



Shire of Pingelly

Minutes

Ordinary Council Meeting
21 February 2018

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.01pm.

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people past and present.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Council Agenda Reports

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

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

At the Ordinary Council Meeting held on 13 December 2017 the following leave was granted:

**12327 Moved Cr McBurney Seconded Cr Hodges
That Council approve Cr Freebairn taking leave from 21st June to 28th July 2018
inclusive.**

Carried 7:0

MEMBERS PRESENT

Cr WV Mulroney	President
Cr DI Freebairn	Deputy President
Cr BW Hotham	
Cr J McBurney	
Cr LN Steel	
Cr JM Walton-Hassell	
Cr EJ Hodges	
Cr PJ Wood	

STAFF IN ATTENDANCE

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

APOLOGIES

Nil

OBSERVERS & VISITORS

Mr Fred Traber
Mr Craig McLennan

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

Barry Gibbs left the room at 2.03pm and returned at 2.04pm.

6. PUBLIC QUESTION TIME

Public question time opened at 2.04pm.

6.1 Craig McLennan

Summary of Question:

Can you please outline the current discussions the Shire and the Council are having with the owners of the old buildings in town in regards to their preservation and what steps the Council are taking to assist these owners in the very expensive maintenance and preservation of these valuable icons for the community of Pingelly in particular with reference to rising damp?

Summary of Response:

The Director Technical Services advised that Council assists owners in regards to information regarding gravel removal in the area but we have not done anything financial to assist land owners apart from the work done on existing buildings of our own buildings to maintain them. He further advised he has spoken to three owners of old buildings in town to date.

Summary of Question:

Is the Council going to do anything other than provide information to assist these people?

Summary of Response:

The Chief Executive's response was no, not at this point in time.

Summary of Question:

At the General Electors Meeting held Tuesday 6th February 2018, given that the minutes will not be ratified until next year's meeting, I wish to repeat my question so it gets recorded at this Ordinary Council Meeting. My question referred to Local Government Act, Section 5.40 Part B which states "no power with regards to matters affecting employees is to be exercised on the basis of nepotism or patronage". What is the council's position on this issue under the Local Government Act, Section 5.40 Part B?

Summary of Response:

The Chief Executive Officer responded that the Shire Of Pingelly Councillors feel there is nothing that has been done to contravene that section of the Act.

Summary of Question:

According to the Local Government Act 1995 Section 2.10, Parts A and C – Role of Councillors: A states a Councillor represents interests of electors rate payers and residents and C says facilitates communication between community and Council. Given that the Annual Electors Meeting was held on the 6th February and closed at about 7.30pm and a Special Council Meeting was held at 10.30am the following day can you please advise what contacts were held between the Community to direct you as a Council to make the decision that you made following that special meeting?

Summary of Response:

The Shire President responded that in his role he can call a Special Council Meeting at any time to discuss any Shire issues that have been raised. I felt that an issue was raised at the Annual Electors Meeting that required to be dealt with by Council.

Summary of Question:

What contact did the Councillors and yourself have with the people that vote you in, the ratepayers, the electors, to advise you on their feelings about the outcome of that meeting, the dot points you made and published in the local paper?

Summary of Response:

The Chief Executive Officer advised there is no requirement there to do that when calling a Special Council Meeting.

Summary of Question:

I didn't say there was a requirement I merely said I would like to know and that they be recorded. Was the decision the 10 of you that went to the meeting including seven Councillors to one hundred percent agree on the outcome of that meeting and in doing that does it reflect the views of the Shire, the Councillors, the ratepayers and the electors?

Summary of Response:

The Shire President responded that in the best interest of the Council and community he made the decision to call a Special Council Meeting and was not a requirement to consult with the community when calling a Special Council Meeting.

The Chief Executive Officer added that the discussion was with Council, Council made the recommendation, made the decision and voted on the decision, unanimously.

Summary of Question:

Did the Council, did you as Shire President in terms of Section 2.10 of the Local Government Act represent the interests of the electors, ratepayers and residents and facilitate communications between the community and the Council in order to be able to call that meeting?

Summary of Response:

The Shire President responded that in his decision to do that he believed it was the right thing to do and the right decision to make.

