

# Notice of Meeting



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Dear Elected Member

The next Ordinary meeting of the Shire of Pingelly will be held on 12 December 2018 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

Pumphrey's Bridge CWA will be providing dinner.

## **Schedule**

2pm Council Meeting

A handwritten signature in black ink, appearing to be 'G. Pollock'.

Gavin Pollock  
**Chief Executive Officer**

7 December 2018

## **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  
12 December 2018

## **MISSION STATEMENT**

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

## **DISCLAIMER**

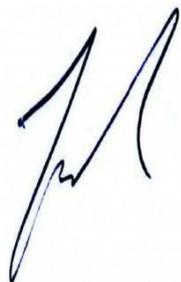
### **INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS**

#### **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.

A handwritten signature in black ink, appearing to be 'G. Pollock', written in a cursive style.

**GAVIN POLLOCK  
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 at least 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, including an Information Bulletin, are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. 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).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available in the Shire of Pingelly Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view 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](mailto: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:

12 December 2018

\_\_\_\_\_  
(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 12 December 2018 – 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 and past and present.

**3. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

**3.1 Council Agenda Reports**

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

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

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

**12557 Moved: Cr Walton-Hassell      Seconded: Cr McBurney  
That Cr Wood be granted leave from 11<sup>th</sup> and 12<sup>th</sup> December 2018 inclusive.  
That Cr Hotham be granted leave from to 7<sup>th</sup> to 15<sup>th</sup> December 2018 inclusive.**

Carried 8:0

Apology: Cr Bill Mulroney

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**6. PUBLIC QUESTION TIME**

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

**That Cr Bill Mulroney be granted leave from Wednesday 12<sup>th</sup> to Wednesday 19<sup>th</sup> December 2018.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**8. DISCLOSURES OF INTEREST**

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**9.1 Ordinary Meeting – 21 November 2018**

**Statutory Environment:**

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

**Voting Requirements:**

Simple Majority

**Recommendation:**

**That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 21 November 2018 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
Aged Care Planning Regional Sub-Group (BBP)	Delegate – Shire President Delegate – Cr Hotham Deputy – Cr Freebairn
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 November**

15<sup>th</sup> Darren West Member for the Agricultural Region.  
21<sup>st</sup> Corporate Discussion and November Council Meeting  
22<sup>nd</sup> PRACC Board meeting  
29<sup>th</sup> President and Chief Executive Officer Meeting  
30<sup>th</sup> Central Country Zone Meeting, Williams

##### **Meetings attended December**

2<sup>nd</sup> Chief Executive Officer Performance Committee meeting  
3<sup>rd</sup> Turning of the Sod for New Bowling Green  
4<sup>th</sup> Meeting with the Doctor re Contract and Sale of Land  
11<sup>th</sup> LEMC meeting Wandering  
12<sup>th</sup> Corporate Discussion and December Council Meeting

#### **Cr David Freebairn (Deputy President)**

Nil

#### **Cr Evan Hodges**

Nil

#### **Cr Bryan Hotham**

Nil

#### **Cr Jackie McBurney**

Nil

#### **Cr Kacey Hastings**

Nil

#### **Cr Michelle Walton-Hassell**

Nil

#### **Cr Peter Wood**

Nil

***Note: Standing Orders Apply***

## **14 OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **14.1 Shire of Pingelly Employee Code of Conduct**

**File Reference:** 0000  
**Location:** Shire of Pingelly  
**Applicant:** Chief Executive Officer  
**Author:** Chief Executive Officer  
**Date:** 1 December 2018  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Nil

#### **Summary:**

Council endorse the revised wording for section 24 of the Shire of Pingelly Employee Code of Conduct dated the 1 December 2018.

#### **Background:**

At the Special Meeting of Council held on the 30 July 2018 council endorsed the following motion;

*12480 Moved: Cr Hodges Seconded: Cr Hastings*

*Council endorses the current Shire Code of Conduct in relation to Elected Members, Executive Staff and employees and to be revised forthwith to prevent any further incidents of this nature.*

*Carried 7:0*

#### **Comment:**

Only section 24 of the code of conduct has been updated after reviewing the complete document.

Original wording;

#### **24 Out of Hours Conduct**

*Any employee who commits a serious criminal offence that reflects poorly or adversely upon the Shire of Pingelly may be dismissed for such actions. Serious criminal offences shall include offences such as murder, manslaughter, motor vehicle theft, rape, sexual assault, break and entering, fraud, armed hold ups, drug dealing and any other offence of a similar serious nature. The consideration of serious criminal offence will take into account the nature of the incident and the nature of the individual's position.*

*New Wording;*

#### **24 Out of Hours Conduct**

Any employee who commits a serious criminal offence may be dismissed for such actions. Serious criminal offences shall include offences such as murder, manslaughter, motor vehicle theft, rape, sexual assault, break and entering, fraud, armed hold ups, drug dealing and any other offence of a similar serious nature. The consideration of serious criminal offence will take into account the nature of the incident and the nature of the individual's position.

Employees should also act, and be seen to act, properly and in accordance with the requirements of the law and the sentiments of this Code, including not conducting themselves in a manner that in context reflects poorly or adversely upon the Shire of Pingelly.

**Consultation:**

Chief Executive Officer, Director Corporate and Community Services, Director Technical Services, Councillors.

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Risk Implications:**

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

Risk Matrix

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

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

**Voting Requirements:**

Majority.

**Recommendation:**

**That Council endorse the new wording of section 24 for the Shire of Pingelly Employee Code of Conduct dated 1 December 2018.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **14.2 Minutes of Audit Committee and Annual Report 2018 & Annual Electors Meeting**

**File Reference:** ADM0074  
**Location:** Shire of Pingelly  
**Applicant:** Chief Executive Officer  
**Author:** Chief Executive Officer  
**Date:** 5 December 2018  
**Disclosure of Interest:** Nil  
**Attachments:** Annual Report 2017/18 (Attachment 1 after purple sheet under separate cover)  
**Previous Reference:** Nil

### **Summary:**

Council to receive the Auditors Report and accept the Annual Report 2018 which contains the Annual Financial Report for the 2017/18 financial year. Also, to set the date of the Annual Electors meeting.

### **Background:**

Section 7.9 of the *Local Government Act 1995* requires an audit to be undertaken and, on its completion, submitted to the Shire President and Chief Executive Officer of the Local Government, and to the Minister for Local Government.

It is a requirement that the Annual Audit be completed by 31 December following the close of the financial year. The audit was commenced on-site by AMD Chartered Accountants on 19<sup>th</sup> November to 21<sup>st</sup> November 2018. The Statutory Report and Management letter has been completed by AMD Chartered Accountants and received by the Shire President, Chief Executive Officer and Director Corporate & Community Services. The Auditor's Management Report was submitted to the Shire of Pingelly Audit Committee.

