



Council Agenda

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Shire of Pingelly Ordinary Council Meeting 18 March 2020

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MISSION STATEMENT

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



Shire of Pingelly

Notice of Meeting

Notice is given that a meeting of the Council will be held in the Council Chambers, 17 Queen Street, Pingelly on 18 March 2020, commencing at 2.00pm.

Your attendance is respectfully requested.

Disclaimer

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.

A handwritten signature in black ink, appearing to read 'J.B.', with a large loop at the end.

Julie Burton
Chief Executive Officer

PUBLIC QUESTION TIME INFORMATION

The Shire of Pingelly welcomes community participation during public question time. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

Questions may be submitted by e-mail to admin@pingelly.wa.gov.au.

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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 and emerging.

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

Nil

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 February 2020

Statutory Environment:

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

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 19 February 2020 be confirmed.

Moved: _____ Seconded: _____

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

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

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

- Central Country Zone of WALGA Delegate – Shire President
Delegate – Deputy President
Deputy – Cr Wood
- Hotham-Dale Regional Road Sub-Group Delegate – Shire President
Deputy – Cr Oliveri
- Development Assessment Panel Delegate – Shire President
Delegate – Cr Wood
Deputy – Cr McBurney
Deputy – Cr Hotham
- Pingelly Tourism Group Delegate – Cr Hotham
Deputy – Cr Oliveri
- Regional Waste Group Delegate – Cr Mulroney
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Shire President
Deputy – Cr Freebairn
- Youth Focus Group 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 McBurney
Deputy – Cr Hastings

13. REPORTS FROM COUNCILLORS

Cr William Mulronev (President)

Meetings attended February

- 21st Central Country Zone Meeting - Dumbleyung
- 24th Radio 101.3FM on air interview Council News
- 25th President, Deputy President and CEO Meeting re Council matters
- 27th Meeting with CEO, DTS and CBFCO re Bushfire Brigades Concerns
- 28th South Region Regional Roads Group meeting Wickepin

Meetings attended March

- 10th Councillor Local Government Compulsory Training e-learning “Understanding Local Government”
- 10th PRACC Monthly meeting
- 18th March Ordinary Council Meeting

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Local Government House Trust – Deed of Variation

File Reference:	ADM0088
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Deed of variation (draft) Clause 12 of Trust Deed 1994
Previous Reference:	Nil

Summary

Council's consent is sought, to a variation to the Trust Deed for the Local Government House Trust (The Trust), as the Shire of Pingelly is a unit holder and beneficiary to the Local Government House Trust, holding three units as advised in WALGA's recent Quarterly Report Q4 2019.

Background

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

Comment

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the Shire of Pingelly is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent in writing, to consent for the Trustee to formally execute the Deed of Variation as attached.

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

The Trust Deed amendments as proposed are based on legal opinion and are designed to fortify the Trust’s position of income tax exempt status by removing any questionable matters from the Trust Deed.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There are no relevant financial implications upon the Council’s Budget or Long Term Financial Plan. 170 Railway Parade, (local government house), where WALGA is located, is owned by the Association. The Shire of Pingelly owns three units in the Trust that owns the ‘local government house’, which are valued at approximately \$17,517.11 each.

Strategic Implications

Goal 1	Innovation, Leadership and Governance
Outcome	Nil
Strategy	Nil

Risk Implications

Risk	No significant risks
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	No actions are proposed

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 consent to a variation to the Trust Deed for the Local Government House Trust (The Trust) as detailed in the attachment.

Moved: _____ Seconded: _____

14.2 Recreational Vehicle Stay Area

File Reference: ADM0051
Location: Not Applicable
Applicant: Not Applicable
Author: Chief Executive Officer
Disclosure of Interest: Nil
Attachments: Consultation Paper
Previous Reference: OCM December 2019 – Resolution 12782

Summary

Council is requested to support the implementation of a Recreational Vehicle Parking Area in the Shire of Pingelly townsite, following a period of public consultation.

Background

In December 2019, Council considered the opportunity to establish a Recreational Vehicle (RV) parking area in Pingelly, to maximise the positive economic benefits to the Shire. Two locations were assessed as potentially suitable for a free camping area.