The Chief Executive Officer added that it is clearly stated in the Local Government Act that due notice is that as much reasonable time be given as possible given the nature for calling a Special Council Meeting.

Summary of Question:

Would the Council like to know how many people in the community disagreed with your decision?

Summary of Response:

They are conspicuous in their absence.

There being no further questions public question time closed at 2.14pm.

7. APPLICATIONS FOR LEAVE OF ABSENCE

12358 Moved Cr Steel Seconded Cr Hotham

That Michelle Walton-Hassell be granted leave from Wednesday 14th March to Tuesday 3rd April 2018 inclusive.

Carried 8:0

8. DISCLOSURES OF INTEREST

Nil

12360 Moved: Cr Hodges Seconded: Cr McBurney

Recommendation and Council Decision:

That the Minutes of the Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 7 February 2018 be confirmed.

Carried 8:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

- Audit Committee Full Council
- Recreation & Cultural Committee Member – Shire President
Member – Deputy President
- Bushfire Advisory Committee Member – Cr Freebairn
Deputy – Cr Hotham
- 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 – 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 Steel
Deputy – Cr Freebairn
- Youth Focus Group Delegate – Cr Walton-Hassell
Delegate – Cr McBurney
Deputy – Cr Steel
- Pingelly Somerset Alliance Delegate – Shire President
Deputy – Cr McBurney

13. REPORTS FROM COUNCILLORS

Cr William Mulrone (President)

Meetings attended

December:

14th Party on the Oval

17th Presentation to Winners of Xmas Light Competition- Shire Chambers

22nd Council End of Year Celebration- Bowling Club

January:

1st Phone call from Dr A OLOWU re taking extended leave

2nd Dr OJO Agape Venture- Re continuation of DR Services to the Community.

9th Meeting with A/CEO- update on Shire Activities.

16th PRAAC Meeting re set up and report from Shires in the Wheat belt of similar concepts.

26th Australia Day Breakfast and Presentation of Community Person and Community Sports Person Awards.

26th Presentation of Australia Day Medallions to winners of competitions at Tennis Club and Bowls Club

29th Somerset Alliance Committee meeting

30th Meeting with A/CEO re Shire activities

February:

6TH Annual Electors meeting

7th Corporate Discussion- Special Council meeting

13th PRAAC meeting and Inspection of works at PRAAC Site with PRAAC Committee Members

14th Review of Council Agenda for February meeting with Executive Staff

Cr David Freebairn (Deputy President)

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

Nil

Cr Jackie McBurney

Nil

Cr Lee Steel

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

12361 Moved: Cr Hodges Seconded: Cr McBurney

That item 16.2 be brought forward for convenience of the member of the gallery that has an interest.

Carried 8:0

16.2 Proposed Shed - 60 Pitt Street, Pingelly

File Reference: A4155
Location: Lot 390 – 60 Pitt Street, Pingelly
Applicant: Mr A Traber
Author: Sheryl Squiers, Administration Officer Technical
Date: 31 January 2018
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for a proposed shed at Lot 390 – 60 Pitt Street, Pingelly which will exceed the Shire Policy 13.2 for Outbuildings.

Background:

Mr A Traber has submitted an application for planning consent for a proposed colorbond shed with an area of 100m² at Lot 390 – 60 Pitt Street.

Comment:

The proposed shed will be located at Lot 390 – 60 Pitt Street, Pingelly, which is zoned residential with an R10/R20 code and a total lot area of 18729m².