### **Comment:**

*Local Government Act 1995*, section 5.54 requires that this report be adopted by Council by 31<sup>st</sup> December – or within 2 months of the Auditor's report being received. Under section 5.27 Council is also required to hold the electors meeting within 56 days of the acceptance of the Annual Report for the previous year.

The Annual Report for 2017/2018 has now been completed and is included as an attachment to this document. This Report will be available to the Public and Electors prior to the Annual Electors Meeting, subject to its acceptance by Council.

The Auditors report under the heading 'Report on Other Legal and Regulatory Requirements' raised the following:

In accordance with the *Local Government (Audit) Regulations 1996* we report that:

- (i) In our opinion, the following matters indicate significant adverse trends in the financial position of the Shire of Pingelly:
  - a. Operating surplus ratio as reported in Note 31 of the financial report is below the below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard of zero for the last three years (2016: -0.719, 2017: -0.596 and 2018: -0.47).

Refer to Audit Committee minutes for further commentary on these matters raised.

AMD's auditors indicated that procedures and controls in respect to the Shire of Pingelly internal processes, procedures and financial reporting framework are adequately designed and have been maintained to adequate standards throughout the audit period subject to the comments and recommendations within the Management Review Report.

**Consultation:**

AMD Chartered Accountants  
Chief Executive Officer  
Bob Waddell – Local Government Consultant

**Statutory Environment:**

Section 7.9(1) of the *Local Government Act* provides that an auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —

- (a) the mayor or president;
- (b) the Chief Executive Officer of the local government; and
- (c) the Minister.

Section 5.27 of the *Local Government Act* provides that:

- (1) a general meeting of the electors of a district is to be held once every financial year.
- (2) a general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) the matters to be discussed at general electors' meetings are to be those prescribed.

Section 5.29 provides that the Chief Executive Officer is to convene an electors' meeting by giving —

- (a) at least 14 days' local public notice; and
- (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.

The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

Section 5.53 requires a local government to prepare an annual report containing:

- (a) a report from the mayor or president;
- (b) a report from the Chief Executive Officer;
- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- (f) the financial report for the financial year;
- (g) such information as may be prescribed in relation to the payments made to employees;
- (h) the auditor's report for the financial year;
- (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- (i) such other information as may be prescribed.

Section 5.55 requires the Chief Executive Officer to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Section 1.7 (local public notice) provides that:

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
  - (a) published in a newspaper circulating generally throughout the district;
  - (b) exhibited to the public on a notice board at the local government's offices; and
  - (c) exhibited to the public on a notice board at every local government library in the district.

- (2) Unless expressly stated otherwise it is sufficient if the notice is —
- (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
    - (i) the time prescribed for the purposes of this paragraph; or
    - (ii) if no time is prescribed, 7 days.

**Policy Implications:**

1.4 Audit Management and Specifications

**Financial Implications:**

Nil

**Strategic Implications:**

While there are no direct strategic implications in receiving the Shire of Pingelly Statutory Annual Financial Report, the Auditors Management Report point 7 raises commentary regarding the Shire’s financial ratios.

**7. Financial Ratio Performance Measures**

We note Council’s Asset Management Plan currently only includes projections for seven years to 2024/25 and therefore does not include data for the ten year projection of renewal/ replacement expenditure required for the calculation of the asset renewal funding ratio. As a result, Council’s asset renewal funding ratio has been calculated as at 30 June 2018 based on the 7 year expenditure forecast to 2024/25, and an average of the 7 year capital expenditure forecasts for the subsequent 3 years.

We also noted Council’s Long Term Financial Plan was still in draft stage at the time of our November 2018 visit and therefore had not been adopted by Council.

A review of Council’s financial ratios as included within Note 31 of the financial report indicates that 6 of the 7 ratios were within the recommended guidelines provided by the Department of Local Government and Communities for the past 3 financial years, with the exceptions noted below:

- The operating surplus ratio as at 30 June 2018 is calculated at -0.47 (2017: -0.596, 2016: 0.719 recommended to be between 0.01 and 0.15); and

We recommend Council continue to consider the impact on ratios and long term sustainability when making decisions regarding asset renewal, additional borrowings and setting rates for future years.

**Risk Implications:**

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

Risk Matrix

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

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

**Voting Requirements:**

Absolute Majority

**Recommendations:**

**That Council:**

- 1. receives the minutes of the Audit Committee dated 12 December 2018.**
- 2. accepts the Shire of Pingelly Annual Report for the Financial Year ended 30<sup>th</sup> June 2018;**
- 3. receives the Audit Report for 2017/18 from AMD Chartered Accountants;**
- 4. advertises and holds its Annual Electors Meeting in the Council Chambers, 17 Queen Street, Pingelly to be held on Tuesday 5 February 2019 at 7:00pm;**
- 5. submits a copy of the Shire of Pingelly Statutory Annual Financial Report to the Director General of the Department of Local Government, Sport and Cultural Industries as required by Local Government (Financial Management) Regulations clause 51(2).**
- 6. notes the comments on the Audit Management Letter by management with no further actions required to be undertaken by the Chief Executive Officer.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**Recommendation:**

**THAT pursuant to Section 5.23 of the Local Government Act 1995 these item be dealt with, with the public excluded as the items deal with confidential matters.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**14.3 Confidential Item - Chief Executive Officer Review Performance Review 2018**

**File Reference: 000000**  
**Location: Shire of Pingelly**  
**Applicant: Shire President**  
**Author: Shire President**  
**Date: 3 December 2018**  
**Disclosure of Interest: Nil**  
**Attachments: Nil**  
**Previous References: Nil**

**Recommendation:**

**That Council Note:**

- 1. the Shire President has now received the Chief Executive Officer’s appraisals forms back from all elected members.**
- 2. the Shire President will now collated the results, the Chief Executive Officer will be advised at the February Ordinary Meeting of Council 2019 of such results.**
- 3. prior to the February Ordinary Meeting of Council 2019, the Chief Executive Officer performance review committee will meet with the Chief Executive Officer to formulate the Key Results Areas (KRAs) for 2019 and discuss the performance review results.**
- 4. the Chief Executive Officer’s performance review committee will meet with the council prior to the February Ordinary Meeting of Council 2019 where the outcome of the KRA discussion and performance review results will be discussed with Council before a recommendation is put before Council under a Confidential Item.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**14.4 Confidential Item - Australia Day Awards 2018**