Option A – South of Pioneer Park



Option B – Adjacent to Pingelly Railway Station



Council resolved to advertise “for a minimum period of 30 days, inviting public comment on the proposal to allow fully self-contained recreational vehicles to park for free, for up to 72 hours on both sections of Reserve 34570 as identified in this report”. The consultation paper as distributed to the public, is attached.

Comment

Consultation commenced on 4 February 2020 and concluded on 3 March 2020. 20 responses were received in relation to the proposal. A summary of the results is:

Do you support a RV site in the townsite of Pingelly?	20 yes	0 no
Which option do you think would be most suitable? (Note one submission had both boxes ticked)	13 Option A	8 Option B
If your preference is Option B, would you support an interim parking area at Option A. (Note one submission did not tick either box)	7 yes	0 no
<p>Is there anything else that you wish the Council to consider when making a decision on this proposal? (summary)</p> <ul style="list-style-type: none"> • The best thing that could happen for the town. • This would give Pingelly a slice of the huge tourism industry dollars and encourage people to stop in the town and not just drive through. • Signage on streets and entry roads need to be some distance away so people have a choice to research before arriving, promotion on RV websites and social media is essential. • Maybe all Shire boundary signs can be upgraded with a good parking bay and some signage with town promotion and the town map with QR code which directs them to the Pingelly promotion website. • Please consider the definition of a self contained RV, wording is key, “self contained” is necessary not just “contained within” or “onboard” as the definition. • This should be conditional on a two night stay or three during holiday seasons and long weekends to avoid anti-social behaviour. • Option B is doable but only after the Railway Station become functional, both areas could work in conjunction with each other in the future. Option A is the best for the present. • Maybe a general clean up eg grade track and trim up trees. • Local services and location must be advertised, bay areas marked and configured to be drive through as uncoupling is generally unpopular. • Option B is concerning as it looks like it encroaches on the leased area by the Friends of the Pingelly Railway Station Inc. This needs to be considered. • Option A is ideal. The area is in a nice treed position close to the Town Hall toilets and quick access to the shops and the dump point is very close. • It would be a shame to see the area of Option B used as many walk their dogs there and there aren’t many bush areas in Pingelly available for walking. • Option A is in close proximity to the caravan park. 		

Due to the overwhelming support for this concept, and the context of the submissions received, it is recommended to proceed with Option A as the free RV site. In relation to the length of stay, it is not recommended to have a variable option e.g. 48 hours as a standard and 72 hours on long weekends, due to the difficulty this will present with online advertising and onsite signage. A 72 hour stay is recommended to maximise the benefit of the RV parking area for local businesses.

Consultation

Consultation for a period of 30 days was undertaken through the Pingelly Times, the Shire of Pingelly website, and social media.

Statutory Environment

No legislation is relevant to the public consultation requirements of this proposal.

Policy Implications

Nil

Financial Implications

To commence the trial, approximately \$1,500 is required to erect specially designed signage to define the rules and type of vehicle permitted. Provision of free access to the dump point and potable water supply are already in place. Promotion of the sites would be free of charge via social media and website information, and thereafter ‘word of mouth’.

Strategic Implications

Goal 1	Economy
Outcome 1.3	The right resources and infrastructure are in place to support business development, including an increase in visitors and visitor spend in the Shire.
Strategy 1.3.3	Support local tourism infrastructure development.

Risk Implications

Risk	The key risk is the potential of misuse of the site following activation of the RV area.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Monitoring will occur to ensure minimal inappropriate use takes place. If significant misuse is an issue, Council may choose to discontinue the offering of the free RV area or reduce the permissible length of stay.

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

Council is requested to approve the establishment of a free 72 hour Recreational Vehicle Parking Area, at Option A, within Reserve 34570, south of Pioneer Park, as identified in this report.

Moved: _____ Seconded: _____

14.3 Community Grant Scheme Policy

File Reference:	ADM0542
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Community Grant Scheme Policy
Previous Reference:	Nil

Summary

Council is requested to adopt the revised Community Grant Scheme Policy.

