues raised by Councillors*

Council Meeting third Wednesday of the month.

- a) Lunch 12.30pm*
- b) Council meeting 2pm commencement (no change from present schedule)
Normal meeting procedures but note that in the event more detailed discussion is required on any item Standing Orders may be suspended by resolution of the Council. Councillors will be encouraged to submit any questions on agenda items in advance to ensure that answers are available at the meeting.*
- c) Following the Council meeting Councillors and the Chief Executive Officer may raise any matter that cannot wait until the next Corporate Discussion”.*

Council policies underpin decision making and help the Shire to comply with relevant legislation, standards and community expectations. They provide a firm basis or reference point under which Elected Members and Shire Officers are to operate.

Comment

The current Policy outlines the dates for both the Ordinary Meetings of Council and also Corporate Discussion. To allow flexibility with regard to the date and time of Corporate Discussion, and in order to meet the evolving requirements of Council, it is proposed to remove all reference to Corporate Discussion within the Policy.

Consultation

Nil

Statutory Environment
Local Government Act 1995.

Policy Implications
 Nil

Financial Implications
 Nil

Strategic Implications
 Nil

Risk Implications

Risk	As there is no legislative requirement for Ordinary Meetings of Council or Corporate Discussions to be governed by Policy, there is very little risk in approving the proposed amendment. Corporate Discussion is an internal function of Council which can be agreed on outside of the Policy Framework.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements
 Simple Majority

Recommendation
That Council adopts the Ordinary Meetings of Council Policy as presented in Attachment 1.

Moved: _____ Seconded: _____

14.2 Revocation of Management Order

File Reference: A1378
Location: Reserve 24040, Lot 812 Queen Street Pingelly
Applicant: Not Applicable
Author: Chief Executive Officer
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary

Council is requested to consider the revocation of the management order for Reserve No. 24040, being Lot 812 Queen Street Pingelly, in order to facilitate transfer of the land to the Department of Communities.

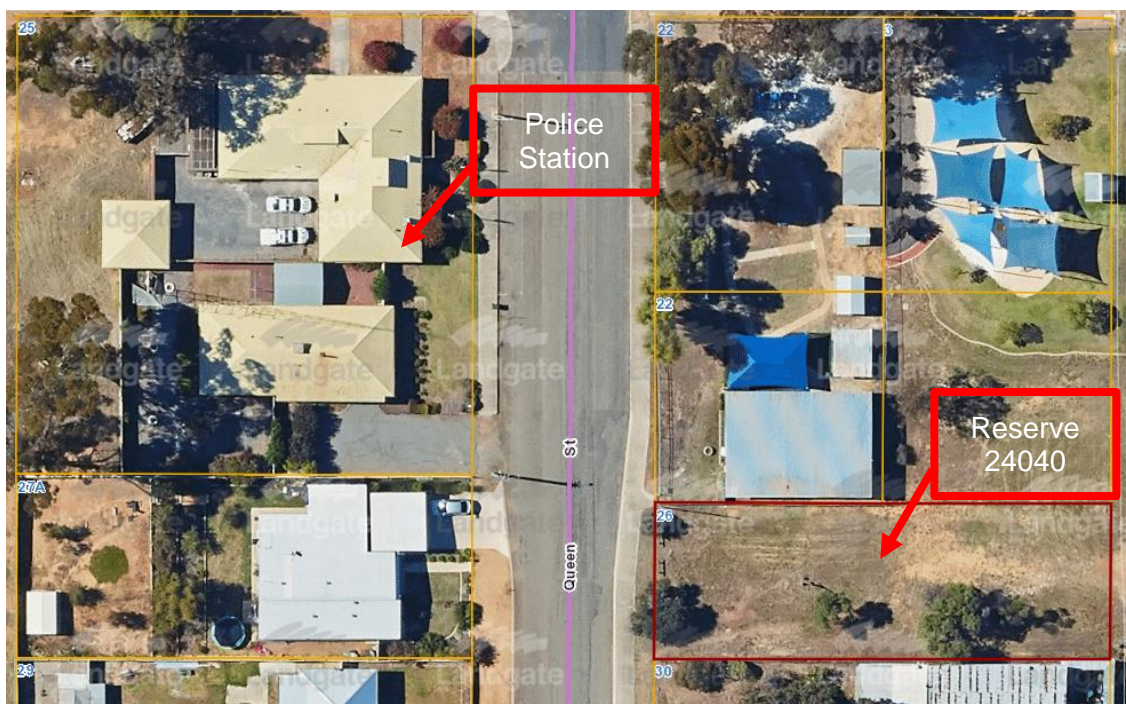
Background

A reserve is often placed under the care, control and management of a local government authority by way of a Management Order registered against the relevant parcels of Crown land within a reserve and endorsed on the Crown land titles. A Management Order is a statutory right to manage and control Crown land in accordance with the Management Order granted under the Land Administration Act.