**File Reference:** ADM0280  
**Location:** Shire of Pingelly  
**Applicant:** Community  
**Author:** Chief Executive Officer  
**Date:** 5 December 2018  
**Disclosure of Interest:** Nil  
**Attachments:** To be presented at the meeting

**Recommendation:**

**That Council endorse:**

- 1. the Community Service Award be presented as agreed**
- 2. the Sportsperson of the Year Award be presented as agreed**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**14.5 Confidential Item - Request Rates Write Off – Assessments A2608 and A10013**

**File Reference:** ADM0494, A10013, A2608  
**Location:** Shire of Pingelly  
**Applicant:** Property Owner of Assessments A2608 and A10013  
**Author:** Director Corporate & Community Services  
**Date:** 6 December 2018  
**Disclosure of Interest:** Nil  
**Attachments:** Emails from Property Owner  
Payment Arrangement  
Rates Notices  
(Attachment 1 following blue cover sheet)

**Recommendation:**

**That Council advises the property owner it is not prepared to write off the balances for rates debtor A10013 and A2608 as the amounts have been raised in accordance with the *Local Government Act 1995* and its Associated Regulations and in accordance with Council Rates Recovery Policy 5.7.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**14.6 Confidential Item - Planning Enquiry A864**

**File Reference:** A864  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Pingelly  
**Author:** Administration Officer Technical  
**Date:** 6 December 2018  
**Disclosure of Interest:** Nil  
**Attachments:** 1. Farm Sheds & Buildings – Councillor and Executive information.  
2. Screen Shots of property and Location Map.  
3. Email from Landgate in regards to road name.  
(Attachment 2 following green cover sheet)  
**Previous Reference:** Nil

**Recommendation:**

**Council to endorse the operation of a trucking depot and sheds for large volumes of hay storage at the General Agriculture Zoned property A864 Aviation Street if the property changed ownership and a formal application for planning consent was submitted.**

**Council to endorse an application to Landgate in keeping the unnamed road as Aviation Street and changing the current unformed Aviation Street off Realm Street to an unnamed road.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**Council Recommendation:**

**That the meeting be re-opened to the public.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES**

### **15.1 Monthly Statement of Financial Activity – November 2018**

<b>File Reference:</b>	<b>ADM0075</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>Director Corporate &amp; Community Services</b>
<b>Author:</b>	<b>Director Corporate &amp; Community Services</b>
<b>Date:</b>	<b>05 December 2018</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Monthly Statements of Financial Activity for the period 1 July 2018 to 31 November 2018 (Attachment 2 following red sheet in separate attachments booklet)</b>
<b>Previous Reference:</b>	<b>N/A</b>

#### **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 November 2018 is attached for Council consideration and adoption.

#### **Background:**

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

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

#### **Consultation:**

Chief Executive Officer.

#### **Statutory Environment:**

*Local Government Act 1995*;

*Local Government (Financial Management) Regulations 1996*

Section 34: Financial Reports to be Prepared

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

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

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

**Policy Implications:**

There are no policy implications.

**Financial Implications:**

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

**Strategic Implications:**

There are no known significant strategic implications.

**Risk Implications:**

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

Risk Matrix

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

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

**Voting Requirements:**

Simple Majority.

**Recommendation:**

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

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **15.2 Accounts Paid by Authority – November 2018**

**File Reference:** ADM0066  
**Location:** Shire of Pingelly  
**Applicant:** Director Corporate & Community Services  
**Author:** Finance Officer  
**Date:** 05 December 2018  
**Disclosure of Interest:** Nil  
**Attachments:** List of Accounts  
(Attachment 3 following orange sheet in separate attachments booklet)  
**Previous Reference:** N/A

### **Summary:**

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

### **Comment:**

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

### **Consultation:**

Nil

### **Statutory Environment:**

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

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds — by the Chief Executive Officer; 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 Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) for each account which requires council authorisation in that month —
    - (i) the payee's name;
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - (b) the date of the meeting of the Council to which the list is to be presented.

- (3) A list prepared under sub regulation (1) or (2) is to be —
- (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

**Policy Implications:**

There are no policy implications arising from this amendment.

**Financial Implications:**

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

**Strategic Implications:**

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

**Risk Implications:**

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

Risk Matrix

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

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

**Voting Requirements:**

Simple Majority.

**Recommendation:**

**That Council endorse the Accounts for Payments for November 2018 as presented:**

<b>November 2018</b>	
<b>MUNI - 117984856</b>	
EFT 5452 - 5554	\$634,939.53
CHEQUE 24616 - 24625	\$25,963.41
<b>TRUST ACCOUNTS</b>	
DEPT OF TRANSPORT – DD10183.1 – DD10242.1	\$31,727.15
TRUST FUND – 1938 - 1942	\$970.00

<b>DIRECT DEBIT -</b>	
DD10073.1 – DD10178.1 – EFT5553	19,624.83
<b>CREDIT CARD</b>	
DD10181.1	\$1,637.50
<b>GRAND TOTAL</b>	<b>\$714,862.42</b>

<b>Notification</b>	<b>Explanation</b>
Nil	

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **16. DIRECTORATE OF TECHNICAL SERVICES**

### **16.1 Request to Endorse Section 70A Notification**

**File Reference:** A4073  
**Location:** Lot 75 – 2972 Wickepin-Pingelly Road, East Pingelly  
**Applicant:** Lane Buck & Higgins  
**Author:** AOT  
**Date:** 26 November 2018  
**Disclosure of Interest:** Nil  
**Attachments:** 1 – Section 70A Notification Forms  
2 – Subdivision Approval  
(Attachment 4 following green sheet in separate attachments booklet)  
**Previous Reference:** Agenda Item 16.4 Ordinary Meeting of Council on 20 September 2017  
Agenda Item 16.1 Request to Endorse Section 70A Notification

#### **Summary:**

A request has been received from Lane, Buck & Higgins on behalf of Beauland Management Pty Ltd, for Council to endorse 2 Section 70A Notification forms to satisfy conditions 1 & 2 of the WAPC's Subdivision Approval No. 155577.

To execute the document, the Council seal and signatures of the Shire President and Chief Executive Officer are required.

A resolution of Council is required to execute the document and affix the seal in accordance with section 9.49A of the *Local Government Act 1995*.

#### **Background:**

The Western Australian Planning Commission granted approval to subdivide Lot 75 – 2972 Wickepin-Pingelly Road, East Pingelly into two (2) Lots on 17 August 2018.

Condition 1 of the approval requires:

A Notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the proposed Lot B. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

*'A network electricity supply is not available to the lot.'*

Condition 2 of the approval requires:

A Notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the proposed Lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

*'A mains potable water supply is not available to the lots.'*

To satisfy the conditions of approval, completed Section 70A Notification forms have been submitted to the Shire for completion. Refer to Attachment 1.