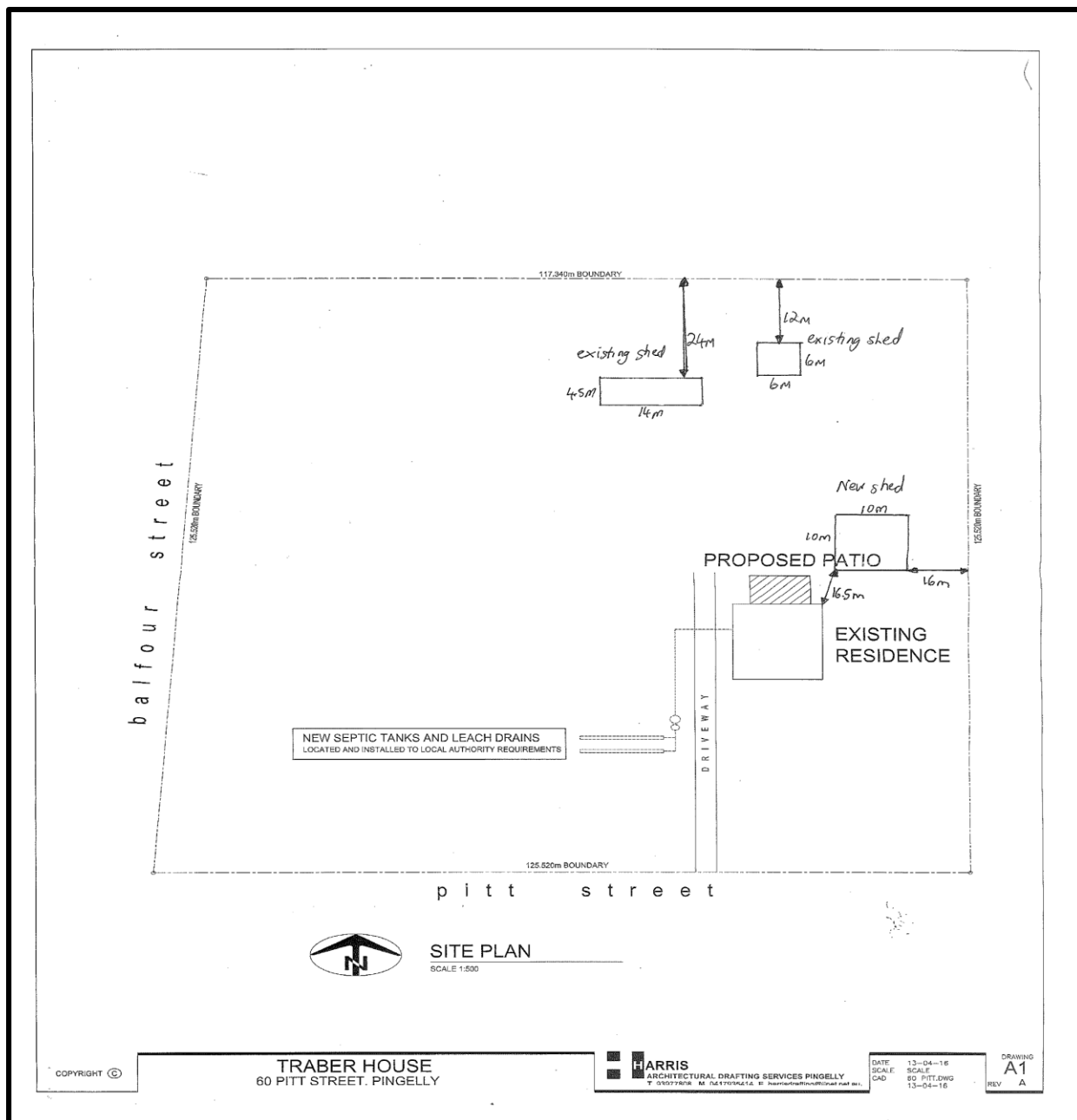
The proposed shed will be located on the eastern boundary 16.5m from the existing dwelling and 16m from eastern boundary. The proposed shed will have a total area of 100m², with a wall height of 3m and gable height of 4.06m.

There are two existing older sheds at the rear of the property 24m & 12m from the rear boundary which has a total area of 99m², this will give a total proposed outbuilding area of 199m².

The shed will be constructed in colorbond materials.

There will be no over shadowing issues with neighbouring properties because of the area size of Lot 390 – 60 Pitt Street and the shed is setback back some distance from the adjoining properties which are vacant land.





Consultation:

Barry Gibbs – Director Technical Services

Statutory Environment:

Shire of Pingelly's Local Planning Scheme No.3

Policy Implications:

Shire of Pingelly's Policy 13.2 Outbuildings

Objective This policy provides direction and guidance on the area and height of outbuildings and the like that Council will permit within the Shire boundaries.

Outbuildings and structures that comply with the following requirements may be approved by Council's Building Surveyor without having the need to be submitted to an Ordinary Meeting of Council.