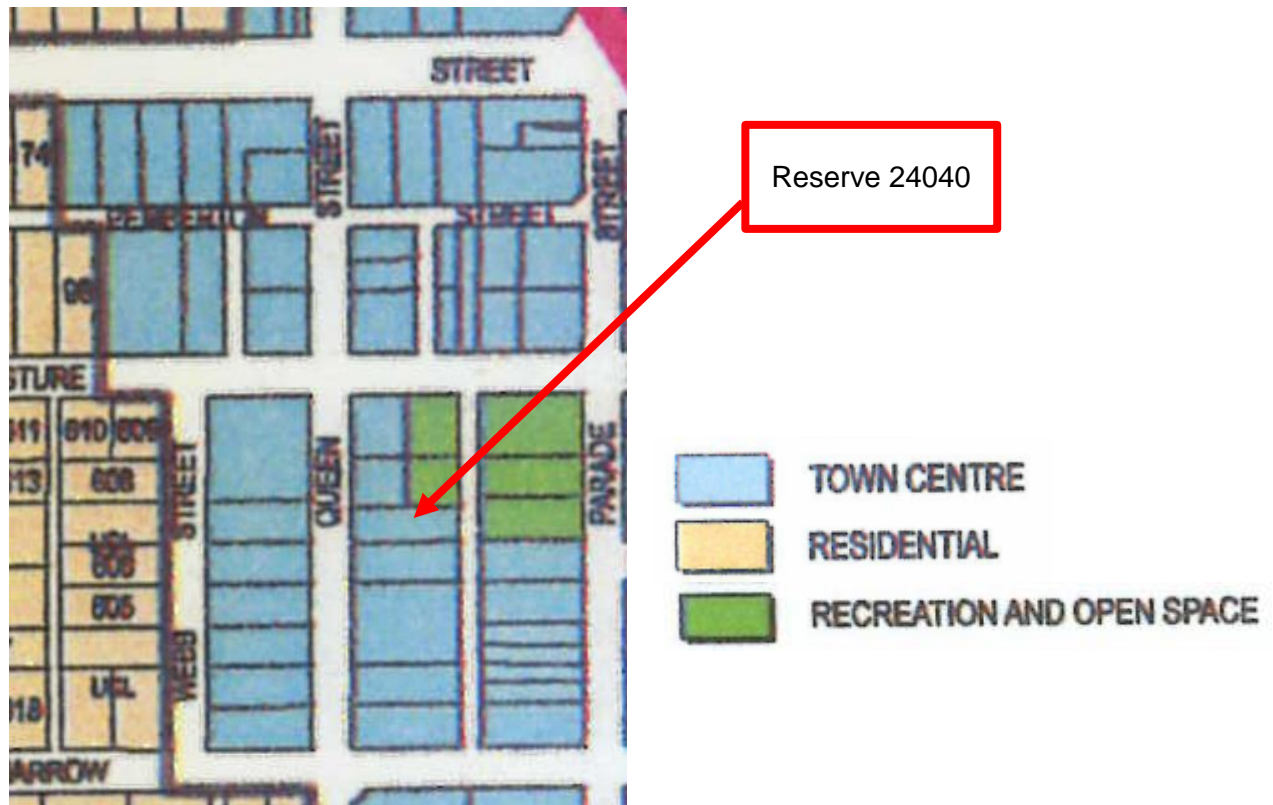
Management Orders may be revoked where the reserve has not been appropriately managed, where it is in the public interest to revoke the Management Order or by agreement with the management body.

Comment

The Department of Communities has requested the Department of Planning Lands and Heritage (DPLH) to arrange the sale and transfer of the land comprising Reserve 24040, Lot 812 Queen Street Pingelly, as a freehold title. In order to progress this transfer, the Shire of Pingelly, as holder of the management order for this Reserve, is requested to consider and provide advice as to whether it is agreeable to the revocation of the management order, and for eventual sale and transfer to the Department of Communities, as a freehold parcel, in order to facilitate police housing. The parcel of land is currently vacant, and is located adjacent to the Pingelly Playgroup.



The subject lot is 860m² and is zoned 'Town Centre', which, under the Shire of Pingelly Town Planning Scheme No. 3, is designed to "provide for a consolidated, accessible, safe and vibrant town centre with a mix of compatible uses", and "to protect, maintain and enhance where possible, the visual and heritage elements of the town". Residential building is a discretionary use within the Town Centre zoning. This means that the use is not permitted, unless the local government has exercised its discretion by granting planning approval.



If support for this transfer is provided, it is envisaged that the Department of Communities would proceed with its construction process on this land some time in 2020, and anticipate being able to finalise the transfer and purchase of the land as a freehold title, within the necessary timeframe in order to facilitate the construction schedule.

It should be noted that future opportunities may exist for this site that will be forfeited if the revocation of the Management Order progresses, however, it is unlikely that the quantity of land available in the townsite will not meet the demand of the community, in the medium to long term.

Consultation

Department of Planning Lands and Heritage

Statutory Environment

The revocation of a reserve vesting or management order is pursuant of Section 50 of the Land Administration Act 1997.

Policy Implications

Nil

Financial Implications

The Department of Planning Lands and Heritage have confirmed there will be no cost to the Shire of Pingelly in relation to this transaction.

Strategic Implications

Nil

Risk Implications

Risk	The key risk in relation to this proposal is the opportunity lost with regard to future use of Reserve 24040. As this site is not considered to be strategically positioned, the risk is considered acceptable.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Financial
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Simple Majority

Recommendation

That Council approve the Department of Planning Lands and Heritage to proceed with the revocation of the Management Order for Reserve No. 24040 at Lot 812 Queen Street Pingelly, to facilitate its eventual sale to the Department of Communities, for Police (staff) housing purposes.

Moved: _____ Seconded: _____

14.3 Application for Rating Exemption – Pingelly Somerset Alliance

File Reference:	ADM0309
Location:	Admin
Applicant:	Pingelly Somerset Alliance
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

Council is requested to consider an application for the exemption of rates with respect to a total of 4 units, at Lots 602 and 603 Sharow Street Pingelly.