#### **Comment:**

All conditions of approval have been satisfied and clearance of conditions has been issued.

The Item 16.1 Request to Endorse Section 70A Notification was layed on the table at the Ordinary Meeting of Council on 21 November 2018 for further clarification of conditions to be endorsed.

**12564 Moved: Cr Freebairn                      Seconded: Cr Hodges**

To lay the item on the table until the Ordinary Council Meeting 12 December 2018 to allow for clarification of the item.

Carried 7:0

**Consultation:**

Jacky Jurmann, Consultant Planner.  
Barry Gibbs, Director of Technical Services

**Statutory Environment:**

Local Government Act 1985

9.49A. Execution of documents

- (1) *A document is duly executed by a local government if —*
  - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
  - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
  - (a) *the mayor or president; and*
  - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

**Policy Implications:**

**C32: Common Seal**

Delegated to the Chief Executive Officer the authority to affix Common Seal (witnessed by President and Chief Executive Officer) to documents to be executed by the Shire of Pingelly where such documents are consistent and in accord with resolutions of Council or subject to Council being notified of executed documents in a timely manner.

**Objective:** To expedite the approval process.

**Reference:** *Local Government Act 1995* sections 5.42, 9.49A (2) & 9.49A (4).

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

**Financial Implications:**

There are no known financial implications.

**Strategic Implications:**

There are no known strategic implications.

**Risk Implications:**

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

Risk Matrix

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

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

**Voting Requirements:**

Absolute Majority.

**Recommendation:**

**Council Decision:**

- That item 16.1 from the Council meeting on 21 November 2018 be lifted from the table.
- That Council authorise the Shire President and the Chief Executive Office to affix the Common Seal of the Shire of Pingelly and execute the Section 70A Notification form (attached to this Report) in accordance with conditions 1 & 2 of the WAPC Subdivision Approval (No.155577) in accordance with section 9.49A of the *Local Government Act 1985*.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

## **16.2 Proposed Subdivision, Lot 114 Aldersyde-Pingelly Road, East Pingelly**

**File Reference:** A21137/WAPC157435  
**Location:** Lot 114 Aldersyde-Pingelly Road, East Pingelly  
**Applicant:** Planning Solutions (Aust) Pty Ltd  
**Author:** Consultant Planner  
**Date:** 29 November 2018  
**Disclosure of Interest:** Nil  
**Attachments:** 1 – Application documents  
(Attachment 5 following yellow sheet in separate attachments booklet)

### **Summary:**

The Western Australian Planning Commission (WAPC) has received an application for subdivision of Lot 114 Aldersyde-Pingelly Road, East Pingelly. The WAPC has referred the application to the Shire for comments and/or conditions regarding the proposal.

It is proposed to subdivide the subject property into two (2) freehold lots to enable the northern portion of the site to be excised for conservation and agricultural purposes and the remaining portions of land to be used for rural living purposes.

A planning assessment of the application has been undertaken and it is recommended that Council advise the Western Australian Planning Commission that it supports the approval of the application.

### **Background:**

The subject site is located in East Pingelly and has an area of 63.19 hectares, which is comprised of three separate portions as follows:

1. Northern portion = 54.73 ha;
2. South eastern portion = 2.47 ha; and
3. Southern portion = 5.99 ha.

It is proposed to subdivide the property into two lots, with the first lot containing the northern portion and the second lot containing the south east and southern portions.

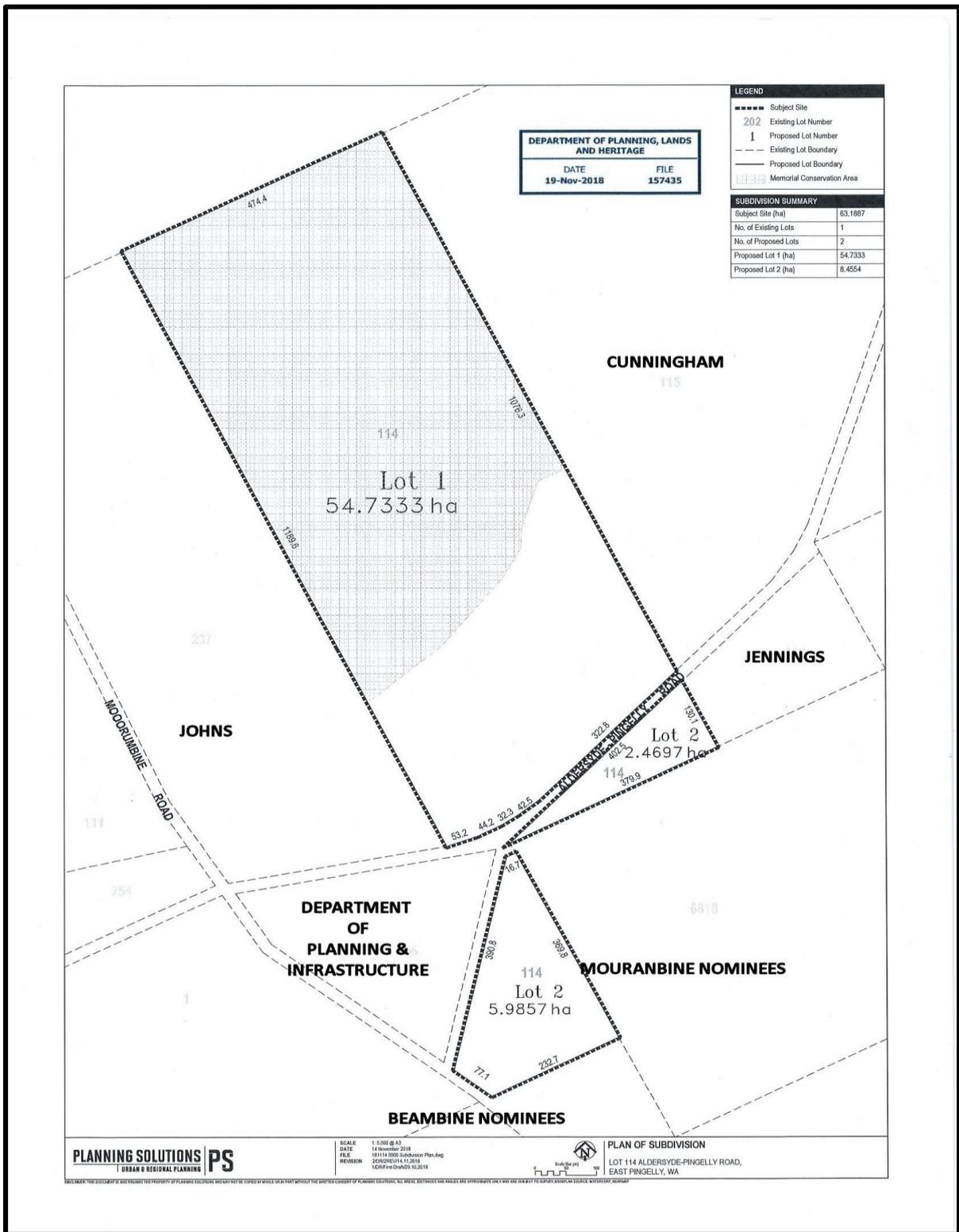
Proposed Lot 1 (northern portion) will contain the area of land under a Conservation Covenant with the remainder being continued to be used for agricultural purposes. Proposed Lot 2 (southern portion) is intended to be used for rural living and agricultural purposes.

