



Shire of Pingelly

Minutes

Ordinary Council Meeting
20 September 2017

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 20 September 2017 – commencing at 2pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.04pm.

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.

3.2 Reminder

"Leadership is not about titles, positions or flowcharts. It is about one life influencing another."
— **John C. Maxwell**

"Success can only be measured by great succession planning" **Brian Houston**

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

MEMBERS PRESENT

Cr SJ Lange	President
Cr WV Mulroney	Deputy President
Cr DI Freebairn	
Cr EJ Hodges	
Cr RJ Marshall	
Cr PJ Wood	
Cr JM Walton-Hassell	

STAFF IN ATTENDANCE

Mr G Pollock	Chief Executive Officer
Mr B Gibbs	Director Technical Services
Mr S Billingham	Director Corporate Community Services
Mrs L Boddy	Executive Assistant

APOLOGIES

Cr LN Steel

OBSERVERS & VISITORS

Mr J Ruty

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

The Presiding Member opened question time at 2.06pm.

Mr Ruty addressed Council in regard to item 16.2 in today's Council agenda.

The Presiding Member closed question time and Mr Ruty left the room at 2.08pm.

Mr Barry Gibbs left the room at 2.08pm.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Walton-Hassell requested to take leave from 19th October to 31st October 2017.

Council Decision:

12263 Moved Cr Mulroney Seconded Cr Wood

That Council approve Cr Walton-Hassell taking leave from 19th to 31st October 2017.

Carried 7:0

Mr Barry Gibbs re-entered the room at 2.09pm.

8. DISCLOSURES OF INTEREST

Item 16.4 - Cr Walton-Hassell and Cr Marshall.

Item 17.2 - Cr Lange.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 16 August 2017

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

12264 Moved: Cr Hodges

Seconded: Cr Marshall

Recommendation and Council Decision:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 16 August 2017 be confirmed with the correction of the Somerset Alliance being changed to Pingelly Somerset Alliance.

Carried 7:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

11. REPORTS OF COMMITTEES OF COUNCIL

- | | |
|--|---|
| • Audit Committee | Full Council |
| • Recreation & Cultural Committee | Member – Cr Lange
Member – Cr Walton-Hassell
Member – Cr Wood
Member – Cr Marshall |
| • Bushfire Advisory Committee | Member – Cr Freebairn
Deputy – Cr Marshall |
| • Medical and Aged Care Services Committee | Member – Cr Freebairn
Member – Cr Hodges
Member – Cr Lange
Member – Cr Mulroney
Member – Cr Steel |
| • CEO Performance Review Committee | Member – President
Member – Deputy President
Member – Cr Hodges |

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

- | | |
|---|---|
| • Central Country Zone of WALGA | Delegate – President
Delegate – Deputy President
Deputy – Cr Walton-Hassell |
| • Hotham-Dale Regional Road Sub-Group | Delegate – Cr Lange
Deputy – Cr Marshall |
| • Development Assessment Panel | Delegate – Cr Mulroney
Delegate – Cr Freebairn
Deputy – Cr Hodges
Deputy – Cr Wood |
| • Pingelly Tourism Group | Delegate – Cr Freebairn
Deputy – Cr Lange |
| • Regional Waste Group | Delegate – Cr Mulroney
Deputy – Cr Wood |
| • Shires of Pingelly and Wandering Joint Local Emergency Management Committee | Delegate – Cr Lange
Deputy – Cr Hodges |
| • Aged Care Planning Regional Sub-Group (BBP) | Delegate – Cr Lange
Delegate – Cr Steel
Deputy – Members of Medical & Aged Care Committee |
| • Youth Focus Group | Delegate – Cr Steel
Delegate – Cr Walton-Hassell
Deputy – Recreation & Cultural Committee |
| • Pingelly Recreation and Cultural Centre Committee | Delegate – Cr Lange
Delegate – Cr Walton-Hassell
Deputy – Cr Hodges |
| • Pingelly Somerset Alliance | Delegate – Cr Lange
Delegate – Cr Mulroney
Deputy – Cr Walton-Hassell
Deputy – Cr Wood |

13. REPORTS FROM COUNCILLORS

Cr Shirley Lange (President)

Meetings attended August

9th Wheatbelt South Regional Road Group – Wickepin
10th Budget Workshop
10th Agenda Briefing
11th Ratepayer, CEO and Cr Hodges
11th Patrick Beale – Chambers
11th CRC and UWA – CRC
16th Corporate Discussion and Council Meeting
16th Sean Conlon WACHS –re Primary Health site visit and information
17th Narrogin Child Care – 2 representatives – Office
17th PAAA Video Conference – Chambers
23rd Pre-Budget meeting
23rd Special Council Meeting – Adoption of Budget

Meetings attended September

4th PAAA – VC on Colours for the units – WACHS and Architects
4th Somerset Alliance
5th Sundowner for apprentice Hayden Dawes
6th Corporate Discussion
7th Candidate for Council information Session
8th Avon Radio – phone interview
11th Sue Bailey – UWA, CEO, L Steel – Accommodation issues - CRC

Cr William Mulroney (Deputy President)

Nil

Cr David Freebairn

Nil

Cr Evan Hodges

Nil

Cr Ray Marshall

Nil

Cr Lee Steel

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Cr Wood asked that the passing of previous Councillor Don Smith be recorded in today's Council minutes.

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Shire of Pingelly – Sponsorship Policy

File Reference:	ADM0012
Location:	Shire of Pingelly Policy Manual
Applicant:	Shire of Pingelly
Author:	Tara Whitney – Project Administration Officer
Authorising Officer	Gavin Pollock – Chief Executive Officer
Date:	7 September 2017
Disclosure of Interest:	Nil
Attachments:	Sponsorship Policy (Attachment 1 following red sheet)

Summary:

To present Council with the Shire of Pingelly Sponsorship Policy for consideration of endorsement.

Background:

The Pingelly Recreation and Cultural Centre (PRACC) is expected to be completed and opened in early 2018. To assist in the cost of fit out of the PRACC, the Shire of Pingelly is currently preparing options for sponsorship.

In order to guide the process and approvals of offering sponsorship deals for Shire assets or events, it is considered that a Shire of Pingelly Sponsorship Policy should be developed, endorsed and included in the Policy Manual.

Comment:

The Policy has been prepared to complement the existing Shire policies adopted by Council.

New or Amendments to Shire Policies

Council may make new policies, or resolve amendments, at any time. However, unless specifically resolved that the authority is to be included in the Policy Manual, the direction to act is for a specific matter, and is not a general or on-going direction.

Consultation:

Stuart Billingham – Director Community Corporate Services
Gavin Pollock – Chief Executive Officer
Shire Council through Council Discussions

Statutory Environment:

Section 2.7(2)(b) of the *Local Government Act 1995* provides that one of the functions of a Council is to determine the local government's policies.