Background

The Community Grant Scheme (CGS) Policy was adopted by Council in 2014 and has been presented to Council for review a number of times as a part of the annual review of policies. A major review of this Scheme is considered beneficial to ensure its continuing relevance, and benefit to Pingelly.

Comment

The CGS Policy has been revised with the intent of providing a more accessible scheme to the community. The key changes from the previous policy are:

- Offering two grant rounds per year instead of one
- Decreasing the maximum grant per group (per financial year) from \$5,000 to \$3,000.
- Increasing the Council contribution from a maximum of 50% to a maximum of 75%. This will allow the grant to be accessed by community groups who are not able to fund 50% of a project.
- Implement criteria for assessing applications that align with the Shire of Pingelly Strategic Community Plan.

The revised policy continues to:

- Acknowledge in kind contributions
- Require acknowledgement of the Shire of Pingelly's contribution

An additional proposed change is the allocation of the decision making to a panel. The panel is proposed to be made up of two Councillors (with proxies) and one staff member. The rationale for this recommendation is to allow the timely turnaround of the decisions and less resources taken to administer the process. An example of the time difference for each option is shown below, assuming a grant round is initiated where applications close on 25 June.

Option 1 – Council Decision		Option 2 – Panel Decision	
Applications close	25 June	Applications close	25 June
Scoring and assessment	30 June	Scoring and assessment	30 June
Report prepared for Council	7 July	Panel Meeting	7 July
Council meeting	15 July	Recipients notified	9 July
Recipients notified	17 July		
Total Days	22 days	Total Days	14 days

Should Council support the panel option, the Policy notes that the decisions of the Panel are to be provided to Councillors after each round. Alternatively, the reference to the Panel may be removed from the Policy, which will leave the decision making process with full Council.

Consultation

No formal consultation has been undertaken around this item. Following approval of the Policy, a launch of the Grants Scheme will be arranged.

Statutory Environment

Nil

Policy Implications

Policy 5.15 Community Grant Scheme is the current policy relating to this matter.

Financial Implications

It is recommended that a lump sum of \$15,000 be allocated in the annual budget, indexed by 2.5% per year within the Long Term Financial Plan. The total budget allocation to community groups through this Scheme in the past two years has been:

2018/19	\$ 18,373
2019/20	\$ 18,426

The allocation of \$15,000 in 2020/21 is slightly lower than previous year's total funding under the CGS, however is considered appropriate for the Shire of Pingelly.

Strategic Implications

Goal 2	Community
Outcome 2.2	Community Groups function well with strong volunteer effort and feel supported by the community
Strategy 2.2.2	Support the capacity of clubs and groups to develop

Risk Implications

Risk	The key risks in relation to this matter are in the assessment of the grant applications and the decision made to award funding.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Clear criteria will provide an objective base for assessment and feedback to applicants.

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

Council is requested to:

1. approve the amended Community Grants Scheme Policy as attached; and
2. endorse an amount of \$15,000 being allocated in the 2020/21 draft budget for the Community Grant Scheme.

Moved: _____ Seconded: _____

14.4 Representation on Pingelly Community Wellbeing Plan Committee

File Reference: ADM0310
Location: Not Applicable
Applicant: Not Applicable
Author: Chief Executive Officer
Disclosure of Interest: Nil
Attachments: Letter from Pingelly Community Wellbeing Plan Committee
Previous Reference: Ordinary Council Meeting 20 November 2019 Item 14.1

Summary

Council is requested to consider reviewing the recent appointment of Councillors to the Pingelly Community Wellbeing Plan Committee (PCWPC).

Background

At the Ordinary Meeting of Council held on 20 November 2019 Cr McBurney was appointed as the Shire delegate and Cr Hastings were appointed as the Deputy to this external Committee.

Comment

As per the attached letter, the PCWPC have requested that Shire representation on this group to be changed from Shire Councillors to a staff member. The reason for this request is the direction of the group has now changed to being an action group, and therefore each member is needed to have the ability to be hands on, and have the capacity and authority to action tasks assigned.