Policy Intention

- To provide some flexibility in the requirements for outbuildings and the like in residential areas.
- To ensure that the provisions of the current *Residential Design Codes* are appropriately addressed.
- To improve customer service standards through the timely processing of planning and building applications for outbuildings.

Policy

Definitions:

- **Outbuilding** is an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.
- **Carport** is a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side and being without a door.
- **Garage** is any enclosed and roofed structure, other than a carport, designed to accommodate one or more motor vehicles.
- **Patio** is a roofed shade structure either attached to a dwelling or free standing is required to be open on fifty percent of its sides.
- **Pergola** is a light weight shade structure that does not have a solid roof. It may be attached to a dwelling or can be free standing.
- **Statutory Powers:** This policy has been prepared in conjunction with the requirements of the *Residential Design Codes of Western Australia*, i.e. The performance criteria relative to outbuildings (Clause 5.4.3) states:
“*Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties.*”

Buildings are to comply with any local planning policy made under the Scheme in respect of the design of carports and garages, including the colour, scale, materials and roof pitch of buildings. This policy provides design requirements for carports and garages, however it does not interfere with any other requirement of the Residential Design Codes relating to carports and garages.

This policy does not alter or change in any way the acceptable development criteria of the *Residential Design Codes currently in force*.

Within all “Residential” and “Rural Residential” zoned areas of the Shire and on Farming zoned lots with an area of 2ha or less except as otherwise stated, planning consent for all outbuildings is required. If planning consent is granted, building approval will be issued for outbuildings which are appurtenant to a dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any residence on-site and provided the proposed development complies with the following:

1. In any residential zone with an R10 code or above in the Shire:
 - a. Non-masonry construction, where the total non-masonry outbuilding area does not exceed 60m² and the total outbuilding area does not exceed 75m²;
 - b. Masonry or other approved construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 75m² and no parapet wall is greater in length than 8m;
 - c. Wall height of any outbuildings not to exceed 3m. This height limitation also applies to parapet walls. In the case of gable roof construction, the maximum building height is not to exceed 4.2m;
 - d. Prior to considering a parapet wall construction over 8m in length, the applicant will present Council with written agreement to the same by any affected adjoining landowner;

- e. No planning consent or building licence approval will be granted or issued for any outbuildings, on any Residential zoned lot, which does not contain a residence;
 - f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Shire's operative Local Planning Scheme;
 - g. Any development application which does not comply with the above, shall be referred to Council for consideration.
2. In any residential zone with an R code below R10, the rural residential zone of the Shire and on farming zoned lots which have an area of 2ha or less
- a. Non-masonry zincalume construction, where the total zincalume outbuilding area does not exceed 75m² and the total outbuilding area does not exceed 200m², or
 - b. Non-masonry colorbond construction, where the total colorbond outbuilding area does not exceed 150m² and the total outbuilding area does not exceed 2
 - c. Masonry or other approved construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 200m²,
 - d. Wall height of any outbuilding not to exceed 4m. In the case of a gable roof construction, the maximum building height is not to exceed 5m;
 - e. No planning consent or building licence approval will be granted or issued, for any outbuildings on a residential or rural residential zoned lot where a building licence has not been issued for a residence and / or where an outbuilding is not located at least 4m from any boundary of the lot;
 - f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for purposes permitted within the zone in which it is located under the provisions of the Shire's operative Local Planning Scheme;
 - g. Any development application which does not comply with the above shall be referred to Council for consideration.
3. Distance from boundaries on any residential zoned lot with an R code of 10 or above:
- a. Garages, shed, pergolas and patios - brick construction
 - i. Attached to house - 1m from side boundaries. Eaves not closer than 750mm measured from the outer edge of the gutter.
 - ii. Detached from house - Must be 1.8m clear of house with either parapet wall on boundary or walls 1m from boundary with eaves 750mm clear of boundary.
 - b. Garages, sheds, pergolas, and patios - steel framed construction - Detached from house only - Must be at the rear of the residence 1.8m clear of the residence, leach drains and septic tanks and 1.2m clear of side and rear boundaries.
 - c. Carports - Columns of brick (350mm x 350mm) or steel may be erected on a boundary provided no more than 4 columns are used and roofing including guttering is at least 750mm clear of the boundary. Beams must be of steel within 750mm of a boundary and a dividing fence forming a side wall of the carport must not be higher than 1.8m. Timber framed carports must be sited 1.2m clear of boundaries.
 - d. On corner lots - Where an outbuilding is constructed in brick or clad in colorbond, Council will permit a setback of 3.75m to the minor street. Where an outbuilding is clad in zincalume a setback of 7.5m to the minor street will apply.
4. Distance from boundaries in any residential zone with an R code below R10 and the rural residential zone of the Shire and on farming zoned lots which have an area of 2 hectares or less
- a. Detached outbuildings - To be at the rear or the residence on-site, at least 1.8m clear of the residence, leach drains and septic tanks. All boundary setbacks to be as laid down in the Shire of Pingelly's operative Local Planning Scheme.