Statutory Context

Policy is considered to be subordinate to Delegations which have a statutory context in which they are made, whereas Policy does not. Policy requires a simple majority of Council to be adopted, whereas Delegations require an Absolute Majority.

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to the Chief Executive Officer or a Committee.

Delegation gives authority or instructs a particular action to be carried out. Generally, policy details how a particular function is to be carried out, or the standards to be met, where the action is considered to be normal duties of a position.

Policy Implications:

Policy 2.1 Shire of Pingelly Policy Manual

‘Council shall maintain a manual and up to date recording of the various policies of Council.

1. Additions, deletions and amendments to Council policy shall only be effected by an absolute majority of Council.
2. Biannual reviews of the Policy Manual shall be conducted in November immediately following the biannual elections, but nevertheless updated as and when a policy is varied by Council.
3. The Policy Manual shall be available for public inspection and comment free of charge at the Shire Administration Office. Copies will be made available for sale at a cost set by the Shire of Pingelly’s current fees and charges.’

Financial Implications:

Nil

Strategic Implications:

Supportive of the Shire of Pingelly Strategic Community Plan

Voting Requirements:

Simple Majority

12265 Moved: Cr Mulroney

Seconded: Cr Marshall

Recommendation and Council Decision:

That Council;

- 1. endorse the Sponsorship Policy as presented with no changes required, and**
- 2. endorse the inclusion of the Sponsorship Policy in the Shire of Pingelly Policy Manual.**

Carried 7:0

14.2 CSRFF Application for Construction of 10 Rink Synthetic Bowling Green

File Reference: 00025
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Gavin Pollock, Chief Executive Officer
Date: 20 September 2017
Disclosure of Interest: Nil
Attachments: Site Plan (Attachment 2 following blue sheet)
Previous Reference: Nil

Summary:

Council to consider endorsing the Chief Executive Officer to submit a funding application to the Department of Local Government, Sport and Cultural Industries (DLGSCI) for one third funding towards the construction of the new 10 rink Pingelly Bowling Green.

Background:

During consultation undertaken for the Shire's Strategic Community Plan 2013-2023, local recreational infrastructure was given a very high priority. It was listed as one of the community's greatest wishes for the future and is listed as Outcome 1.3 of the SCP. The Shire's Sports & Recreation Plan (2013) summarises that there is a distinct lack of integration between many of the sporting and recreational assets, as well as some being in a poor condition. A clear theme of the document is to seek the co-location of clubs and hence rationalise and maximise the use of supporting buildings. In 2014, the Shire developed a site master plan for the sporting precinct which proposed the upgrade of sport and recreation facilities and the introduction of health campus components including a primary medical care centre and age friendly housing cluster. The existing bowling green (built circa 1998) is to be removed from the housing cluster site.

The Pingelly Recreation & Cultural Centre (PRACC) is currently being constructed (due for completion in March 2018). The PRACC consists of a Bowls Function & Bar Area and Bowls Manager Office. The construction of the bowling green is the final stage of the larger program of works and will complete the sport and recreation precinct.

The Community Sport & Recreation Facilities Fund (CSRFF), administered by DLGSCI, aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.

All CSRFF annual grant applications need to be submitted to the relevant local government authority for assessment and ranking before they are lodged with the DLGSCI by the last working day in September 2017. Applications go through an assessment process that includes review by DLGSCI Regional Managers, State Sporting Associations and the CSRFF Advisory Committee. Final recommendations are provided to the Minister responsible for Sport and Recreation who announces successful applications in early 2018. Funds for successful projects are made available from July 2018.

The CSRFF application process tasks the local government authority with rating projects using the following structure:

A	Well planned and needed by municipality
B	Well planned and needed by applicant
C	Needed by municipality, more planning required
D	Needed by applicant, more planning required
E	Idea has merit, more planning work needed
F	Not recommended

Comment:

This Project marks the final stage of collocating sport and recreation groups and facilities within the Pingelly Sport and Recreation Precinct. If funding sought under the CSRFF is successful, it is anticipated that this Project would commence with site works in July 2018 and be completed by December 2018.

Consultation:

Jenifer Collins (Wheatbelt Manager, DLGSCI), Tammy King (Grants Empire), Greg Carter (Pingelly Bowls Club), Tony Crockett (Green Planet Grass), Stace Rogers (SJR Civil Consulting Pty Ltd)

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

This Project is estimated to cost \$503,101 (ex gst). Pingelly Bowling Club have confirmed a cash contribution of \$70,000 (ex gst) therefore the one third contribution sought under the CSRFF is \$144,367(ex gst), with the Shire contributing \$288,734(ex gst).

Strategic Implications:

This grant submission complements the Shire's Community Strategic Plan on improving recreational facilities and infrastructure.

Voting Requirements:

Majority

12266 Moved: Cr Freebairn

Seconded: Cr Marshall

Recommendation and Council Decision:

That Council

- 1. Endorse the submission of a Community Sporting & Recreation Facilities Fund grant application for the Construction of a 10 Rink Synthetic Bowling Green Project;**
- 2. Give the Construction of a 10 Rink Synthetic Bowling Green Project a priority ranking of 1;**
- 3. Rate the Construction of a 10 Rink Synthetic Bowling Green Project as "A - Well planned and needed by municipality"; and**
- 4. Endorse the financial commitment of \$288,734 for the Construction of a 10 Rink Synthetic Bowling Green Project.**

Carried 7:0

Note: That the Shire of Pingelly is contributing two thirds and the CSRFF funding application is sought for one third of the cost of an eight (8) rink bowling green and the Pingelly Bowling Club will contribute 100% of all the additional costs for two (2) extra rinks to be constructed to deliver a ten (10) rink bowling green.

The Bowling Club will be responsible for 100% contribution for all the lighting requirements of the new green.

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity July 2017

File Reference: ADM0075
Location: N/A
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 14 September 2017
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2017 to 31 July 2017 (Attachment 3 behind green sheet)
Previous Reference: N/A

Summary:

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

The Monthly Statements of Financial Activity for the month of July 2017 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 2017/2018.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority

12267 Moved: Cr Mulroney

Seconded: Cr Hodges

Recommendation and Council Decision:

That with respect to the Monthly Statements of Financial Activity for the month ending 31 July 2017 be accepted and material variances be noted.

Carried 7:0

15.2 Monthly Statement of Financial Activity August 2017

File Reference: ADM0075
Location: N/A
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 14 September 2017
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2017 to 31 August 2017 (Attachment 4 behind purple sheet)
Previous Reference: N/A

Summary:

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

The Monthly Statements of Financial Activity for the month of August 2017 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 2017/2018.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority

12268 Moved: Cr Walton-Hassell

Seconded: Cr Hodges

Recommendation and Council Decision:

That with respect to the Monthly Statements of Financial Activity for the month ending 31 August 2017 be accepted and material variances be noted.