Background

An application has been received from the Pingelly Somerset Alliance (PSA) for an exemption from rates for 4 residential units on 2 parcels of land. These properties were the subject of a Joint Venture Agreement (JVA) which was entered into in 2008 between the Department of Communities and the Shire of Pingelly. The JVA was entered into for the purposes of providing residential rental accommodation for persons meeting the Department of Communities eligibility criteria for public rental housing. In July 2019, a Deed of Novation was signed, which transferred the Shire's legal and equitable interests in the Land and the JVA to Pingelly Somerset Alliance. In the event of the PSA failing to perform their obligations under the Deed of Novation, the legal and equitable interest will revert to the Shire, and the purpose of the provision of rental accommodation will continue.

Council has the discretion to exempt properties from rates, where land is used exclusively for charitable purposes, under section 6.26(g) of the Local Government Act 1995 (the Act). Section 6.26(2)(g) of the Act states that land used exclusively for charitable purposes is not rateable land. The Department of Local Government and Communities provides the following advice regarding the definition of "charitable purposes": Land will be exempt from rates if a council is satisfied that it is used exclusively for a charitable purpose. Historically, there are four categories of charitable purpose:

- The relief of poverty;
- The advancement of education;
- The advancement of religion; and
- Other purposes considered beneficial to the community.

To meet the criteria for a rates exemption, two requirements must be fulfilled;

1. The land must be used for a charitable purpose.
In addition to the charitable purposes listed above, there must be a benefit to the general community for the purpose to meet the eligibility criteria.
2. The use must be exclusively be used for this purpose.
If land is used for a dual purpose, it is not exclusively used for a charitable purpose, even though one of the purposes may be charitable. Nor will land be used exclusively for a charitable purpose where the land is used for the purpose of a business enterprise which is raising funds to be used for charitable purposes. The use of land for a charitable purpose may produce a 'profit' which is incidental to its charitable purpose. In this case the land may still be considered as 'exclusively used' for a charitable purpose.

In the instance where a local government refuses a rates exemption application, the applicant can challenge this decision in the State Administrative Tribunal. If approval is subsequently granted, the Council must apply a non rateable status for that property, to the extent of the decision.

Comment

The PSA is a not-for-profit organisation which primarily exists to provide age/disability friendly housing units. The determination of eligibility for a rating exemption is not on ownership, but on the use of the land. The key matter to be determined is whether the land is being used exclusively for charitable purposes as required by Section 6.26 (2) (g) of the Local Government Act.

The PSA, in accordance with the JVA, must utilise the properties for the purpose of providing residential housing for persons who meet the Department of Housing eligibility criteria for public rental housing. This use is clearly for a residential rather than charitable purpose, and therefore the criteria for a rates exemption is not met. This differs from other rates exemptions granted to PSA, where the use is exclusively for a charitable purpose, i.e. the relief of the aged.

Given the land is not being used exclusively for charitable purposes, the properties are not deemed to be exempt from rates under the Local Government Act.

Consultation

Pingelly Somerset Alliance
Western Australian Local Government Association

Statutory Environment

Section 6.26(2)(g) of the Local Government Act 1995 states that land used exclusively for charitable purposes is not rateable land. The Charities Act 2013 sets out a list of ‘charitable purposes’.

Policy Implications

Nil

Financial Implications

If the exemption is granted, the rating income for the 2019/20 year will decrease by \$5431.51, resulting in the need to reduce expenditure by this amount.

Strategic Implications

Nil

Risk Implications

Risk	There is a risk that if Council does not approve this exemption, the applicant can take the matter to the State Administrative Tribunal and apply to have Council’s decision overturned. Based on recent decisions and precedents, it is unlikely that the recommendation to decline an exemption would be overturned. A greater risk exists that a precedent will be set, outside of the criteria set in the Local Government Act 1995, if the rates exemption is granted.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Financial
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements
Absolute Majority

Recommendation
That Council declines the application for an exemption from rates for the properties at Lot 602 and Lot 603 Sharow Street Pingelly, as the criteria for rates exemptions under the Local Government Act 1995 are not met.

Moved: _____ Seconded: _____

14.4 Wheatbelt Secondary Freight Network Program – Formalisation of Commitment

File Reference:	ADM0302
Location:	Admin
Applicant:	Wheatbelt Secondary Freight Route Network Steering Committee
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachment:	(Attachment 2 following orange sheet in separate attachments booklet)
Previous Reference:	Nil

Summary

It is requested by the Wheatbelt Secondary Freight Network Steering Committee that the associated 42 Local Governments formalise their commitment to the Wheatbelt Secondary Freight Network Program, to be eligible for future funding and project consideration, via a formal resolution of Council.

Background

42 Local Governments of the Wheatbelt region have worked collaboratively for over 4 years to secure funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt. The Wheatbelt Secondary Freight Network (WSFN) Program has successfully been allocated \$70 million of Federal funding (ROSI) and this has been matched with State funding of \$17.5 million (reflecting the 80/20 funding agreement). The State funding will be sourced two thirds from the State and one third from the Local Governments whose assets are being upgraded. The available \$87.5M will not be sufficient to upgrade all the identified 80 routes and good governance of this program, and ongoing collaboration between all parties, will be critical in securing additional funding.

Attached is Program Governance Plan (PGP) which identifies how key governance and administrative aspects will be undertaken to ensure successful delivery of the program. It will assist to outline the structure and processes for decision making and consultation within the Wheatbelt Region Regional Road Groups (WR RRG) and Local Governments. The PGP will provide a framework and guidelines for all members of the WSFN Program to operate within. The PGP will be used to communicate to all stakeholders how the program will be governed. This PGP should be read in conjunction with the attached Program Delivery Plan and the Multi-criteria Analysis (MCA) Methodology documents that provide operational details about how on-ground capital works will be delivered for Stage 1 and beyond.