- b. On corner lots - The setback to the minor street to be the same as the frontage setback laid down in the Shire of Pingelly's operative Local Planning Scheme.
- c. Garden sheds - Under this policy, Council will without the need for planning consent or building permit approval, permit the erection of one only garden shed per lot which has a maximum area of up to 10m². The garden shed is to be located on the lot in a position and in a manner agreed to in writing by the Shire's Building Surveyor and such shed is in addition to any other shed permitted under this "Policy".

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

12362 Moved: Cr Steel

Seconded: Cr Hotham

Recommendation and Council Decision:

Council to grant planning approval for the erection of the proposed shed that exceeds Shire Policy 13.2 for Outbuildings at Lot 390 – 60 Pitt Street, Pingelly.

Carried 8:0

14. OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Department of Transport – Provision of Online Licensing Services Contract Renewal

File Reference: ADM0001
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 1 February 2018
Disclosure of Interest: Nil
Attachments: Department of Transport Licensing Contract, Letter Regarding Contract Renewal (Attachment 1 following red sheet in separate attachments booklet)

Summary:

To present Council with a request to authorise the Chief Executive Officer and Shire President to sign the Department of Transport Online Licensing Service contract renewal and seek authority to affix the Shire Common Seal.

Background:

The Shire has received correspondence from the Department of Transport dated 20 December 2017 titled 'Agreement No.965417 for the Provision of Licensing Services under Section 11 of the Road Traffic (Administration) Act 2008'. (Please refer to letter and contract submitted as a separate attachment).

The Current Agreement expired on 31 December 2017. A temporary extension of the agreement is in place until the Shire agrees to and signs the new proposed agreement. The new Department of Transport agreement for two (2) years will expire on 31 December 2020.

Comment:

It is supported that Council agree to enter a new two year contract extension as the Commission received are approximately \$20,000 p.a.

Consultation:

Chief Executive Officer
Department of Transport

Statutory Environment:

Division 3 — Documents

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:

Nil

Financial Implications:

Commissions received in the past from the Department of Transport are as follows:

16/17 - \$20,417,
15/16 - \$21,632,
14/15 - \$23,092,
13/14 - \$27,433.

The commissions showing a declining revenue base over time with many Department of Transport transactions now being made online. Recent discussion between the Director of Corporate and Community Services and the Regional Director indicate this trend will continue with more Department of Transport services going online to reduce State Government transactional costs.

Strategic Implications:

Corporate Services: – to achieve maximum community benefit from effective use of resources (staff, finances and information technology).

Voting Requirements:

Simple Majority

12363 Moved: Cr Hodges

Seconded: Cr Wood

Recommendation and Council Decision:

That Council authorises the Chief Executive Officer and Shire President to sign and affix the Shire Common Seal on the Department of Transport contract titled DOT965417 Agreement for the provision of licensing services in the Shire of Pingelly in terms of section 11 of the Road Traffic (Administration) Act 2008.

Carried 8:0

14.2 Minutes of Audit Committee and Compliance Audit Return 2017

File Reference:	ADM0074
Location:	Shire of Pingelly
Applicant:	Gavin Pollock, Chief Executive Officer
Author:	Gavin Pollock
Date:	4 December 2017
Disclosure of Interest:	Nil
Attachments:	Annual Compliance Audit Return 2017 (Attachment 2 following purple sheet in separate attachments booklet)
Previous Reference:	Nil

Summary:

Council to endorse recommendation from the Audit Committee of the Compliance Audit Return 2017.