Carried 7:0

15.3 Accounts Paid by Authority

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 14 September 2017
Disclosure of Interest: Nil
Attachments: List of Accounts (Attachment 5 after yellow sheet)
Previous Reference: N/A

Summary:

Council endorsement is required for accounts made by authority for the month of August 2017.

Comment:

Unless otherwise identified, all payments have been made in accordance with Council's 2017/18 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.

Voting Requirements:

Simple Majority

12269 Moved: Cr Mulroney

Seconded: Cr Wood

Recommendation and Council Decision:

That Council endorse the Accounts for Payments for August 2017 as presented:

AUGUST 2017	
MUNI - 117984856	
EFT 3907 - 4031	\$252,094.07
CHEQUE 24469 - 24479	\$ 17,619.93
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD9142.1-DD9210.1	\$ 38,308.70
TRUST FUND – 1898 - 1900	\$ 520.00
DIRECT DEBIT -	
DD9139.1 – DD9139.10-9177.12 , EFT3940, 3943,3944,3946,3947,3973,3984,3995,3997 and 3998, – Pay and Super	\$ 24,379.28
CREDIT CARD	
DD9159.1	\$ 823.65
GRAND TOTAL	\$333,745.63

Notification	Explanation
Nil	

Carried 7:0

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Application for an Exemption to Keep Three Dogs

File Reference: A7514
Location: Lot 222 – 13 Sharow Street
Applicant: Mr Craig Hean
Author: Sheryl Squiers, Administration Officer Technical
Date: 8 August 2017
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for an exemption to keep three dogs at Lot 222 – 13 Sharow Street, Pingelly.

Background:

The applicant has written to Council requesting an exemption to keep three dogs at Lot 222 – 13 Sharow Street, Pingelly. The three dogs are required as part of the working operations of the applicants business as a shearing contractor.

Comment:

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

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

The following conditions to be stipulated on the approval:

- That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption, and
- That Council reserve the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.
- That the exemption applies only to the dogs nominated by the applicant.
- Each dog on the property must be micro chipped and registered with the Shire of Pingelly.
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.

Public comment was sort on the matter from the residents living in close proximatey to the above property. Any written or emailed submissions were requested to be submitted by 21 August 2017.

Letters were sent to 11 property owners in the vicinity of Lot 222 – 13 Sharow Street, with three responses from the neighbours who were happy for the third dog to be located at 13 Sharow Street.

One response did not have an objection, but requested that the animals were confined to the property at 13 Sharow Street as they are sometimes wandering on the street and also to have the barking limited.

The applicant also owns Lot 221 – 45 Somerset Street.

The dogs are all registered with the Shire of Pingelly and one dog is 17½ years old and may not have many years left in her. All dogs are Kelpie sheep dogs with one female Sheila and two males Jay Jay and Tucker.

SHIRE OF PINGELLY	
FILE	H000106/A3774
DATE	31 JUL 2017
CLASS	A07
Copy to	ICR17670

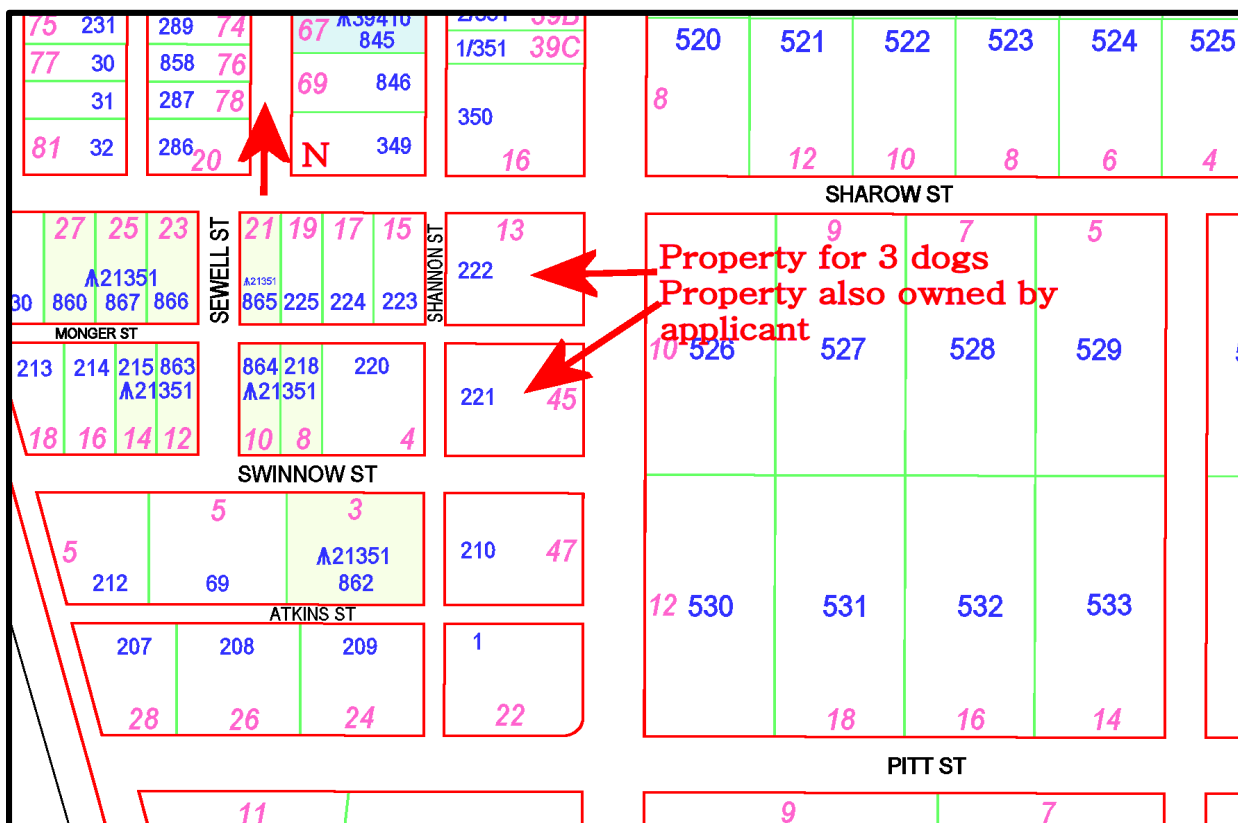
CRAB HEAN DTS.
13 SHARROW ST
PINGELLY 6308 WA.