Now that the initial funding for the delivery of on-ground capital works for Stage 1 has been confirmed, it is proposed that all 42 Local Governments formalise their commitment to WSFN Program, to be eligible for future funding and project consideration. It is requested by the WSFN Steering committee that this formal commitment from all 42 Councils be via a formal resolution of Council, which will entail the presentation and acknowledgement of the following WSFN program documents:

- Project Governance Plan
- Program Delivery Plan
- Multi Criteria Analysis Methodology.

The 42 Council resolutions will be collated as addendums to a formal agreement that the Regional Road Group will sign with the Federal and State Governments on behalf of all 42 LGs associated with the WSFN program formalising the ongoing commitment to the program.

In order to demonstrate best outcomes and value for money it is necessary to develop a transparent process to identify which routes have the highest priority for the limited available funding. A prioritisation of the Wheatbelt Secondary Freight Network routes will via a multi-criteria analysis (MCA) will be developed to score each route based on the available data submitted by Local Governments and the Revitalising Agricultural Region Freight (RARF) strategy being coordinated by the WA State Government. The criteria upon which each route will be assessed in the MCA includes:

Data Set	Description
ROSMA KSI Rate	ROSMA data will be supplied by Main Roads WA. It captures the rate of 'Killed or Serious Injury' (KSI) incidents on a route.
Seal Width	The seal width of the road described as a percentage of the route length, allowing an average seal width will be applied across the route. Seal width will be compared to a minimum seal width of 7m as per a Type 5 road.
Road Condition	Shires have assessed road condition on a one to five scale, which has been applied as a direct metric. Five indicating very poor condition
ADT Counts	Average Daily Traffic counts provide data on the average number of total vehicles traveling on a road per day over the measurement period, capturing both heavy and light vehicle use.
ESA Counts	An Equivalent Standard Axle is defined as a dual tyred single axle transmitting 8.2 tonne to the pavement. ESA counts are therefore reflective of the total number and load of heavy vehicles that impact a road.

For the year 2019/20 the WSN have identified 2 x pilot projects to begin on-ground works and refine project delivery methodologies and processes. These will be \$1 million dollars each and have been identified for the following Shires:

- Wheatbelt North
 - Shire of Victoria Plains
 - Lancelin to Meckering Route
 - Mogumber - Yarawindah Road
 - Project value \$1M
- Wheatbelt South
 - Shire of Quairading
 - Cunderdin to Kweda Route
 - Cunderdin - Quairading Road
 - Project Value \$1M

Comment

Officers from LGs with prioritised projects will be essential to ensure successful delivery of individual projects. This will provide a great opportunity for knowledge sharing and collaboration across the region. It will allow members of the PTT to undertake both informal and formal training of LGA staff to upskill and improve their technical capacity. Where possible neighbouring LGs will be encouraged to share technical, workforce and plant resources to assist in the efficient on-ground delivery of individual projects.

- Individual Shires will provide the following to the Steering Committee for approval before any funding will be released
 - Scope
 - Budget
 - Methodology
 - Delivery
- WSFN 5 Year Plan incorporated in their LTFP.
- Individual Shires incorporate into Council Budgets Annually.
- Funding will be distributed to LGs via MRWA in accordance with Governance Plan.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Local Governments with projects approved over the course of the WSFN program will be required to contribute approximately 7% of each individual project's total cost. The remaining funding will be provided by Federal Government 80% and State Government 13%.

Community Consultation

Nil

Risk Implications

Risk	The primary risk is that the 42 Shires do not all agree to the Wheatbelt Secondary Freight Route commitment, which may result in future funding being in jeopardy.
Risk Rating (Prior to Treatment or Control)	Medium (4)
Principal Risk Theme	Financial
Risk Action Plan (Controls or Treatment Proposed)	Nil

▪

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

Voting Requirements

Simple Majority

Recommendation

That Council:

- 1. Formalise their commitment to the program the Wheatbelt Secondary Freight Network Program enabling them to be eligible for future funding and project consideration.**
- 2. Receive the following WSFN Program documents which outline how the WSFN Steering Committee propose to administer the WSFN Program:**
 - Program Governance Plan**
 - Program Delivery Plan**
 - Multi Criteria Analysis Methodology.**
- 3. Endorse the processes and procedures outlined in the Program Governance Plan which enables the Wheatbelt North and Wheatbelt South Regional Road Groups and the WSFN Steering Committee to make decisions in accordance with in the Program Governance Plan.**

Moved: _____ Seconded: _____

14.5 Adoption of Strategic Community Plan

File Reference:	ADM0310
Location:	Admin
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	(Attachment 3 following yellow sheet in separate attachments booklet)
Previous Reference:	OCM July 2019 Item 14.2

Summary

Council is requested to adopt the Shire of Pingelly Strategic Community Plan 2020 – 2030.

Background

In accordance with Section 5.56 of the *Local Government Act 1995*, all local governments in Western Australia are required to effectively plan for the future as outlined in the Integrated Planning Framework. The intent of the framework is to ensure that priorities and services provided by local government are aligned with community needs and aspirations, and in doing so, facilitate a shift from a short-term resource focus to long-term value creation.

The Strategic Community Plan (SCP) articulates the long term strategic direction of the Shire. Each four years Council is required to adopt a new Strategic Community Plan, with a minor review undertaken in the second year.

Comment

The Strategic Community Plan is a long-term planning document for the Shire of Pingelly, that sets out the community's vision, aspirations for the future, and the key strategies that align with the achievement of the vision

The Plan will be used to:

- Guide Council decision-making and priority setting
- Engage local residents and ratepayers, local businesses, community groups, and other local stakeholders that contribute to the future of our community
- Inform decision-making with respect to other partners and agencies, including the Federal and State Governments, regional bodies and other local governments in our region
- Provide a clear avenue to pursue funding and grant opportunities by demonstrating how projects align with the aspirations and strategic direction of our community and Council
- Inform future partners of our key priorities, and the ways in which we seek to grow and develop
- Provide a framework for monitoring progress against the community's vision and aspirations

The key goals for the next 10 years, as articulated in the SCP are:

Goal 1: Economic

The local economy is strong and resilient, embraces opportunities, and delivers local business growth and jobs.