Consultation

Pingelly Community Wellbeing Plan Committee

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Goal 2	Community
Outcome 2.2	Community Groups function well with strong volunteer effort and feel supported by the community
Strategy 2.2.2	Support the capacity of clubs and groups to develop

Risk Implications

Risk	No significant risks are considered relevant to this decision.
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Simple Majority

Recommendation

That Council agrees to withdraw from the position of having formal representation on the Pingelly Community Wellbeing Plan Committee, effective immediately.

Moved: _____ Seconded: _____

14.5 Pingelly Panthers Netball Club Request for Contribution

File Reference:	ADM0012
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Pingelly Panthers Netball Club Request
Previous Reference:	Nil

Summary

Council is requested to consider a \$700 contribution to the Pingelly Panthers Netball Club in support of their proposal to host three State League netball games in Pingelly.

Background

The Pingelly Panthers Netball Club (PPNC) have been working to attract State League netball games to Pingelly. Significant events have both a community and economic benefit to the Shire through the resulting benefit to businesses, sporting and community groups through increased visitation and the promotion of healthy and active lifestyles.

Comment

Pingelly Panthers Netball Club (PPNC) have been successful in their request to Netball WA to host three Western Australian Netball League (WANL) games in 2020. WANL is Western Australia's premier netball competition and offers the best opportunities for players, coaches, umpires and officials across eight clubs in the state to develop and maximise their abilities.

Netball WA has confirmed that PPNC will host clubs Curtin Hamersley Comets and Southside Demons on Sunday 12 July 2020 at the Pingelly Recreation and Cultural Centre. The players, coaches, officials and umpires for three high level WANL games will travel to Pingelly to exhibit Men's, Under 20's and Open division matches.

Support is recommended to be provided to the Club to enable the first State level sporting event to be held at the Pingelly Recreation and Cultural Centre.

Consultation

Pingelly Panthers Netball Club

Statutory Environment

Section 6.8 of the *Local Government Act 1995* provides that:

- 1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Policy Implications

Nil

Financial Implications

The recommendation of a contribution of \$700 can be absorbed within the 2019/20 allocation for the Community Grants Program due to the \$800 allocated to the Pingelly Soccer Club not being required.

Strategic Implications

Goal 2	Community
Outcome 2.2	Community Groups function well with strong volunteer effort and feel supported by the community
Strategy 2.2.2	Support the capacity of clubs and groups to develop

Risk Implications

Risk	No significant risks are considered relevant to this decision.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

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

Voting Requirements

Simple Majority

Recommendation

That Council endorse a contribution of \$700 to the Pingelly Panthers Netball Club towards the hosting of the State Netball League Games in Pingelly, from the Community Grants Program allocation.

Moved: _____ Seconded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – February 2020

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 29 February 2020
Previous Reference:	Nil

Summary

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

The Monthly Statements of Financial Activity for the month of February 2020 are attached for Council consideration and adoption. This report now incorporates new Australian Accounting Standards Board (AASB) requirements effective from 1 July 2019. AASB 15 Revenue from Contracts with Customers (IFRS 15), AASB 1058 Income for Not-for Profit Entities, AASB 16 Lease replaces AASB 117 (IFRS 16).

Background

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

- Reconciliation of assets, payroll and taxation services;
- Reconciliation of all shire's bank accounts, including term deposits;
- Reconciliation of Rates, including outstanding rates 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 29 February 2020 be accepted and material variances be noted.

Moved: _____ Seconded: _____

15.2 Accounts Paid by Authority – February 2020

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

Summary

Council endorsement is required for accounts made by authority for the month of February 2020.

Background

Nil

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 February 2020 as presented:

FEBRUARY 2020	
MUNI - 117984856	
EFT 6749 - 6831	\$175,599.16
CHEQUE 24750 - 24755	\$4,559.09
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD11110.1 – DD11159.1	\$38,236.00
TRUST FUND – 1975 - 1975	\$800.00
DIRECT DEBIT -	
DD11099.1 – DD11132.4 & EFT6762 - 6799 – Pay and Super	\$17,086.53
CREDIT CARDS	
DD11120.1 – DD11120.1	\$771.70
GRAND TOTAL	\$237,052.48
Notification	Explanation
Nil	N/A

Moved: _____ Seconded: _____

15.3 Proposed Communications and Social Media Policy

File Reference:	ADM0487
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Director Corporate & Community Services
Disclosure of Interest:	Nil
Attachments:	Proposed Communications and Social Media Policy
Previous Reference:	Nil

Summary

Council is requested to consider adopting a Communications and Social Media Policy.