TO WHOM IT MAY CONCERN,
I'M WRITING TO THE SHIRE
TO REQUEST AN EXEMPTION TO KEEP 3 WORKING DOGS
AT MY PROPERTY.
THESE DOGS ARE REQUIRED AS PART OF THE OPERATIONS
OF MY SHEARING CONTRACT BUSINESS.

1 DOG IS 17/2 YEARS OLD AND HAS NOT MANY IF
ANY SUMMERS LEFT IN HER.



27/7/2017



Consultation:

Barry Gibbs – Director Technical Services

Dog Act (1976)

Matt Sharpe – WA Contract Ranger Services

Various Property Owners in the Vicinity of 13 Sharow Street

Statutory Environment:

DOG ACT 1976 - SECT 26

26 Limitation as to numbers

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

Penalty:

- (a) for an offence relating to a dangerous dog —
 - (i) a fine of \$10,000, but the minimum penalty is a fine of \$500;
 - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;

- (b) *for an offence relating to a dog other than a dangerous dog —*
 - (i) *a fine of \$5,000;*
 - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.*
- (5) *Any person who is aggrieved —*
 - (a) *by the conditions imposed in relation to any exemption under subsection (3); or*
 - (b) *by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,*
may apply to the State Administrative Tribunal for a review of the decision.
- (6) *An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

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

Pingelly Shire Council Dogs Local Law (2000) Section 3.2
Limitation on the number of dogs

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

Financial Implications:

Nil

Strategic Implications:

Dog Act 1976 (As Amended)

Shire of Pingelly's Dogs Local Law (2003)

Voting Requirements:

Simple Majority

12270 Moved: Cr Wood

Seconded: Cr Freebairn

Recommendation and Council Decision:

That Council grant an exemption for the keeping of three dogs at 13 Sharow Street subject to the following conditions:

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

Carried 7:0

16.2 Application for an Exemption for Over Height Front Fence

File Reference: A4799
Location: Lot 525 – 4 Sharow Street
Applicant: Mr J Rutty
Author: Sheryl Squiers, Administration Officer Technical
Date: 31 August 2017
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for an exemption for an over height front fence at Lot 525 – 4 Sharow Street, Pingelly.

Background:

Mr J Rutty has submitted an application to Council for an exemption for the over height front fence that has been erected at Lot 525 – 4 Sharow Street, Pingelly.

Comment:

The applicant has erected a 1.8m high chain link mesh fence around the whole boundary of his property at Lot 525 – 4 Sharow Street. The section of fence on the Primary Street, Parker Street is over the regulation height of 1.2m for a primary street frontage.

The fence is visually permeable and does not affect the line of sight for traffic entering Sharow Street from Parker Street.

The applicant was not aware there were regulations in regards to the height of a front fence in a residential area.

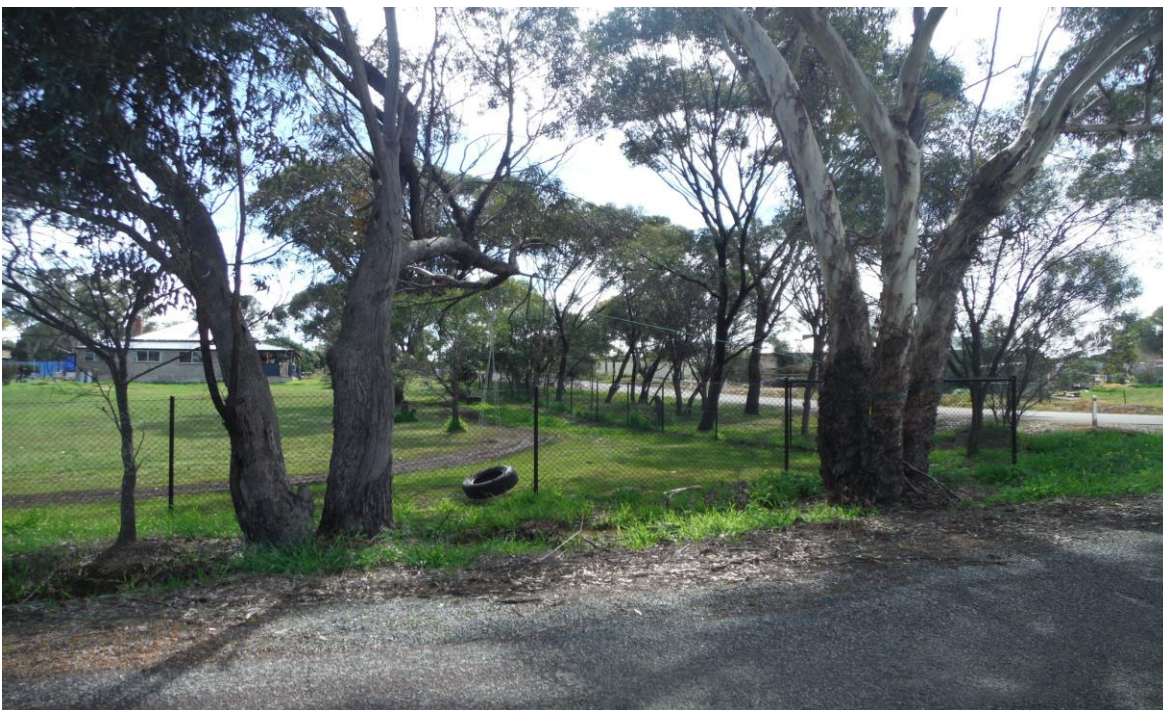
The fence was erected at that height around the whole perimeter of the property by the applicant so that his daughter and dogs would be unable to get out onto the street.



Fence from front of residence on Parker Street.



Another angle of fence on Parker Street.



Fence on corner of Parker and Sharow Streets.

Front fences are low or restricted in height to permit surveillance and enhance streetscape, with appropriate consideration to the need:

- for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial and
- for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.

Front fences within the primary setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.

Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers and footpaths.

Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences and other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.

Policy 13.13 Street Walls & Front Fences in Residential Areas:

Objective

To provide clear direction as to circumstances under which the local government may approve street walls and fences in accordance with the Performance Criteria P4 of Clause 5.2.4 of the Residential Design Codes.

Background

The erection of front fences and street walls Residential zones is regulated by the State Planning Policy 3.1 – Residential Design Codes (or R-Codes). In other zones, they are regulated by the provisions of the Shire of Pingelly Local Planning Scheme No. 3 (or LPS3).

Clause 5.2.4 of the R-Codes generally requires fences higher than 1.2m to be visually permeable aiming to permit surveillance and enhance streetscape. The exceptions to this principle are where a dwelling fronts onto a road carrying high traffic volumes (protection from noise and headlight glare), or where a wall is desirable to provide privacy to an outdoor living area.

Clause 5.2.5 of the R-Codes generally requires walls, fences and other structures to be truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences and other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.