Background:

Under the *Local Government Audit Regulations 1996*, Local Government is required to carry out a Compliance Audit for the period 1 January 2017 to 31 December 2017. The certified return must be submitted to the Director General, Department of Local Government, Sport and Cultural Industries by 31 March 2018.

Consultation:

Shire of Pingelly Audit Committee
Chief Executive Officer

Statutory Environment:

Regulation 14 of the *Local Government (Audit) Regulations 1996* provides:

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Regulation 15 provides that:

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
 - (c) is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —

certified in relation to a compliance audit return means signed by —

 - (a) the mayor or president; and
 - (b) the Chief Executive Officer.

Policy Implications:

There are no policy implications arising from this report.

Financial Implications:

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

Strategic Implications:

While there are no direct strategic implications in adopting the Compliance Audit Return 2017.

Voting Requirements:

Simple Majority

12364 Moved: Cr McBurney Seconded: Cr Steel

Recommendation and Council Decision:

That:

- 1. Council receives the minutes of the Audit Committee dated 21 February 2018.**
- 2. Council adopts the Compliance Audit Return 2017, as presented;**
- 3. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2017;**
- 4. The Compliance Audit Return be submitted to the Department of Local Government, Sport and Cultural Industries by the 31 March 2018 deadline.**

Carried 8:0

14.3 Chief Executive Officer Leave and Appointment of Acting Chief Executive Officer

File Reference: ADM 002
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Gavin Pollock, Chief Executive Officer
Date: 19 January 2018
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider the Chief Executive Officer's request for leave from 29 January 2018 to 9 February 2018 and the appointment of Mr Stuart Billingham as Acting Chief Executive Officer for this period of leave.

Background:

The Chief Executive Officer has discussed the appointment of an Acting Chief Executive Officer with Mr Stuart Billingham and the Executive Team. Mr Stuart Billingham has agreed to undertake the position of Acting Chief Executive Officer while the Chief Executive Officer is on leave.

Comment:

A remuneration salary will be offered to Mr Stuart Billingham within the Band 4 reward package range prescribed by the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act.

Consultation:

Shire President - Cr Mulrone, Director Corporate Community Services – Stuart Billingham and Director Technical Services – Barry Gibbs.

Statutory Environment:

Section 5.36 of the *Local Government Act 1995* provides that:

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the provisions of the proposed employment contract.
- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) Believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement into contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose requirement to advertise a position before the renewal of contract referred to in section 5.39.

Regulation 18 of the *Local Government (Administration) Regulations* provides that:

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —
 - (a) on a notice board exhibited to the public at the local government's offices, if the position is —

- (i) to be filled on a part time basis by a person who is also employed by another local government; or
 - (ii) an acting position for a term not exceeding one year;
- or
- (b) otherwise, in a newspaper circulating generally throughout the State.
- (2) An advertisement referred to in sub regulation (1) is to contain —
- (a) the details of the remuneration and benefits offered;
 - (b) details of the place where applications for the position are to be submitted;
 - (c) the date and time for the closing of applications for the position;
 - (d) the duration of the proposed contract;
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

Policy Implications:

Nil

Financial Implications:

Nil effect on the 2017/18 budget as a provision for high duties has been allowed for in the budget process.

Strategic Implications:

The appointment of an Acting Chief Executive Officer will meet the requirements of the *Local Government Act 1995*.

Voting Requirements:

Majority.

12365 Moved: Cr Wood

Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

That Council endorse the actions of the Shire President approving

- 1. the Chief Executive Officer's request for an extension of leave from 29 January 2018 to 9 February 2018; and**
- 2. the appointment of Mr Stuart Billingham as Acting Chief Executive Officer for this period of leave; and**
- 3. the Chief Executive Officer offering Mr Stuart Billingham a remuneration salary for the period of stated leave within the Band 4 prescribed range of the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act.**

Carried 8:0

Note: The Chief Executive Officer wishes to thank Mr Stuart Billingham for his efforts and the Executive Team during his time of leave.