Background

The Financial Management Systems Review conducted in January 2018 by AMD Chartered Accountants raised in point 3.2.4 Information technology planning, policies and procedures, recommend use of social media sites be documented, approved, implemented and monitored on an ongoing basis.

Comment

The Draft Shire of Pingelly Communications and Social Media Policy has been prepared based on the Western Australian Local Government Association (WALGA) Infopage template for 'Communications and Social Media Policy' and 'Guidelines – Local Government Elected Members - Personal Use of Social Media'.

Consultation

Nil

Statutory Environment

Local Government (Rules of Conduct) Regulations 2007

Policy Implications

New policy on use of social media.

Financial Implications

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

Strategic Implications

Goal 4	Effective Governance and Organisation
Outcome 4.5	Effective and efficient corporate and administrative services
Strategy 4.5.2	Develop and maintain risk management policies and procedures

Risk Implications

Risk	Possible negative impacts to Shires reputation from communications and social media posts
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Introduction of a Communications and Social Media Policy to mitigate future risk.

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 draft Shire of Pingelly Communications and Social Media policy as presented.

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 South West Native Title Settlement

File Reference:	ADM0274
Location:	Various Townsite Lots
Applicant:	Not Applicable
Author:	Administration Officer Technical
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

Council to consider the request from the Department of Planning, Lands and Heritage in relation to providing a submission on the possible transfer of the land parcels identified under the South West Native Title Settlement.

Background

The State of Western Australia has committed to allocating up to 320,000 hectares of Crown Land to the Noongar People to create the Noongar Land Estate, in accordance with the six registered Indigenous Land Use Agreements for the South West Native Title Settlement.

The Department of Planning, Lands and Heritage (DPLH) is responsible for undertaking an identification and assessment process for land parcels within the boundaries of the Settlement. This process includes referring land to relevant agencies for comment. While awaiting conclusive registration and the subsequent date upon which the Settlement becomes effective, DPLH is undertaking necessary referrals to ensure that land parcels as identified by the Noongar People are made ready for transfer.

Comments have been requested from the Shire in relation to the following:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection?
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet?
7. Advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Provide any additional comments on the proposed transfer of this land as part of the Settlement.

There have been 14 land parcels identified within the townsite of Pingelly which have been registered at the Native Title Tribunal on 17 October 2018.

Comment

The following information relates to the land parcels that have been identified within the Pingelly townsite for allocation as part of the Native Title Settlement.

Currently the Shire of Pingelly maintains some of these properties under the provisions of the Bush Fires Act 1954, with cost of the works for some of these lots being reimbursed by Department of Fire and Emergency Services. Once the Native Title Settlement has been finalised, the new owners of these lots would be responsible for the maintenance.

Below is the information in relation to each of the lots including ownership and any known history available:

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 298	56 Raglan street	1012m ²	State of WA	Residential



This lot is vacant land which is suitable for residential development. Landcorp has previously shown interest in purchasing this land for development.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 7	4 Quiver Street	1417m ²	State of WA	Mixed Use



This lot is vacant land that has a water course running through it and is not suitable for development. There is deep sewerage available.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 422	54 Park St	1113m ²	State of WA	Residential



Vacant land suitable for residential development. Deep sewerage available. In 2009 a Notice of Intention was received from the Department of Lands to take the land for residential purposes. Extensions of this notice were received with the last one expiring in June 2014. Requirements under the Native Title Act & Land Administration not compliant. Advice sought on Shire’s intention but there was no further progress.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 422	56 Park St	1113m ²	State of WA	Residential



Vacant land suitable for residential development. Deep sewerage available. In 2009 a Notice of Intention was received from the Department of Lands to take the land for residential purposes. Extensions of this notice were received with the last one expiring in June 2014. Requirements under the Native Title Act & Land Administration not compliant. Advice sought on Shire’s intention but there was no further progress.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 426	62 Park St	1113m ²	State of WA	Residential