Clause 5.13.3 of LPS3 also requires fences or other forms of visual obstruction greater than 0.75m in height to be truncated.

Scope

Clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 provides for the preparation of local planning policies to apply generally or to a particular class or classes of matters and throughout the Scheme area or in one or more parts of the Scheme area.

This policy will apply to the construction of street walls and fences on Residential zoned land throughout the Scheme area (i.e. the whole of the Shire of Pingelly).

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more

traditional planning and architectural approaches. In these instances, the local government is open to considering (and encourages) well-presented cases having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

This Policy when adopted will supersede any previous policies regulating street walls and fences in the Shire of Pingelly in accordance with Clause 3(4) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Interpretation

For the purpose of this Policy and as defined in the R-Codes:

“Frontage” means the width of a lot at the primary street setback line, provided that in the case of a battleaxe or other irregularly shaped lots, it shall be as determined by the decision-maker.

“Natural ground level” means the levels on a site which precede the proposed development, excluding any site works unless approved by the decision-maker or established as part of subdivision of the land preceding development.

“Primary street” unless otherwise designated by the local government, means the sole or principle public road that provides access to the major entry (front door) of the dwelling.

“Secondary street” in the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road.

“Setback” is the horizontal distance between a wall at any point and an adjacent lot boundary, measured at right angles (90 degrees) to the boundary.

“Street setback” means the horizontal distance between the street alignment and a building, measured at right angles (90 degrees) to the street alignment.

“Street setback area” is the area between the street alignment and the street setback line as set out in Tables 1 and 4 or as established in a particular case in accordance with the provisions of design element 5.2 or 6.2. (NB: Tables and elements are in the R-Codes.)

“Visually permeable” in reference to a wall, gate door or fence, that the vertical surface has:

continuous vertical or horizontal gaps of at least 50mm or greater width occupying not less than one third of the total surface area;
continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
a surface offering equal or lesser obstruction to view;
as viewed directly from the street.

Policy

Exempt Development

The following development is exempt from this Policy and therefore does not require development approval:

- Street wall and fencing proposals that comply with the requirements of State Planning Policy 3.1 – Residential Design Codes.
- ‘Like for like’ repairs and maintenance to existing street walls and fencing.

Development Requirements

Residential zone – R10 Coding or higher

Objective

To establish an appropriate regulatory framework for the construction of street walls and fencing in Residential zones with a density coding of R10 or higher.

Residential Design Codes

The acceptable development criteria for street walls and fences on R-Coded land is set out in Clauses 5.2.4 as follows:

“C4 Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.”

Clause 5.2.5 relating to sight lines also applies to the construction of street walls and fences as follows:

“C5 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.”

Where a proposed development for street walls and fencing does not comply with the acceptable development criteria of the R-Codes, a development can be assessed against the performance criteria.

The Performance Criteria of Clause 5.2.4 for street walls and fencing states:

“P4 Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:

- *for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and*
- *for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.”*

Additionally, the Performance Criteria of Clause 5.2.5 must be considered:

“P5 Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.”

General Criteria

If the proposed street wall or fence meets the following criteria, it is considered that the proposal meets the performance criteria of Clause 5.2.4 of the R-Codes and accordingly, does not require development consent:

- (a) Does not exceed 1.8 metres in height;
- (b) has contrasting forms of construction (eg. brick piers with contrasting infill or landscaping recesses) or be finished in an acceptable colour so that in the opinion of the local government the wall or fence enhances (or at the very least does not detract) from the streetscape;
- (c) has a length of no more than 50% of the total frontage of the lot and is located from one side only (ie. no ‘middle’ fencing);
- (d) is located so that at least one habitable room window of the dwelling has a clear view of the street; and
- (e) complies with the acceptable development criteria for truncation as specified in clause 5.2.5 of the R-Codes.

Setbacks

As per provisions of the State Planning Policy 3.1 – Residential Design Codes.

Objective

Residential zone – R5 Coding or less

To establish an appropriate regulatory framework for the construction of street walls and fencing in Residential zones with a density coding of R5 or less.

General Criteria

Given the location of this area on the periphery of the townsite, and the general sense of openness that is associated with 'larger' lot sizes, it is considered inappropriate that front walls and fences should be built higher than 1.2m.

Protection from noise and headlight glare is not applicable in these areas and the size of the lots ensures that there will always be alternatives for outdoor living areas not to be located in the front setback.

NOTE: Should there be any conflict between this Policy and the Shire of Pingelly Local Planning Scheme No. 3, the Local Planning Scheme shall prevail.



Consultation:

Barry Gibbs – Director of Technical Services
Residential Design Codes

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3
Policy 13.13 Street Walls & Front Fences in Residential Areas

Financial Implications:

Nil

Strategic Implications:

Voting Requirements:

Simple Majority

12271 Moved: Cr Wood

Seconded: Cr Marshall

Recommendation and Council Decision:

Council to grant approval for the over regulation height front fence erected at Lot 525 – 4 Sharow Street on the condition that:

- the front fence to remain permeable above 1.2 metres in height as stated in the Residential Design Code criteria for street walls and fences on R-Coded land as set out in Clauses 5.2.4.

Carried 7:0

16.3 Dual Fire Control Officer Appointment

File Reference: ADM0313
Location: Shire of Wickepin
Applicant: Shire of Wickepin
Author: Sheryl Squiers, Administration Officer Technical
Date: 29 August 2017
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider the appointment of dual fire control officers with the Shire of Wickepin.

Background:

The Shire of Wickepin has requested the appointment of:

- Roger Butler
- Colin Coxon
- Steve Rose

as dual fire control officers for the 2017/18 fire season.

Comment:

The Shire of Wickepin has requested the appointment of the above fire control officers to Dual Fire Control Officers for the Shire of Wickepin and the Shire of Pingelly.

Once approval has been given the appointment of the Dual Fire Control Officers will need to be advertised locally, through a local newspaper.

Consultation:

Nil

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12272 Moved: Cr Marshall Seconded: Cr Freebairn

Recommendation and Council Decision:

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

- Roger Butler
- Colin Coxon
- Steve Rose

Carried 7:0

Prior to consideration of item 16.4, Cr Walton-Hassell disclosed an interest in this matter due to proximity and left the room at 2.50pm.

Prior to consideration of item 16.4, Cr Marshall disclosed an interest in this matter due to impartiality.

16.4 Application for Proposed Homestead Lot Subdivision

File Reference: A4073
Location: Lot 75 – 2972 Wickepin-Pingelly Road
Applicant: Paul Kraft & Associates
Author: Sheryl Squiers, Administration Officer Technical
Date: 24 August 2017
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for a subdivision of Lot 75 – 2972 Wickepin-Pingelly Road, East Pingelly, to create a homestead lot containing the existing dwelling and sheds.