The plan of subdivision and Applicant's supporting documentation is attached to the Report and provides additional information regarding the proposal.

### **Comment:**

The Department of Biodiversity, Conservation and Attractions has provided the Application with a letter of support endorsing the suitability of Proposed Lot 1 for the purpose of retaining the site's environmental and conservation values, and the administering of the necessary conservation covenant.

The plan of the proposed lots inserted below including the names of the surrounding property owners.



**Consultation:**

Director Technical Services.

The Shire is not the determining authority for subdivision applications and accordingly, there are no Shire consultation requirements.

**Statutory Environment:**

*Pingelly Local Planning Scheme No. 3 (LPS3)*

The subject property is zoned General Agriculture under the provisions of LPS3.

Clause 5.20 sets out the provisions for development in the zone, and in regards to this application, sub-clause 5.20.1 states:

*“In assessing applications for development and/or subdivision within the General Agriculture Zone, Council will consider the following:*

- (a) the availability of services required to support the proposed development or subdivision and the economic impact of the provision of, extension or upgrading of those services that may be required;*
- (b) the adequacy of the roads, existing or proposed in the area which may be needed to support the amount of road traffic expected to be generated by the development or subdivision; and*
- (c) the need to enforce such conditions as Council deems appropriate in order to minimise any adverse effect the development or subdivision may have on the general environment of the area.”*

**Planning comment** – The creation of an additional lot will not result in the need to upgrade any services or create additional traffic that will impact on the local road system, or require Council to enforce any conditions to minimise any impacts.

Clause 5.23 applies to subdivisions, and in regards to this application, sub-clauses 5.23.1, 5.23.3, 5.23.4 and 5.23.5 state:

*“5.23.1 The approval to subdivide/amalgamate lots is granted by the Western Australian Planning Commission (WAPC) in accordance with the provisions of the Residential Design Codes and the principles of Liveable Neighbourhoods in Residential Zones and in accordance with WAPC policy (particularly SPP No. 11 “Agricultural and Rural Land Use Planning”, in the General Agriculture Zone) and in accordance with the Scheme Provisions in all zones, including Special Use Zones and Special Control Areas, and where relevant, adopted Outline Development Plans.*

**Planning comment** – SPP11 has been superseded by SPP2.5 – Rural Planning, which aims to protect rural land and uses. The implementation of SPP2.5 is facilitated by DCP3.4 – Subdivision of Rural Land, which outlines the circumstances under which rural subdivision may be considered. In regards to this proposal, the provisions relating to subdivision as a result of significant division and for conservation purposes apply. The proposed subdivision is consistent with the provisions of DCP3.4. It should be noted that the provisions relating to homestead lots do not apply to this proposal, due to the existing lots not containing an existing dwelling.

*5.23.3 In the General Agriculture zone there shall be a presumption against the subdivision of land unless the Council is satisfied:*

- (a) the lots have already been divided by significant natural or man-made features and an undesirable precedent would not be set;*
- (b) the lots are for farm adjustment and the erection of dwelling houses is restricted by memorials on Titles;*
- (c) the adjustment of lot boundaries where the application, if approved, will not result in the creation of additional lots;*
- (d) the lots are for specific uses such as recreation facilities and public utilities;*
- (e) the lots are required for the establishment of uses ancillary to the rural use of the land (eg. abattoir, canning works), or are required for the travelling public and tourists (eg. service stations, motels);*
- (f) of the need to excise a conservation lot;*
- (g) that the subdivision is necessary to enable the carrying out of an intensive agricultural pursuit and is in accordance with Council’s Local Planning Policy - Intensive Agriculture.*

**Planning comment** – the proposal is consistent with sub-clauses (a) and (f) due to lots are divided by Aldersyde-Pingelly Road, which is proposed to be the basis of the boundary between the new lots and the need to excise a lot for conservation purposes.

*5.23.4 Council will not support subdivision in the General Agriculture Zone which in its opinion will have the potential to adversely affect the rural landscape or be prejudicial to the agricultural use of the land.*

**Planning comment** – the proposed subdivision will not affect the rural landscape and is unlikely to affect the continued agricultural use of the land.

*5.23.5 Council shall not recognise the surrounding historic pattern of settlement alone as justification to support a subdivision proposal.”*

**Planning comment** – there are a number of smaller lots on the southern side of Aldersyde-Pingelly Road that could be considered as a pattern that could be used to support the proposed subdivision as one of the matters of consideration, but not as the whole reason for supporting the application.

**Policy Implications:**

The proposed subdivision is consistent with the aims and objectives of LPS3 and relevant State policies and therefore, no policy implications have been identified in the assessment of the proposed subdivision.

**Financial Implications:**

There are no financial implications associated with this proposal.

**Strategic Implications:**

Goal 2 of the Shire of Pingelly’s Strategic Community Plan is for an “Enhanced & Natural Built Environment”. The proposed subdivision is consistent with Outcome 2.1: Protection of the Natural Environment and Outcome 2.5: Appropriate development which is diverse in nature and protects local heritage.

**Risk Implications:**

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

Risk Matrix

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

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

**Voting Requirements:**

Simple Majority

**Recommendation:**

**That Council advise the Western Australian Planning Commission that no objections are raised to the approval of the application (WAPC Ref: 157435) for the subdivision of Lot 114 Aldersyde-Pingelly Road, East Pingelly.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

### **16.3 Proposed Conversion of Shed to Dwelling in Town Centre**

**File Reference:** A6157  
**Location:** Lot 34 - 10 Parade Street  
**Applicant:** Mr A & Mrs S Oliveri  
**Author:** Administration Officer Technical  
**Date:** 5 December 2018  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Nil

#### **Summary:**

An application for planning consent has been received from Mr A & Mrs S Oliveri for the proposed conversion of an existing shed at Lot 34 – 10 Parade into a dwelling.