Vacant land suitable for residential development. Deep sewerage available. In 2009 a Notice of Intention was received from the Department of Lands to take the land for residential purposes. Extensions of this notice were received with the last one expiring in June 2014. Requirements under the Native Title Act & Land Administration not compliant. Advice sought on Shire’s intention but there was no further progress.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 427	64 Park St	1113m ²	State of WA	Residential



Vacant land suitable for residential development. Deep sewerage available. In 2009 a Notice of Intention was received from the Department of Lands to take the land for residential purposes. Extensions of this notice were received with the last one expiring in June 2014. Requirements under the Native Title Act & Land Administration not compliant. Advice sought on Shire’s intention but there was no further progress.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 428	66 Park St	1126m ²	State of WA	Residential



Vacant land suitable for residential development. Deep sewerage available. In 2009 a Notice of Intention was received from the Department of Lands to take the land for residential purposes. Extensions of this notice were received with the last one expiring in June 2014. Requirements under the Native Title Act & Land Administration not compliant. Advice sought on Shire's intention but there was no further progress.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 374	70 Park St	36447m ²	State of WA	Rural Residential
	Park St	32707m ²	State of WA	Rural Residential



Vacant land was previously used as a gravel pit. Suitable for building no sewer available. No recorded history available. The second portion land ID 979524 which abounds 70 Park Street on eastern & northern boundaries is also part of the application. No recorded history available.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 607	3 Webb Street	1012m ²	State of WA	Residential



This lot is vacant land, suitable for residential development. Deep sewerage available to this lot. Previous enquiries from Shire of Pingelly to Department of Lands to purchase this lot. Landcorp has also expressed interest in purchasing the lot for residential development.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 876	1 Barron Street	1619m ²	State of WA	Residential



This lot is vacant land, not suitable for building. Low lying with a water course going through the middle of the lot. Also, this section of Barron St is no longer a gazetted street and has been incorporated into Reserve 5014. There is access from the lane on the eastern boundary. Deep sewerage available.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 875	2 Barron Street	1619m ²	State of WA	Residential



This lot is vacant land, not suitable for building, low lying with a water course going through the middle of the lot. Also, this section of Barron St is no longer a gazetted street and has been incorporated into Reserve 5014, There is access from the lane on the eastern boundary. Deep sewerage available.

LOT	ADDRESS	AREA	OWNER	ZONING
Lot 879	Review Street	64006 m ²	DPLH Management order - USE & REQUIREMENTS OF THE SHIRE OF PINGELLY	Industry
Lot 880	Review Street	75069m ²	DPLH Management order - USE & REQUIREMENTS OF THE SHIRE OF PINGELLY	Industry



Landcorp went through the processes for the development of an industrial zone. All the flora and fauna studies. The site has also been identified as contaminated and we need to be cleaned up prior to any development at a cost.

There would also be costs involved to extend the water and sewerage services for the proposed lots and to get power to the lots. Proposed plans for four lots immediately fronting review had been done as a first stage of the development. The original Planning Approval from Western Australian Planning Commission expired in 2017 so a new application would be required for the subdivision.

With the exception of Lots 879 and 880 Review Street Pingelly, the Shire of Pingelly appears to have no active interest in the identified land parcels.

Consultation

Nil

Statutory Environment

Shire of Pingelly Planning Scheme No.3

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Goal 1	Economy
Outcome 1.3	The right resources and infrastructure are in place to support business development, including an increase in visitors and visitor spend in the Shire.
Strategy 1.3.3	Ensure industrial land is available for new businesses and actively work to achieve take-up of sites.

Risk Implications

Risk	Failure to respond with a submission will result in the Shire’s interest not being noted.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	No further actions are proposed in additional to the officer recommendation.

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

Council authorises the Chief Executive Officer to prepare a submission to the Department of Planning Lands and Heritage, noting the Shire of Pingelly’s interest in Lot 879 and Lot 880 Review Street Pingelly, being a potential future industrial site.

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.