Background:

Paul Kraft & Associates on behalf of Beauland Management Pty Ltd have submitted an application to the Department of Planning, Lands and Heritage for a proposed homestead lot subdivision of Lot 75 – 2972 Wickepin-Pingelly Road, East Pingelly.

Comment:

The proposal is to create two lots out of the original lot, by way of a boundary realignment. The proposed Lot A will be 8.25ha and retain the existing buildings to become a homestead lot, Lot B will be 56.517ha created to remain as part of the existing arable farming land.

The lots are in the General Agriculture Zone of the Shire of Pingelly. The current existing lot size is 64.767ha:

In regard to proposed Lot A, WAPC policy DC 3.4 provides the following criteria for the creation of homestead lots:

- (a) the land is in the Wheatbelt agricultural policy area (refer to appendix 3);
- (b) the population in the locality is declining or relatively static;
- (c) the homestead lot has an area between 1 and 4 ha, or up to 20 ha where it is desirable to respond to the landform or to include existing outbuildings or water sources;
- (d) there is an adequate water supply for domestic, land management and fire management purposes;
- (e) the homestead lot fronts a constructed public road;
- (f) the homestead lot contains an existing residence; and
- (g) a homestead lot has not been excised from the farm in the past.

The proposal appears to comply with Criteria (a) – (c), (d) and (e) and (f). The existing building appears to comply with the necessary setbacks.

The homestead lot will front a constructed public road being the Wickepin-Pingelly Road, is serviced by electricity and has sufficient water supply from rainwater catchment and underground water supplies.

It is assumed (but cannot be confirmed) that criteria (g) is complied with. If this is the case then there is no objection to the creation of proposed lot A.



SHIRE OF PINGELLY	
FILE	A4073
DATE	23 AUG 2017
Officer	ATO
Copy to	IBA1746.

Our Ref : 155577
 Previous Ref :
 Your Ref :
 Enquiries : Ryan Shaw (6551 9769)

21 August 2017

Chief Executive Officer
 Shire Of Pingelly
 17 Queen Street
 PINGELLY WA 6308

Application No: 155577 - Lot No 75 Wickepin-Pingelly Road East Pingelly

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by the 2nd October 2017 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: www.planning.wa.gov.au

Send responses via email to referrals@planning.wa.gov.au. **Always quote reference number "155577" when responding.**

This proposal has also been referred to the following organisations for their comments:
 Department Of Mines And Petroleum, Department Of Parks And Wildlife, Water Corporation, Western Power and LG As Above.

Yours faithfully

Kerrine Blenkinsop
 Secretary
 Western Australian Planning Commission

APPLICATION DETAILS

Application Type	Subdivision	Application No	155577
Applicant(s)	Paul Kraft & Associates		
Owner(s)	Beauland Management Pty Ltd		

e-mail: referrals@planning.wa.gov.au; web address: <http://www.planning.wa.gov.au>



Locality	Lot No 75 Wickepin-Pingelly Road East Pingelly		
Lot No(s).	75	Purpose	Rural, Rural Living
Location	-	Local Gov. Zoning	Local Road, Major Regional Road, General Agriculture
Volume/Folio No.	2653/292	Local Government	As Above
Plan/Diagram No.	P107584	Tax Sheet	
Centroid Coordinates	mE mN		
Other Factors	BUSHFIRE PRONE AREA, DMP, THREATENED ECOLOGICAL COMMUNITY BUFFER, REMNANT VEGETATION (NLWRA), THREATENED FAUNA BUFFER		

e-mail: referrals@planning.wa.gov.au; web address: <http://www.planning.wa.gov.au>



PAUL KRAFT & ASSOCIATES

LICENSED SURVEYORS

ABN 49 445 973 102

Your Ref:
Our Ref: 030017

4th August, 2017

ATT: THE EXECUTIVE SECRETARY
Ministry for Planning
140 William Street
PERTH WA 6000

Dear Sir,

**RE: SUBDIVISION OF LOT 75 ON DP 107584
WICKEPIN-PINGELLY ROAD, EAST PINGELLY, PINGELLY SHIRE
C/T VOLUME 2653 FOLIO 292**

Please find enclosed on behalf of the registered proprietors an application for subdivision of the above described land. The registered proprietors are wanting to excise a homestead lot from Lot 75 that contains the homestead and sheds. This will enable them to reside on the farm and thus continue their agricultural pursuits on the remainder of their land. The homestead lot is serviced by electricity and main road and has sufficient water from rainwater catchment and underground supply.

I have enclosed the Form 1A, the application fee, copy of the certificate of title and 8 copies of the application proposal.

Your early attention to the above is requested.

Yours sincerely,

PAUL KRAFT

P.O. Box 428, Northam, W.A. 6401
Telephone: (08) 9574 2690 Facsimile: (08) 9574 2991

Trading as PP & RM Kraft

Department of Planning,
Lands and Heritage

eLodgement



Application for Approval of Freehold or Survey Strata Subdivisions

Lodgement ID: 2017-209000

Submission Date: 16/08/2017 10:09 AM

Your Reference

Lot 75 (2972) Wickepin- Pingelly Rd East Pingelly

Location of Subject Property

Lot 75 (2972) Wickepin- Pingelly Rd East Pingelly

No. of applicants

1

Are you applying on your own behalf?

No

Are you the primary applicant?

No

Do you have consent to apply from all landowners?

Yes

Lodgement Type

Subdivision

Submitted by

Anna Kaino

Email

anna.kaino@planning.wa.gov.au

DEPARTMENT OF PLANNING, LANDS
AND HERITAGEDATE
17-Aug-2017FILE
155577

About the land

Number of current lots on the land	1	Total number of proposed lots on the land including balance lots	2
Drainage Reserves	0	Public Access Ways	0
Recreation Reserves	0	Right of Ways	0
Road Reserves	0	Road Widening	0
Number of fee paying lots	2	Number of fee exempt lots	0

What is the proposed use/development?