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – December 2017

File Reference: ADM0075
Location: N/A
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 4 December 2017
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2017 to 31 December 2017 (Attachment 3 following green sheet in separate attachments booklet)
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 December 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

12366 Moved: Cr Steel

Seconded: Cr Hodges

Recommendation and Council Decision:

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

Carried 8:0

15.2 Monthly Statement of Financial Activity – January 2018

File Reference: ADM0075
Location: N/A
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 4 December 2017
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2017 to 31 January 2018 (Attachment 4 following orange sheet in separate attachments booklet)
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 January 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 2017/2018.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority

12367 Moved: Cr McBurney

Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

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

Carried 8:0

Cr McBurney asked for the following to be noted: All questions have been answered by the Director of Corporate and Community Services and he goes above and beyond to make sure Councillors understand the finances of the Shire.

15.3 Accounts Paid by Authority – December 2017

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 1 February 2018
Disclosure of Interest: Nil
Attachments: List of Accounts (Attachment 5 following grey sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

Council endorsement is required for accounts made by authority for the month of December 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

12368 Moved: Cr Steel

Seconded: Cr Hodges

Recommendation and Council Decision:

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

DECEMBER 2017	
MUNI - 117984856	
EFT 4291 – 4441	\$1,789,106.95
CHEQUE 24505 – 24517	\$21,822.77
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD9430.1	\$23,352.90
TRUST FUND – 1913 – 1917	\$1,060.00
DIRECT DEBIT	
EFT 4292 – 4446 DD9440.1 – DD9473.11 – Pay and Super	\$23,830.89
CREDIT CARD	
DD9469.1	\$5,262.30
GRAND TOTAL	\$1,877,912.12

Notification	Explanation
Nil	

Carried 8:0

15.4 Accounts Paid by Authority – January 2018

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 1 February 2018
Disclosure of Interest: Nil
Attachments: List of Accounts (Attachment 6 following yellow sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

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

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

12369 Moved: Cr Wood

Seconded: Cr McBurney

Recommendation and Council Decision:

That Council endorse the Accounts for Payments for January 2018 as presented:

JANUARY 2018	
MUNI - 117984856	
EFT4448 – 4511	\$87,800.29
CHEQUE 24518 – 24521	\$21,376.61
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD9492.10 – DD9541.10	\$26,038.95
TRUST FUND – 1918 – 1919	\$6,100.00
DIRECT DEBIT -	
DD9486.1 – DD9505.10 & EFT 4447 - 4514 – Pay and Super	\$22,534.62
CREDIT CARD	
DD9534.1	\$262.20
GRAND TOTAL	\$257,198.29

Notification	Explanation
Nil	

Carried 8:0

12370 Moved: Cr Steel

Seconded: Cr Freebairn

To move item 15.5 to the end of the meeting to allow for visitors to remain and leave once all non-confidential items are dealt with.

Carried 8:0

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Ranger Authorisation

File Reference: ADM0306
Location: Shire of Pingelly
Applicant: Mr Matthew Sharpe, WA Contract Ranger Services
Author: Sheryl Squiers, Administration Officer Technical
Date: 11 January 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

Council to endorse the appointment of Ms Hayley Goodwin of WA Contract Ranger Services to be authorised to act under the following legislation on behalf of the Shire of Pingelly.

Background:

Local Government is bound to enforce certain legislation and as a result is required that officers be authorised to undertake various roles and responsibilities in relation to the legislation. As existing officers roles change and new officers are employed, it is essential that these officers are properly authorised under the appropriate legislation to undertake their duties.

Comment:

Ms Goodwin has been employed by WA Contract Ranger Services to provide support for Shire of Pingelly Ranger Mr Matthew Sharpe who has been conducting ranger services on behalf of the Shire of Pingelly since January 2014.

Ms Goodwin is currently working as a Ranger/City Assist Officer for the City of Kwinana and was previously employed in as a Veterinary Nurse at Warnbro Veterinary Hospital and in the United Kingdom where she completed her Veterinary Nurse training, Ms Goodwin also ran her own boarding kennels in the United Kingdom which also included dog training.