#### **Background:**

The application for the conversion of the existing shed which is on Lot 34 – 10 Parade Street which was previously used for storage in relation to the existing supermarket business on the same lot.

#### **Comment:**

The applicants propose to convert the existing brick, timber and iron shed at the rear of their business Pingelly IGA Xpress from a Class 10a building to a Class 1a dwelling.

Lot 34 – 10 Parade is zoned Town Centre and a single dwelling in the Town Centre Zone is a 'D' use in the Land Use Table of the *Shire of Pingelly Local Planning Scheme No.3*:

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

The use could also be considered under the definition of a caretakers dwelling:

**"caretaker's dwelling"** – means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.

The applicants wish to convert the existing shed at the rear of their business into a dwelling for the convenience of living in the proximity of their business. The conversion will also include work for the preservation of the existing building. Plans of the proposed conversion inserted below.

Number 10 Parade Street is currently on two lots being Lots 33 & 34 with the subject shed predominantly on Lot 34. It would be advised to have an application submitted to the Western Australian Planning Commission to have two lots amalgamated.

A letter from the applicants is inserted below with a description and reasons for the proposed shed to dwelling conversion.

To Who It May Concern

We would like to get permission to convert the back brick shed that is behind the Pingelly IGA into a home. After much discussion and thinking we decided it would be the best move for us and our family.

We fell in love with the old building and see it as a waste just sitting there. It could be made into a beautiful big home and also be very convenient for us, plus it would preserve the history of it instead of it going to ruin.

As everyone knows we work long hours and the convenience of having a home right there would make things so much easier. Also finances the way they are we would rather not have a house mortgage and over stretch ourselves as we would like to have more money to put into our business and update and restore the shop which we feel would help with the town in the long term.

Also the convenience of having shop right there with alarms that can go off and not having to drive to check on shop and to be able to go and have a quick rest if we need it would be great and the schooling is close by aswell which would be handy when having to leave shop to drop off and pick up kids.

We are fully committed to being here long term in Pingelly and putting our best effort into the shop and town so to have a house near it that would fit all our family would be a wonderful help.

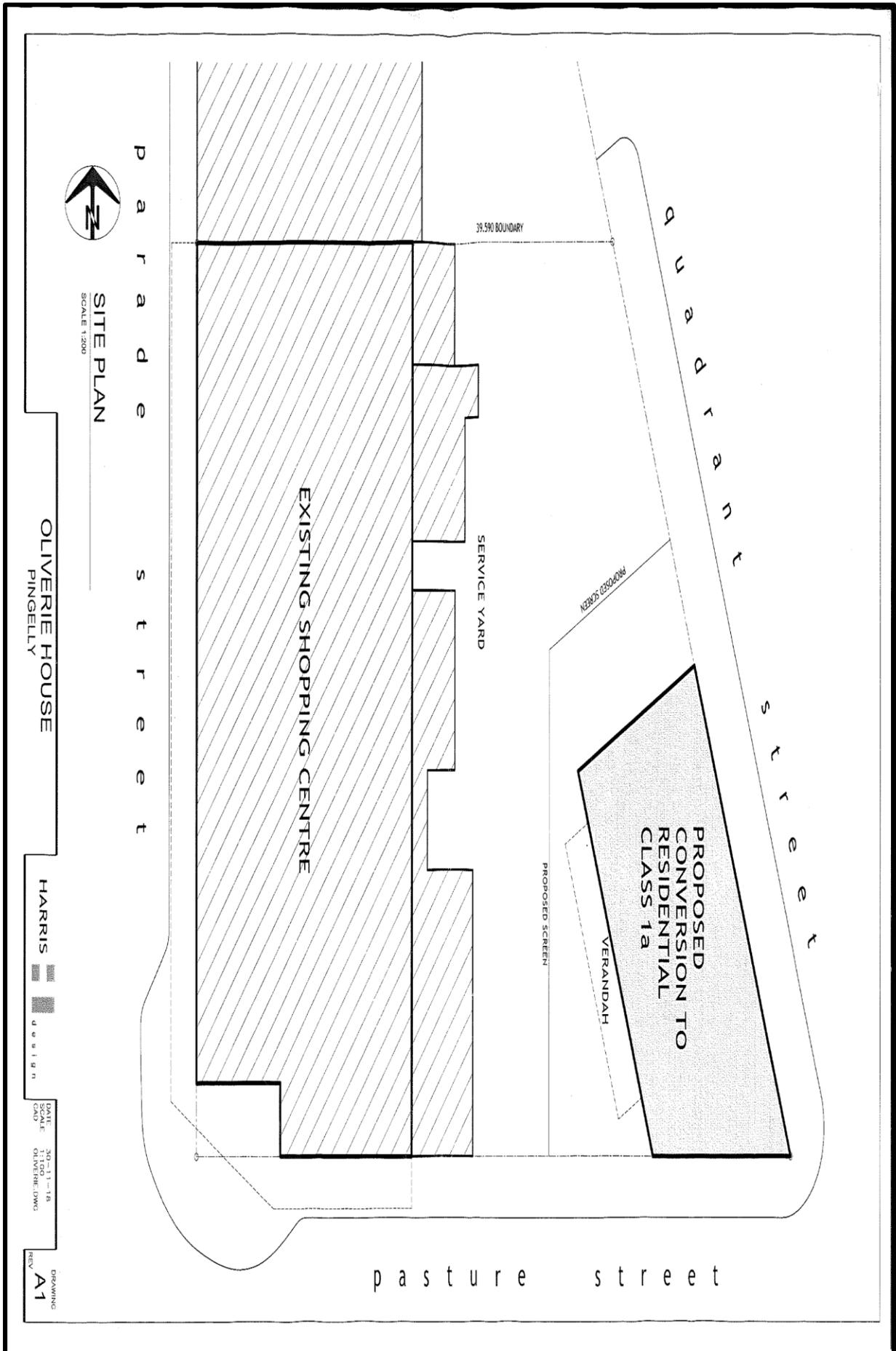
We hope you can consider this proposal seriously as we feel it would be a great way to preserve a beautiful old shedingelly and make it into a home.