Proposed Use	Lot size	Number of Lots	
Rural	Over 25 HA	1	
Rural Living	5 HA - 10 HA	1	
Local Government	Pingelly	Existing dwellings	Yes
Is common property proposed	No		

Applicants

Primary applicant (1)

Is the applicant a company/organisation?	Yes	Is the applicant a landowner?	No
Name/Company	Paul Kraft & Associates	ABN / ACN	na
Email	paul.kraft@bigpond.com	Phone number	9574 2690

Address

Street address	PO Box 428	Town / Suburb or City	Northam
State	WA	Post Code	6401
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

Certificate of Title Details

Lots with certificate (1)

Volume	2653	Folio	292
Lot Number	75	Plan Number	Plan 107584
Total land area	67.767	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	1
Is the Landowners name different to that shown on the Certificate of Title?			No

Landowners

Landowner (1)

Full name	N/A	Company / Agency	Beauland Management Pty Ltd
ACN / ABN	na	Landowner type	Company
Address			
Street address	2972 Wickepin- Pingelly Road 2972 Wickepin- Pingelly Road	Town / Suburb or City	East Pingelly
State	WA	Post code	6308

Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A
Company signatory 1			
First name	Last name	Position	
Cynthia Margaret Marshall	Marshall	Director	
Company signatory 2			
First name	Last name	Position	
Leslie Francis	Marshall	Director	
Subdivision detail			
Number of dwellings	1	Dwelling retained	Yes
Dwelling description	N/A		
Number of outbuildings/structures	4	Structure/s retained	Yes
Other description	N/A		
Structure description	N/A		
Is a battleaxe lot/s proposed?			No
Does plan show the width and length of the access leg, the area of the access leg and total area of the rear lot			Yes
Has the land ever been used for potentially contaminating activity			No
Does the land contain any sites that have been classified under the Contaminated Sites Act 2003			No
Does the land contain any sites that have been reported or required to be reported under the Contaminated Sites Act 2003			No
Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of acid sulfate soils in this location			No
Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?			No
Is the development within a Bushfire Prone Area?			Yes
Are there any dewatering or drainage works proposed to be undertaken			No
Is excavation of 100 cubic metres or more of soil proposed			No
If yes did the Acid Sulfate Soils investigation indicate acid sulfate soils were present			No

Fee & Payment

Fee amount	\$3,280.20	Payment Type	By Cheque
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Attachments

Attachment name	Attachment type
------------------------	------------------------

Perth	Albany	Bunbury	Geraldton	Mandurah
140 William Street	PO Box 1108	Sixth Floor	Regional Planning and Strategy	Unit 2B
Perth	Albany	Bunbury Tower	Office 10	11-13 Pinjarra Road
Western Australia, 6000,	Western Australia, 6330	61 Victoria Street	209 Foreshore Drive	Mandurah
Locked Bag 2506 Perth, 6001		Bunbury	Geraldton	Western Australia, 6210
		Western Australia, 6230	Western Australia, 6530	
Tel: (08) 6551 9000	Tel: (08) 9892 7333	Tel: (08) 9791 0577	Tel: (08) 9960 6999	Tel: (08) 9586 4680
Fax: (08) 6551 9001	Fax: (08) 9841 8304	Fax: (08) 9791 0576	Fax: (08) 9964 2912	Fax: (08) 9581 5491

Infoline: 1800 626 477; e-mail: corporate@wapa.wa.gov.au; web address: <http://www.planning.wa.gov.au>;



Location Plan for: Subdivision Application

This data is to be used only for the processing of a Subdivision Application

Application Number: **155577**

Decision: **Outstanding**

Printed: **17/08/2017**



Produced by Geospatial Research and Modelling,
Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority LI 862-2016-1

Application Status

- Approved
- Outstanding

Existing LPS Zones and Reserves

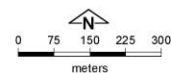
- General agriculture
- Local road
- Major regional road

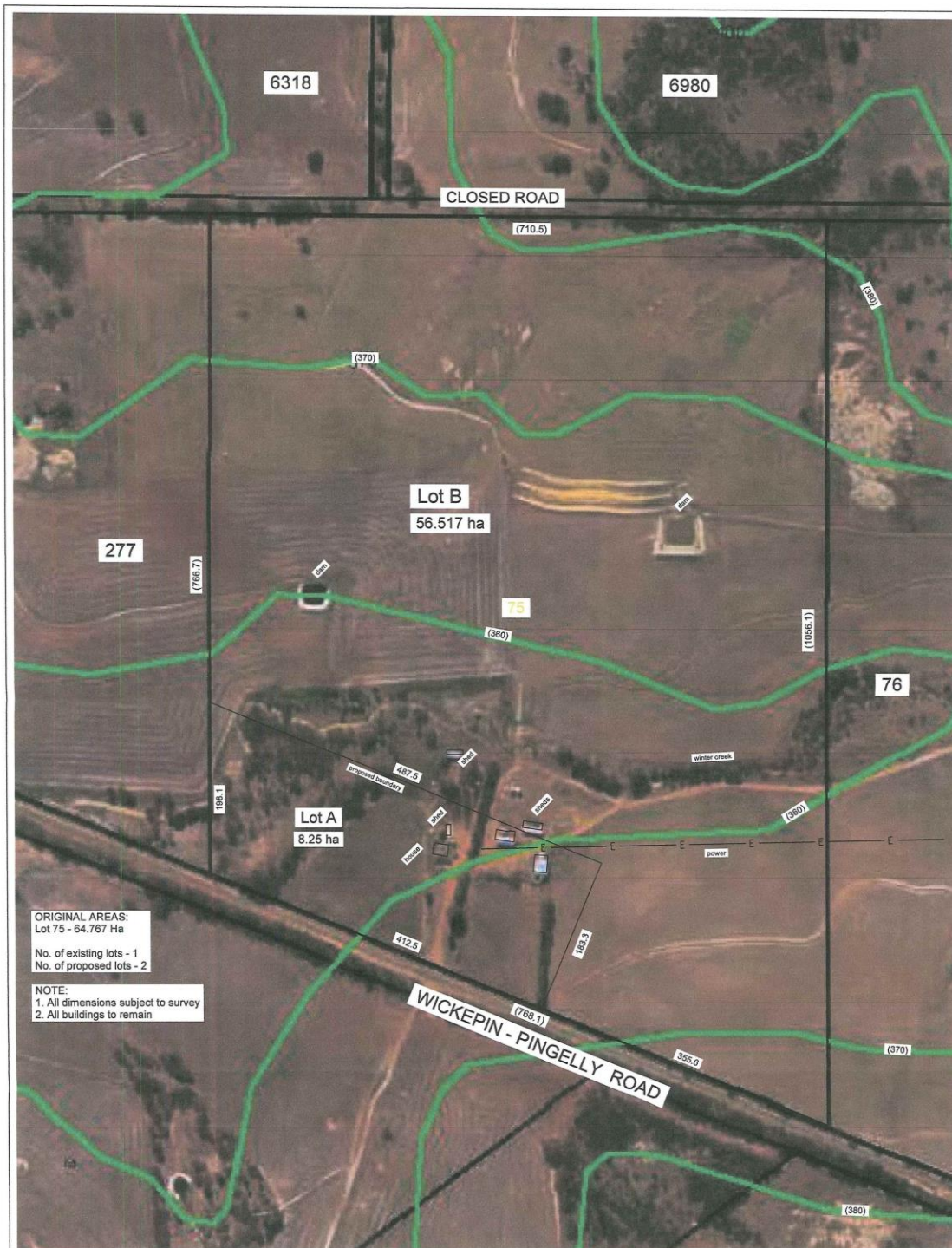
Easements and Referrals

Region Scheme Reserves

Localities & Local Government Boundaries

- Local government boundary
- Locality





ORIGINAL AREAS:
Lot 75 - 64.767 Ha
No. of existing lots - 1
No. of proposed lots - 2