Providing delegations to Ms Goodwin will enable Mr Sharpe to carry out his role under the relevant legislation on behalf of the Shire of Pingelly. Council will need to appoint both Ms Goodwin to enforce the following legislation:

- Dog Act 1976
- Cat Act 2011
- Bush Fire Act 1954
- Litter Act 1979
- Caravan and Camping Act 1995
- Control of Vehicles (Off Road Areas) Act 1978
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Animal Welfare Act 2002

Consultation:

Stuart Billingham – Acting Chief Executive Officer
Barry Gibbs – Director Technical Services
Matthew Sharpe – WA Contract Ranger Services

Statutory Environment:

Dog Act 1976
Cat Act 2011
Bush Fire Act 1954
Litter Act 1979
Caravan and Camping Act 1995
Control of Vehicles (Off Road Areas) Act 1978
Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960
Animal Welfare Act 2002

Policy Implications:

Nil

Financial Implications:

Cost of service provision – 2017/18 budget

Strategic Implications:

Shire of Pingelly Workforce Plan

Voting Requirements:

Simple Majority

12371 Moved: Cr Freebairn Seconded: Cr Hotham

Recommendation and Council Decision:

That:

Council endorse the appointment of Ms Hayley Goodwin as an Authorised Officer for the Shire of Pingelly pursuant to the following Acts:

- **Dog Act 1976**
- **Cat Act 2011**
- **Bush Fire Act 1954**
- **Litter Act 1979**
- **Caravan and Camping Act 1995**
- **Control of Vehicles (Off Road Areas) Act 1978**
- **Local Government Act 1995**
- **Local Government (Miscellaneous Provisions) Act 1960**
- **Animal Welfare Act 2002**

Carried 8:0

16.3 Modified Shire of Pingelly Consolidated Local Planning Scheme No.3

File Reference: ADM0101/00234
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Sheryl Squiers, Administration Officer Technical
Date: 31 January 2018
Disclosure of Interest: Nil
Attachments: (Attachment 7 following blue sheet in separate attachments booklet)

Summary:

Council to consider the changes to Shire of Pingelly's Consolidated Local Planning Scheme No.3.

Background:

The Shire's Local Planning Scheme No. 3 was finalised in June 2007 and gazetted on May 5, 2008.

Under Division 5 of the *Planning and Development Act* (2005) (as amended), local governments are required to review their local planning scheme at 5 yearly intervals.

As 5 years has elapsed since Local Planning Scheme No.3 was approved and gazetted, a consolidation of the scheme with some minor changes was approved in 2016.

There has now been a modification of this consolidated Local Planning Scheme No.3, the reason for this modification is a portion of the current scheme relates to the Planning and Development Act (2005) is no longer required to be referenced in the planning scheme document. Amendment No.5 will also be required to be included in the modified scheme.

Comment:

A tracked version of the consolidated Locals Planning Scheme No.3 has been prepared by the Department of Planning indicating the changes required (attached). A second version accepting all the tracks except as indicated.

- Acceptance of recommended change to Clause 4.6 from "relocated dwellings" to "repurposed dwelling/second hand dwelling".
- Recommend Clause 4.7 be retained as in current scheme, Department of Planning recommended deletion and inclusion of commercial parking in zoning table.
- Clause 4.15(2), recommend we add "ancillary accommodation" to zoning table as an "A" use in all zones.

In addition the Department of Planning will need to change the maps to accord with the new zones included in the text.

If the modified scheme is satisfactory and the Scheme maps are modified by the Department of Planning to accord with the text, then the Scheme can be adopted by Council, referred to the EPA and then advertised for a period of 42 days as a standard scheme.

Consultation:

Trevor Moran - Planner Landvision
Barry Gibbs - Director Technical Services
Jacky Jurmann – Planner

Statutory Environment:

Section 89 of the Planning and Development Act 2005.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

Recommendation:

Council to approve the modifications of the Consolidated Local Planning Scheme No.3 and ask the Department of Planning to prepare the new document ready for public comment.

COUNCIL DECISION:

12372 Moved: Cr Steel

Seconded: Cr Freebairn

That the item lay on the table until the March meeting to allow time to fully read the large document in order to completely understand it.

Carried 8:0