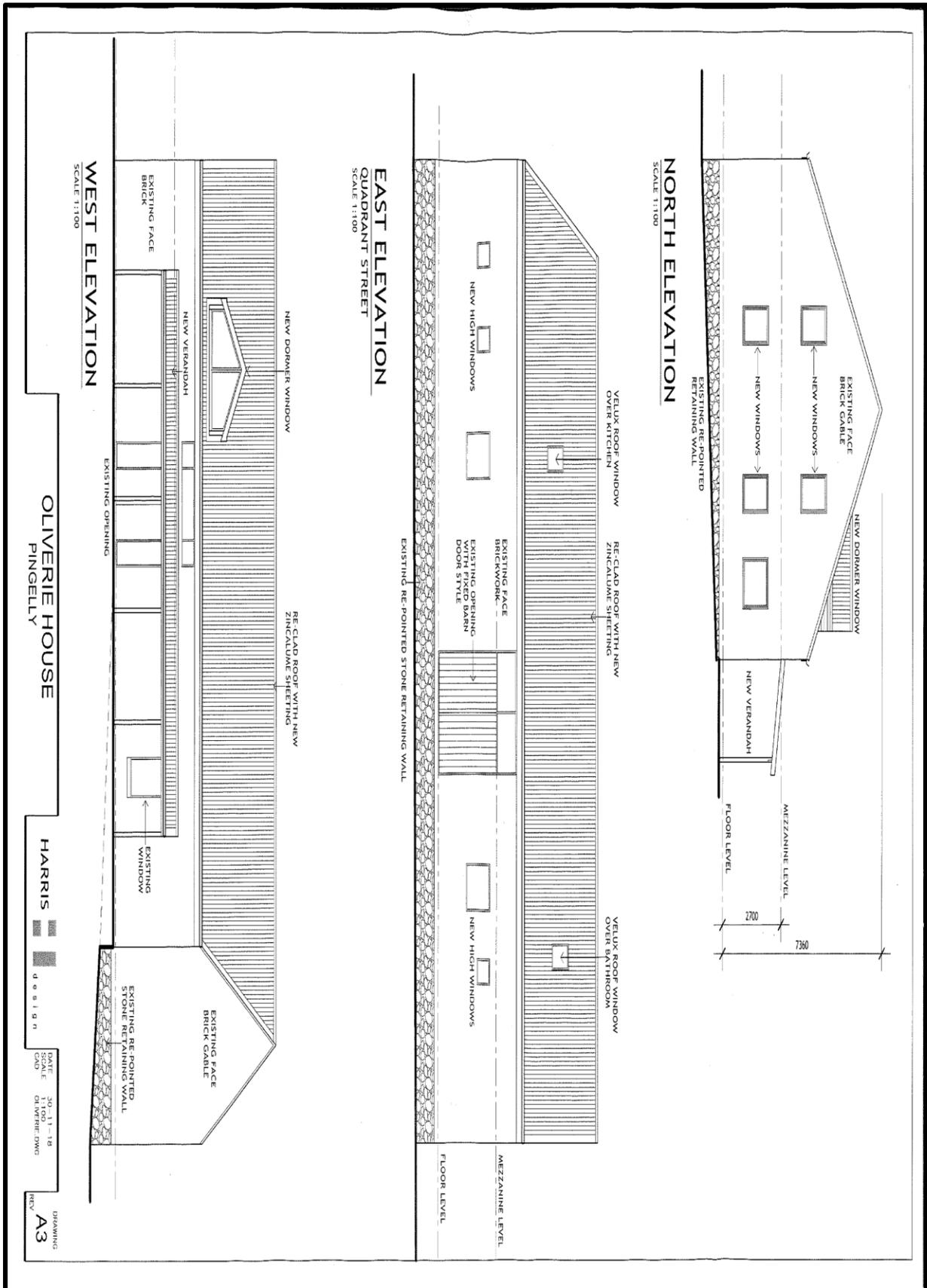
Kind regards

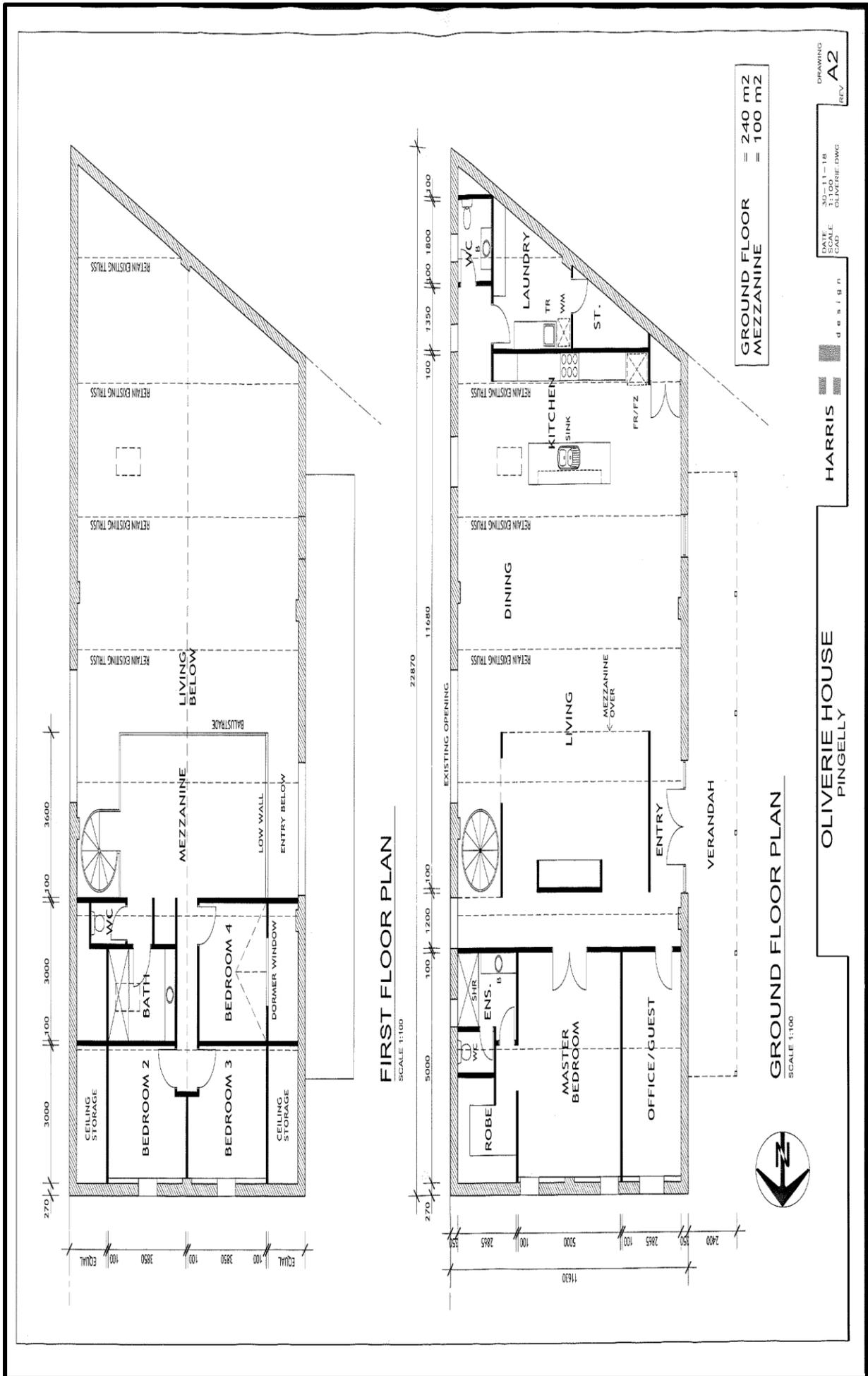
Anthony & Sharon Oliveri

The image shows two handwritten signatures in black ink. The signature on the left is 'Anthony' and the signature on the right is 'Sharon'. Both are written in a cursive, flowing style.









**Consultation:**

Director Technical Services

**Statutory Environment:**

*Shire of Pingelly Local Planning Scheme No.3*

**(a) Town Centre Zone**

- To provide for a consolidated, accessible, safe and vibrant town centre with a mix of compatible uses.
- To protect, maintain and enhance where possible the visual and heritage elements of the town.
- To maintain the attractive features of a rural town lifestyle.

**5.17 Development in the Town Centre Zone**

5.17.1 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) in the Town Centre Zone, Council shall have regard to the criteria and design guidelines contained in Council's Local Planning Policy - Town Centre Design and Townscape Guidelines.

5.17.2 Notwithstanding the development standards set out in Table 2 Council may approve the following variations within the Town Centre Zone for non-residential development.

- (a) An increase in plot ratio of 20% may be granted where Council is satisfied that public open areas, courtyards or colonnades or other setbacks or preservation of heritage buildings warrants an increase to the permissible plot ratio;
- (b) Site coverage of up to 100% where Council is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing, loading and unloading, stormwater drainage, effluent disposal and any other matter which Council deems necessary; and
- (c) A zero building setback from the front boundary where landscape and paved pedestrian areas are to be provided adjacent to the front boundary and Council is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing and loading and unloading.
- (d) Development shall not exceed 2 storeys in height except where Council considers that particular circumstances may warrant an exception and provided Council is satisfied that the proposal is compatible with the objectives for the zone; and
  - i) will not restrict light, sunshine and natural ventilation enjoyed by surrounding properties;
  - ii) will not intrude upon the privacy enjoyed by surrounding properties with overview;

- iii) will not diminish views or outlook available from surrounding properties;
- iv) is sympathetic with the townscape and character of the surrounding built environment.

- 5.17.3 Where residential development is proposed in the Town Centre Zone, and an R Code is not indicated on the Scheme Map and where other provisions of the Scheme do not prevail, the R20 Code will apply for a single residential dwelling and the R30 Code will apply for duplexes or other attached houses which Council may approve subject to conditions and at its discretion.
- 5.17.4 For mixed use development comprising a combination of residential and non-residential uses, the provisions of Part 4.2 of the Residential Design Codes will apply to the residential component of the development (at R25 code), and the provisions of this Scheme to the non-residential component of the development.
- 5.17.5 Development proposals shall recognise the preservation of areas or buildings of architectural or historic interest and the development of land abutting the same.
- 5.17.6 Council will not support commercial or industrial uses in the Town Centre Zone where the predominant established use is for residential purposes unless their impacts can be adequately buffered.

**“caretaker’s dwelling”** – means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

**Policy Implications:**

**13.6 Pingelly Town Centre Townscape**

1. When considering an application for planning consent within the Town Centre zone, consideration will be given for the need to conserve the turn of the century streetscape and ensure that all infill and new developments match the scale, form and physical character of the turn of the century buildings in the area.