NOTE:
1. All dimensions subject to survey
2. All buildings to remain

PAUL KRAFT & ASSOCIATES.
PO BOX 428
NORTHAM 6401
Phone: 9574 2690 Fax: 9574 2991

Surveyor: Paul Kraft

Date: 31/07/2017

PROPOSED SUBDIVISION FOR HOMESTEAD LOT
LOT 75 ON DP 107584
WICKEPIN-PINGELLY ROAD
EAST PINGELLY
SHIRE OF PINGELLY

C/T Vol: 2653 Fol: 292

Scale: 1:4000

Original Sheet Size

A3



Consultation:

Barry Gibbs – Director Technical Services

L Marshall – Applicant (Landowner)

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12273 Moved: Cr Mulroney

Seconded: Cr Freebairn

Recommendation and Council Decision:

That the Department of Planning, Lands & Heritage be advised that the Shire of Pingelly does not object to the proposed lot subdivision of Lot 75 - 2972 Wickepin-Pingelly Road, One homestead lot of 8.25ha encompassing the existing farm buildings and the other lot of 56.517ha remaining for use as farm land.

Carried 5:1

Cr Walton-Hassell re-entered the room at 2.55pm.

17. CONFIDENTIAL ITEMS

12274 Moved: Cr Hodges Seconded: Cr Wood

Council Decision:

That as per section 5.23(2) of the *Local Government Act 1995* the meeting be closed to members of the public to allow Council to discuss a confidential item.

Carried 7:0

Cr Lange, the Presiding Person, declared an interest in item 17.1 and left the room at 2.57pm and Cr Mulroney became the Presiding Person.

17.1 Revocation of Motion and Tender 02/2017-2018 – Cartage of Materials for Earthworks.

File Reference: ADM0508
Location: Shire of Pingelly
Applicant: Barry Gibbs, Director Technical Services
Author: Barry Gibbs, Director Technical Services
Date: 5 September 2017
Disclosure of Interest: Nil
Attachments: Tender Evaluation Report, 1 August 2017
Previous Reference: Nil

Summary:

Council to consider appointing a contractor for the cartage of material for earthworks on selected road works as part of the Shire of Pingelly Road Maintenance and Construction Program for the 2017/18 financial year.

12275 Moved: Cr Freebairn Seconded: Cr Mulroney

Recommendation:

That Council rescinds the motion at confidential item 16.5 Tender 02/2017-2018-Cartage of Materials for Earthworks from the 16 August 2017 Council Meeting.

Carried 6:0

Original Recommendation:

12276 Moved: Cr Freebairn Seconded: Cr Hodges

That Council Award the Tender to L.R.A Civil Pty Ltd for the 2017/18 financial year subject to the specification and conditions of Tender RFT01 – 2017/18.

Lost 6:0

Foreshadow Motion:

12277 Moved: Cr Hodges Seconded: Cr Walton-Hassell

That Council Award the Tender to Tianco Transport for the 2017/18 financial year subject to the specification and conditions of Tender RFT01 – 2017/18.

Carried 4:2

Cr Marshall asked that his 'no' vote be recorded.

Note: the Officer's recommendation was not received by Council as the Council calculated that the preferred tenderer was not a true indication of value for money.

Barry Gibbs left the room at 3.26pm.

Barry Gibbs and Cr Lange, the Presiding Person re-entered the room at 3.27pm.

17.2 Rates Sale of Land for Unpaid Rates over 3 years – Lot 48 (HN18) Eliot St Pingelly - Deceased Estate Mark Ramon Edwards-Auction date

File Reference: A2660
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 18 January 2017
Disclosure of Interest: Nil
Attachments: Legal Advice letter McLeods and Supreme Court Probate Letter

Summary:

In Brief:

- Mr Mark Ramon Edwards passed away on 16th October 2012 without a will (intestate).
- Set date for Auction - Sale of Land – recovery of rates in arrears for a period of three (3) or more years.

12278 Moved: Cr Hodges

Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

That Council

- sets an auction date of Saturday 11 November 2017 (Remembrance Day and Pingelly Market Day) at 10 am onsite at 18 Eliot Street, to be advertised by Statewide Public Notice in the West Australian Newspaper on Sat 23 September 2017 and Wednesday 27 September 2017 in the prescribed Form 5 notice.

and

- authorises the Chief Executive Officer to sign all required legal documentation, should the property at 18 Eliot Street be sold at auction at or above the reserve price set by Council.

Carried 7:0

NB: Previously Council resolved that should the property not be sold for the reserve price the CEO be authorised with the Shire President to apply to have the property transferred to the Shire of Pingelly.

Barry Gibbs and Stuart Billingham left the room at 3.29pm.

17.3 CEO Review Performance Review 2016/17

File Reference: 3
Location: Shire of Pingelly
Applicant: Cr Shirley Lange, Shire President
Author: Cr Shirley Lange, Shire President
Date: 20 September 2017
Disclosure of Interest: Nil
Attachments: Chief Executive Officers Performance Review Document 2017
Previous References: Nil

Summary:

The Chief Executive Officer's performance over the past 12 months (2016/17) of employment has been reviewed and assessed by each Councillor with all comments reviewed by the Shire President Cr Lange, Deputy President Cr Mulroney and Cr Hodges before presentation to the Chief Executive Officer Mr Pollock.

Council is now requested to consider the Chief Executive Officer KRA's for 2017/18 and proposed remuneration package review put forward by the Chief Executive Officer.

12279 Moved: Cr Mulroney Seconded: Cr Walton-Hassell
Recommendation:
That Council:

1. receive and endorse the Chief Executive Officer Performance Review and note that a 89.93% approval was achieved showing a very high consistent average across all performance areas.
2. endorse the Chief Executive Officer KRAs for 2017 and request to amend the conditions within the current contract of employment as outlined in section (C) 1, 3 and 4 as stated in this report.

Carried 7:0

12280 Moved: Cr Walton-Hassell Seconded: Cr Wood
Council Decision:
That the meeting be again open to the public

Carried 7:0

Gavin Pollock left the room at 3.37pm and returned at 3.37pm.
Stuart Billingham and Barry Gibbs returned to the meeting at 3.37pm.

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

19. 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).

20. CLOSURE OF MEETING

The Chairman declared the meeting closed at 3.38pm.

These minutes were confirmed by Council at the
Ordinary Council Meeting held on 18 October 2017

Signed.....
Presiding Person at the meeting at which the minutes
were confirmed.