

Notice of Meeting



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Dear Elected Member

The next Ordinary meeting of the Shire of Pingelly will be held on 20 June 2018 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

Pumphrey's Bridge CWA will be providing dinner.

Schedule

2pm Council Meeting

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

Gavin Pollock
Chief Executive Officer

15 June 2018

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Pingelly for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Pingelly disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Pingelly during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Pingelly. The Shire of Pingelly warns that anyone who has an application lodged with the Shire of Pingelly must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Pingelly in respect of the application.

AGENDA

Shire of Pingelly
Ordinary Council Meeting
20 June 2018

MISSION STATEMENT

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

DISCLAIMER


INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

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

**GAVIN POLLOCK
CHIEF EXECUTIVE OFFICER**

COUNCIL MEETING INFORMATION NOTES

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

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

Agendas for Ordinary Meetings are available in the Shire of Pingelly Office, on the website and the Pingelly Library seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).

Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of Pingelly Office and the Shire of Pingelly website within ten (10) working days after the Meeting.

NOTE:

Unopposed Business

Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.

If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.

A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.

If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

Question Time

This Policy provides guidance to the Presiding Member (noting the provisions of the *Local Government (Administration) Regulation 7*).

Question time is for the asking of questions. General comments, issues for debate etc. are to be progressed through the normal procedure for submitting Agenda items for Council's consideration. Tabled correspondence will not be accepted.

Unless the person is known to all other persons in the Chamber, the Questioner is to state their name and address prior to asking the question.

The Questioner is to stand to address the Presiding Member, unless illness or a physical or other disability prevents him/her from doing so. All questions are to be addressed to the Presiding Member.

The question must be immediately put and may be followed by a brief statement related to the question.

The Presiding Member may respond to the question or may nominate a Councillor or an Officer to respond.

Debate between the Questioner or public and a Councillor or Officer is not permitted.

Questions may not be put by Councillors to the Questioner or other members of the public except for the purpose of clarification.

If the Presiding Member determines that a full and complete answer is unable to be given at that time, the question may be taken on notice. In that case, an answer will be given in writing to the Questioner within 7 days and the response tabled at the next Ordinary Council meeting.

A summary of the question and the response only is to be recorded in the minutes of the meeting.

QUESTION TIME FOR THE PUBLIC

(Please write clearly)

DATE: _____

NAME: _____

TELEPHONE : _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT:

GENERAL QUESTION / QUESTION RELATED TO THE AGENDA *(strike out which is not applicable)*

ITEM NO	PAGE NO	QUESTION

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 2.00 PM AT THE MEETING, OR BY 1.45PM ON THE DAY OF THE MEETING AT THE SHIRE OF PINGELLY OFFICE, 17 QUEEN STREET, PINGELLY.

Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at every ordinary meeting of a council; and

Such other meetings of councils or committees as may be prescribed.

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b) Local Government (Administration) Regulations 1996.

Reg 5 For the purpose of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

every special meeting of a council; and

every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

Reg 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:

by the person presiding at the meeting; or

in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members, having regard to the requirements of sub regulations (2) and (3).

The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.

Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

Nothing in sub regulation (3) requires:

A council to answer a question that does not relate to a matter affecting the local government;

A council at a special meeting to answer a question that does not relate to the purpose of the meeting;

or

A committee to answer a question that does not relate to a function of the committee.

SHIRE OF PINGELLY

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

20 June 2018

(Print Name)

(Signature)

(Date)

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9887 1066 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM NO	PAGE NO	TYPE	REASON

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Chief Executive Officer, Shire of Pingelly

In accordance with Section 5.60-5.65 of the *Local Government Act* and Regulation 34(B) and 34(C) of the *Local Government (Administration) Regulations* and Regulation 11 of the *Local Government (Rules of Conduct) Regulations*, I advise you that I declare a appropriate box):

financial interest (Section 5.60A)

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —
(a) change to a planning scheme affecting land that adjoins the person's land;
(b) change to the zoning or use of land that adjoins the person's land; or
(c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

interest affecting impartiality (Regulation 11). I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association but does not include a financial or proximity interest as referred to in section 5.60.

SHIRE OF PINGELLY

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 20 June 2018 – commencing at 2.00pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Council Agenda Reports

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

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

At the Ordinary Council Meeting held on 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

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

12377 Moved: Cr Walton Hassell Seconded: Cr Hotham

That Cr McBurney be granted leave from Saturday 30th June to Friday 31st August 2018.