Goal 2: Community

Quality of life is good, people feel they have a positive future, they enjoy their community, and can live easily in the Shire over their lifetime.

Goal 3: Built Environment

The physical environment is attractive and accessible, and accommodates new residents and businesses, in a way that protects local character and valued places.

Goal 4: Natural Environment

Natural areas and systems are healthy and thriving, and sustainable use is made of natural resources.

Goal 5: Innovation, Leadership and Governance

The Shire of Pingelly is an innovative, responsive partner to its community, an effective advocate, and a trusted steward of community assets. The organisation achieves good practice in all that it undertakes.

Each of these goals provides the basis for the development of actions for inclusion within the Corporate Business Plan, which are to be prioritised over the next 4 years.

Consultation

Significant community consultation was undertaken as a part of the development of this Plan, in accordance with the requirements of the Local Government Act 1995.

- The Council adopted the Plan for public consultation on 17 July 2019.
- The minutes of the 17 July Ordinary Council Meeting were published in the Pingelly Times on 23 July 2019.
- An article on the content of the Plan was published in the Pingelly Times on 30 July 2019
- The availability of the Plan for public comment was also published in the Pingelly Times on 6 August 2019.
- Notices, in accordance with the provisions of the Local Government Act 1995, were placed on the Shire noticeboard and at the Library located in the Community Resource Centre.
- The Plan remained on display for public comment until 15 August 2019.

Statutory Environment

Local Government Act (1995) - s.5.56

A local government is to plan for the future of the district.

Local Government (Administration) Regulations (1996)

19C. Strategic community plans, requirements for (Act s. 5.56)

- 1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- 2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- 3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- 4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- 5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - c) demographic trends.

- 6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- 7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
 -
 - *Absolute majority required.
 -
- 8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- 9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- 10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

Policy Implications

Nil

Financial Implications

There are no specific financial implications from the adoption of this Plan, although many of the priorities will require an injection of both financial and workforce resources.

Strategic Implications

The Strategic Community Plan is the key strategic directions document of each Local Government.

Risk Implications

Risk	The two key risks in relation to the adoption of this Plan are; 1. If the Plan does not receive endorsement, the requirements of the Local Government Act remain unfulfilled. 2. The community does not agree with the direction outlined within the Plan.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Absolute Majority

Recommendation

That Council adopts the Shire of Pingelly Strategic Community Plan 2020 – 2030.

Moved: _____ Seconded: _____

14.6 Adoption of Corporate Business Plan 2019 - 2023

File Reference:	ADM0310
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	(Attachment 4 following green sheet in separate attachments booklet)
Previous Reference:	OCM July 2019 Item 14.2

Summary

Council is requested to adopt the Strategic Community Plan 2020 – 2030.

Background

In accordance with Section 5.56 of the *Local Government Act 1995* all local governments in Western Australia are required to effectively plan for the future as outlined in the Integrated Planning Framework. The intent of the framework is to ensure that priorities and services provided by local government are aligned with community needs and aspirations, and in doing so, facilitate a shift from a short-term resource focus to long-term value creation.

The Corporate Business Plan (CBP) is responsible for activating the strategic direction of the Shire, articulated within the Strategic Community Plan, into specific priorities and actions at an operational level to inform the annual budget. The CBP also draws together actions contained within the Long Term

I Plan, Asset Management Plans and the Workforce Plan.

The Corporate Business Plan maps the Shire's key priorities, projects, services and actions over four years. It provides the detail for the first years of the Strategic Community Plan 2020 - 2030, as well as outlining business as usual service delivery. It is developed on a four yearly cycle and reviewed annually to re-prioritise projects and services.

Comment

The review of the Corporate Business Plan allows an assessment of all the existing Shire's strategies. The linkages contained within the Plan ignite the relationships that exist between these strategies, as well as the workforce, infrastructure and financial plans that underpin them. This integrated approach will allow Council to achieve the community aspirations within a sustainable framework.

The Shire of Pingelly Corporate Business Plan 2019 – 2023, was developed by Localise, over the period of March to August 2019. The process for review involved:

- A workshop with elected members and staff, to consider the highest priorities for the Shire of Pingelly.
- Costing of each of the key priorities.
- Inclusion of each of the key priorities in the Long Term Financial Plan.
- The Executive Team evaluating and recommending the Corporate Business Plan for Council consideration and approval.

The review of this Plan will commence in March 2020, in order to coincide with the commencement of the strategic and financial planning for 2020/21.

Consultation

The Corporate Business Plan priorities have been based on the strategies outlined in the Strategic Community Plan, which was developed following significant community and key stakeholder engagement.

Statutory Environment

Section 5.56(1) and (2) of the *Act* requires that each local government is to plan for the future of the district, by developing plans in accordance with the regulations. Regulations specify what a ‘plan for the future’ should involve. In particular, local governments are required to develop and adopt a strategic community plan and a corporate business plan.

The new regulations also require each local government to include in its Annual Report any changes to either of the above plans.

Policy Implications

Nil

Financial Implications

There are no specific financial implications from the adoption of this Plan, although many of the priorities will require an injection of both financial and workforce resources.

Strategic Implications

The Corporate Business Plan is a component of the Plan for the Future, and a key part of the Integrated Planning and Reporting Framework.