2. Any reconstruction of original facades should only be to those elements which are considered to be essential to the streetscape, or where additions to the older buildings are contemplated.
3. Scale and Form
  - a. Scale of new buildings should be based on existing building elements.
  - b. Limit height of any new buildings to two stories.
  - c. Verandas should be located on road edges and include the reinstatement of timber or metal posts.
  - d. Shop windows / doors should be of similar heights to the turn of the century type.
4. Materials
  - a. Walls / parapets to be brick, either painted or fairfax brickwork of appropriate colour. Modern coloured bricks are not appropriate.
  - b. Roofs to buildings / verandas should be corrugated iron.
  - c. Veranda posts and framing should be either timber or steel in proportion to the original verandas and include detailing and decoration where appropriate.

- d. Windows and doors to existing buildings should be retained in timber, as aluminium and other contemporary materials are not really appropriate.
  - e. Windows and doors to new buildings could be either aluminium or a contemporary material as long as sections are similar in thickness to timber joinery.
5. Colours
- Colour schemes which were fashionable at the turn of the century provide a large variation in colour selections. It is important to recreate the building tones and to highlight areas and elements which enforce and enhance the original building's character. Each building should have its own colour scheme which relates to its particular architectural style. The colours of adjoining and newly constructed buildings should be in similar colours and toning as the historic buildings.
- a. Building colours should preferably follow themes used at the turn of the century.
  - b. Original materials such as brickwork and stucco should be highlighted, not painted over.
  - c. Original colours can be found by scraping the site.
  - d. Painting a group of individual buildings in one colour scheme should be discouraged.
6. Signs / Sign Writing
- a. Old sign types should be encouraged. Where possible, appropriate turn of the century lettering should be used. The range offers numerous variations for individual businesses to express their advertisements.
  - b. Signs painted over the whole facade should be prohibited. New signs should be positioned in appropriate places such as parapets, verandas, on panels above the shop windows, or as hanging signs under verandas.
  - d. Components to be discouraged:
    - i. covering up historic facades;
    - ii. construction of blank facades;
    - iv. use of modern materials ie. acrylic sheets; and
    - v. construction of pseudo colonial verandas with turned posts and lacework.

**Financial Implications:**

No known financial implications.

**Strategic Implications:**

No known strategic implications.

**Risk Implications:**

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

Risk Matrix

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

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

**Voting Requirements:**

Simple Majority

**Recommendation:**

**Council to grant Planning Approval for the conversion of the existing brick & iron shed at the rear of the existing supermarket business on Lot 34 – 10 Parade Street into a residence for the use of the proprietors of the supermarket business:**

- 1. All required building approvals be applied for.**
- 2. That for future consideration it would be advisable to amalgamate the two lots 33 & 34 into one lot.**

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.