Risk Implications

Risk	<p>The Corporate Business Plan interacts with informing strategies in the Long Term Financial Plan, Infrastructure Asset Management Plan and the Workforce Plan as part of the Integrated Planning and Reporting Framework. The CBP is a critical part of this framework and in itself mitigates business risk through links across Councils infrastructure, finances and workforce.</p> <p>As this Plan is a legislative requirement, failure to adopt a Corporate Business Plan would result in non-compliance with the Local Government Act. The alignment of the actions with the services levels expressed by the community reduces the risk of a perception of misalignment with desired service levels and associated rating strategies.</p>
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Absolute Majority

Recommendation

That Council adopts the Shire of Pingelly Corporate Business Plan 2019 - 2023.

Moved: _____ Seconded: _____

14.7 Early Payment Rate Incentive Draw 2019

File Reference:	ADM0312
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	N/A

Summary

To ratify the early rate payment incentive draw process for 2019/20.

Background

As part of the rate collection process the Shire of Pingelly makes available to property owners who pay their rates in full by the due date for full payment the opportunity to win prizes provided by sponsoring organisations.

Comment

In the last few years, sponsors of the prize have been Bendigo Bank \$350 and Matthews Real Estate \$200. As part of the sponsorship agreement material from the sponsors is enclosed with the rate notice. Staff have confirmed with the Department of Local Government, Sport and Cultural Industries that there is no legislation that prevents this happening and it is common practice in most local governments.

Providing an incentive for early payment of rates can increase the cash flow that comes in during the early part of the year prior to other revenue streams coming in.

It is proposed that rules be set for the prize process, so that there is clarity about eligibility and promotion of sponsors. Rules are detailed below:

That ineligible ratepayers are:

- Owners of property that is not fully rated (subject to exemptions), Shire of Pingelly Councillors or Staff (or partners of).

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.

That the Presiding Person at the meeting conducts the draw.

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 a winner is determined the name of the winners will be published in the Shire News via the Pingelly Times as well as an acknowledgement of the provision of prizes by the sponsors.

Consultation

Department of Local Government, Sport and Cultural Industries

Statutory Environment

N/A

Policy Implications

Nil

Financial Implications

Nil – The prizes are supplied by sponsors and included in the 2019/20 adopted budget.

Strategic Implications

N/A

Risk Implications

Risk	Reputational damage from possible breach of Council Rules re acceptable prize draw winners.
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

Risk Matrix

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

Voting Requirements

Simple Majority

Recommendation:

That Council

1. adopt the following rules for the Early Payment Rate Incentive Draw:
 - 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.
 - Owners of property that is not fully rated (subject to exemptions), Shire of Pingelly Councillors or Staff (or partners of), shall be ineligible for the Early Payment Rate Incentive Draw
 - The Presiding Person at the relevant Council meeting will conduct the draw.

- **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 conducted until eligible winners have been selected.**
- **When a winner is determined, the name of the winners will be published in the Shire News via the Pingelly Times as well as an acknowledgement of the provision of prizes by the sponsors.**

Moved: _____ Seconded: _____

2. **endorse _____ as the first drawn eligible winner of a \$350 Bendigo Bank Account and _____ as the second drawn eligible winner of \$200 from Mathews Realty.**

Moved: _____ Seconded: _____

14.8 Partnering Agreement for the Provision of Mutual Aid for Recovery During Emergencies – Memorandum of Understanding (MOU)

File Reference:	ADM0348
Location:	WALGA Central Country Zone
Applicant:	Shire of Pingelly
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Local Government MOU (Attachment 5 following blue sheet in separate attachments booklet)
Previous Reference:	N/A

Summary

Council is requested to consider entering into a Memorandum of Understanding, in order to facilitate the provision of mutual aid between partnering Local Governments during emergencies and post incident recovery.

Background

At the WALGA Central Country Zone meeting on 15th March 2019 discussion was held on the potential for a *Partnering Agreement for the Provision of Mutual Aid for Recovery during Emergencies*.

The meeting agreed to refer the concept of a Memorandum of Understanding for the Provision of Mutual Aid during Emergencies and Post Incident Recovery (MOU), to Member Councils for comment and the matter be listed for consideration at the in-person Zone meeting on Friday 30 August 2019. To assist in the consideration of this issue is the draft of an MOU prepared for the South West Country Zone.

The WALGA Central Country Zone meeting on 30th August 2019 in Beverley considered the draft MOU where it resolved:

‘That, subject to any amendment, the Memorandum of Understanding for the Provision of Mutual Aid during Emergencies and Post Incident Recovery be adopted for a period of three years from the date of signing, subject to it being considered and endorsed by each local government’

Comment

Partnering with other local governments increases resources available in order to enhance the capacity of our communities to cope in times of difficulty. Participation by the Shire of Pingelly in this agreement will demonstrate capacity and willingness to work co-operatively with other local governments, and share resources within the region.

A similar MOU has operated in the South West of WA as a partnership between twelve (12) local governments with significant benefits, and it is therefore recommended that Council agree to be part of the cooperative approach of assisting other local governments in the Central Country Zone in emergency events by endorsing the attached MOU.

Consultation

Department of Local Government, Sport and Cultural Industries

Statutory Environment

There are no statutory provisions relevant to this matter.

Policy Implications

There are no current policies relevant to this matter.

Financial Implications

Should Council respond to a request from a local government in the Central Country Zone the Shire costs would relate to staff salary/wages whilst assisting in the emergency and any loss, damage or cost associated with the provision of support (i.e. plant, equipment, Protective clothing etc.), unless otherwise agreed in writing.

In many instances the loss of plant and equipment would be covered under Council's insurance, however there may be an insurance excess on particular plant or equipment that the Shire may have to meet.

The local government requesting the assistance will be responsible for all incidental cost associated with the provider's personnel and equipment such as catering, accommodation, Occupational Health and Safety, transport, fuel and storage.

Strategic Implications

Shire of Pingelly Strategic Community Plan 2012 - 2021.

Outcome 1.2: A safe community Strategy 1.2.1: Support the community in emergency and fire management planning, preparedness, response and recovery.

Risk Implications

Risk	The consequences of not entering into this MOU is that the Shire of Pingelly would not have access to regional resources in the event of an emergency. In addition, future partnership opportunities may be difficult to negotiate.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Health and Safety
Risk Action Plan (Controls or Treatment Proposed)	Nil

Risk Matrix

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

Voting Requirements

Simple Majority

Recommendation:

That Council endorses the Local Government MOU, as detailed in the attachment, that will promote cooperation between the Central Country Zone local governments in emergency events.

Moved: _____ Seconded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – August 2019

File Reference:	ADM0075
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Director Corporate & Community Services
Disclosure of Interest:	Nil
Attachments:	Monthly Statements of Financial Activity for the period 1 July 2019 to 31 August 2019 (Attachment 6 following purple sheet in separate attachments booklet)
Previous Reference:	Nil

Summary

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

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

Background

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

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

Consultation

Nil

Statutory Environment

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

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

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

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

Policy Implications

There are no policy implications.

Financial Implications

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council's adopted Budget 2019/2020.

Strategic Implications

There are no known significant strategic implications.

Risk Implications

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

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

Voting Requirements
Simple Majority

Recommendation
That with respect to the Monthly Statements of Financial Activity for the month ending 31 August 2019 be accepted and material variances be noted.

Moved: _____ Seconded: _____

15.2 Accounts Paid by Authority – August 2019

File Reference:	ADM0066
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Senior Finance Officer
Disclosure of Interest:	Nil
Attachments:	List of Accounts (Attachment 7 following pink sheet in separate attachments booklet)
Previous Reference:	Nil

Summary

Council endorsement is required for accounts made by authority for the month of August 2019.

Comment

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

Consultation

Nil

Statutory Environment

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

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

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

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

Policy Implications

There are no policy implications arising from this amendment.

Financial Implications

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

Strategic Implications

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

Risk Implications

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

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

Voting Requirements

Simple Majority

Recommendation

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

AUGUST 2019	
MUNI - 117984856	
EFT 6211 - 6303	\$376,440.34
CHEQUE 24687 - 24701	\$26,042.01
TRUST ACCOUNTS	
DEPT OF TRANSPORT - DD10729.1 – DD10789.1	\$42,867.30
TRUST FUND – 1956 - 1958	\$260.00
DIRECT DEBIT -	
DD10724.1 – DD10744.6 & EFT6251 – EFT6298 – Pay and Super	\$17,222.53
CREDIT CARDS	
DD10748.1 – DD10748.2	\$1276.00
GRAND TOTAL	\$464,108.18
Notification	Explanation
Nil	N/A

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Amended BYO Licence for Pingelly Café

File Reference: A6424
Location: Lot 100 – 4b Parade Street
Applicant: Ms Arola Langford
Author: Administration Officer Technical
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference OCM March 2019 Item 16.1

Summary

Council to consider an application for planning approval for the amendment of a previously approved BYO Licence at 8 Parade Street.

Background

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.

The following extract in regard 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, outlines the restrictions and penalties for supplying liquor in an unlicensed restaurant:

Unlicensed restaurants

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

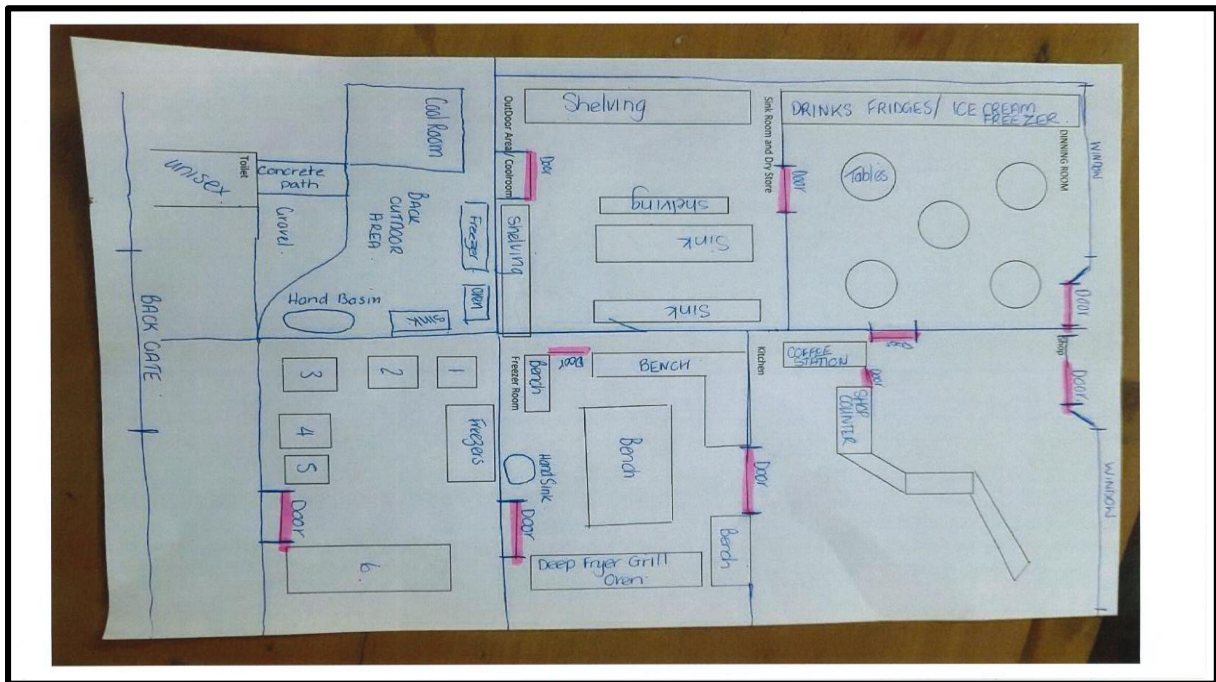
Comment

The applicant has previously applied for consent for a BYO Licence when planning approval was granted for the relocation of the business Memory Lane Diner & Café to Lot 2 - 8 Parade Street. This consent was granted by Council in March 2019.

As this relocation of the business did not occur, the applicant would now like to have the BYO Licence approved for the existing premises at 4b Parade Street. The applicant is required to reapply for consent from Council for a BYO Licence, as the previous approval was granted for Lot 2 – 8 Parade Street.

BYO Licences have been previously issued to premises located at 4 Parade Street, 17 Parade Street and 19 Parade Street.

A floor plan of the subject premise, is shown below.



Consultation

Consultation was undertaken with regard to the previously approved planning application, however no additional consultation has occurred since that time.

Statutory Environment

Section 110 of the *Food Act 2008* (Registration of food businesses) provides:

- (1) The appropriate enforcement agency may register a food business in respect of any premises for the purposes of this Part.
- (2) The proprietor of a food business may apply, in the approved form, to the appropriate enforcement agency for the registration of the food business in respect of any premises under this Part.
- (3) The application must be accompanied by —
 - (a) if required by the appropriate enforcement agency — the design and fit-out specifications, in a form approved by the appropriate enforcement agency, of the premises, if food is to be handled in the course of conducting the food business at those premises;
 - (b) any other information that the appropriate enforcement agency requires to determine the priority classification of the food business; and
 - (c) subject to subsection (4), the fee, if any, prescribed by the regulations.
- (4) If the appropriate enforcement agency is a local government —
 - (a) any fee prescribed by the regulations for the purposes of subsection (3)(c) does not apply to an application to the agency under this section; and
 - (b) the fee for an application to the agency under this section may be imposed and recovered by the agency under the *Local Government Act 1995* Part 6 Division 5 Subdivision 2.
- (5) The appropriate enforcement agency may, after considering an application for registration
 - (a) grant the application, with or without conditions; or
 - (b) refuse the application.
- (6) If the appropriate enforcement agency grants an application for registration, the appropriate enforcement agency must issue the applicant with a certificate of registration, in the approved form, that specifies the premises in respect of which the registration is granted and sets out any conditions to which the registration is subject.
- (7) A condition to which the registration is subject may relate only to compliance with this Act.

- (8) If the appropriate enforcement agency refuses an application for the registration of a food business in respect of any premises, the appropriate enforcement agency must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

Financial Implications

No known financial implications.

Strategic Implications

No known strategic implications

Risk Implications

Risk	There is a risk that other licenced businesses in the Shire of Pingelly may object to the increased competition, due to an additional venue where the consumption of alcohol is permitted. Given this application is a transfer of an existing approval rather than an additional licence, the risk is considered to be manageable.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Simple Majority

Recommendation

That Council grant consent for the issue of a BYO Licence for the food business located at Lot 100 – 4b Parade Street.

Moved: _____ Seconded: _____

16.2 Dual Fire Control Officer Appointment – Shire of Brookton

File Reference:	ADM0313
Location:	Not Applicable
Applicant:	Shire of Brookton
Author:	Director Corporate and Community Services
Disclosure of Interest:	Nil
Attachments:	Nil

Summary

Council to consider the appointment of the dual fire control officers with the Shire of Brookton for the 2019/20 season.

Background

The Shire of Pingelly has received correspondence from the Shire of Brookton requesting the appointment of Dual Fire Control Officers in the Shire of Pingelly for the 2019/20 bush fire season.

A Fire Control Officer (FCO) is a delegated representative of the Local Government for the administration of the provisions of the Bush Fires Act 1954. The position is required to perform active operational duties both in firefighting and fire prevention strategies in the local community.

The appointment of Dual Fire Control Officers provides legal coverage for an FCO in control of a fire that crosses a Shire boundary.

Comment

Fire Control Officers who adjoin neighbouring shires require the adjoining shires approval to act as a Dual Fire Control Officer.

The Shire of Brookton has requested the appointment of the following dual fire control officers for the 2019/20 fire season.

- Rod Evans
- Tim Evans
- Murray Hall
- Dennis Wilkinson
- Bevan Walters

Consultation

Nil

Statutory Environment

Section 40 of the *Bush Fire Act* provides that two or more local governments may by agreement join in the appointment of bush fire control officers and that officers so appointed may exercise their power and authorities in each of the districts so appointed.

Policy Implications

There are no policy implications.

Financial Implications

There are no known significant financial implications.

Strategic Implications

There are no known significant strategic implications.

Risk Implications:

Risk	The key risk in relation to this decision lies around the failure to appoint dual fire control officers, which will limit the ability for the officers to respond to fire incidents which span multiple local government boundaries.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputation / legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Simple Majority

Recommendation

That pursuant to Section 40 of the *Bush Fires Act*, the following Shire of Brookton fire control officers be appointed as dual fire control officers in the Shire of Pingelly:

- Rod Evans
- Tim Evans
- Murray Hall
- Dennis Wilkinson
- Bevan Walters

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.