Carried 8:0

At the Ordinary Meeting of Council held on 16 May 2018 the following resolution was passed:

12414 Moved: Cr McBurney Seconded: Cr Hotham

That Cr Wood be granted leave from Thursday 21st June until Tuesday 14th August 2018.

Carried 7:0

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 16 May 2018

Statutory Environment:

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

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 16 May 2018 be confirmed.

Moved: _____ Seconded: _____

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

- Audit Committee Full Council
- Recreation & Cultural Committee Member – Shire President
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 Mulroney (President)

Meetings attended May:

14th Narrogin Mobile Child Care, Shire Chambers
16th Council Meeting and Corporate Discussion
16th PRACC Inspection with representatives from Department of Sport and Recreation
18th Meeting with CEO
22nd PRACC Board Meeting
23rd Meeting with Doctors re Contract, Shire Chambers
31st Radio Interview with ABC Great Southern re Crime Prevention Grant to Camp Kulin
31st Radio Interview with Triple M re Crime Prevention Grant to Camp Kulin

Meetings attended June:

2nd WA Day Shire Trophy Presentation Pingelly Golf Club
6th Corporate Discussion and Budget Workshop
7th PRACC Board Meeting
7th Meeting with Pingelly Indigenous people (Non Event) continued on with inspection of the PRACC Building with some board members
11th Pingelly Somerset Alliance Meeting
13th Agenda Briefing
15th Regional Road Group meeting, Brookton

Cr David Freebairn (Deputy President)

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

Nil

Cr Jackie McBurney

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

Note: Standing Orders Apply

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Register of Delegations Annual Review

File Reference: ADM0086
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Chief Executive Officer
Date: 22 May 2018
Disclosure of Interest: Nil
Attachments: June 2018 Register of Delegations by Council to Chief Executive Officer (Attachment 1 following red sheet in separate attachments booklet)
Previous Reference: Agenda Item 14.2 – 17 May 2017

Summary:

To present Council with the Annual review of the Register of Delegations as required by s5.18 of the *Local Government Act 1995* for consideration of endorsement.

Background:

Council undertook a review of its Register of Delegations in May 2018. The Delegations have been reviewed Ad hoc as required. It is a requirement of the *Local Government Act 1995*, s.5.18 and s.5.46 (1) that all delegations made under the authority of that Act, be reviewed at least once in each financial year.

Comment:

DLGRD Guidelines No.17 – Delegations

The Department of Local Government and Regional Development has published Guidelines for the formation of Delegations.

Of note, the Guidelines outline the concept of “delegation” and “acting through” in parts 3 and 4, particularly in paragraph 13 where it is stated –

... the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters, similarly, not all “acting through” matters will have listed. Policy describes how that action or some other action, is to be carried through.

Consultation:
Executive Staff

Statutory Environment:

Sections 5.18 and 5.46(1) of the *Local Government Act 1995*

Policy Implications:

Shire of Pingelly - Register of Delegations

Financial Implications:

Nil

Strategic Implications:

Shire of Pingelly – Register of Delegations.

Voting Requirements:

Absolute Majority.

Recommendation:

That Council:

- 1. Endorse the June 2018 Register of Delegations review as presented with the changes required.**
- 2. Endorse the Chief Executive Officer, Mr Gavin Pollock, to act under delegated authority as per the June 2018 Register of Delegations.**

Moved: _____ Seconded: _____

14.2 Delegations and Authorised Officer Appointment

File Reference:	ADM00043
Location:	N/A
Applicant:	Director Technical Services
Author:	Director Technical Services
Date:	21 May 2018
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	17 September 2014, Item 11.3.1 Delegations and Authorised Officer Appointments, Council Resolution 11675 26 September 2014, Item 9.2 Delegations and Authorised Officer Appointments, Council Resolution 11688 21 September 2016, Item 9.2 Delegations and Authorised Officer Appointments, Council Resolution 12076

Summary:

That Council endorse additional authorisations for Mr Timothy Jurmann, Environmental Health and Building Services Officer, Mr Gavin Pollock, Chief Executive Officer, Mr Stuart Billingham, Director Corporate and Community Services and Mr Barry Gibbs, Director Technical Services as an authorised officer under various legislation and approve the delegation of various powers to and from the Chief Executive Officer to enable Shire staff to carry out their role.

Background:

- Mr Timothy Jurmann commenced work with the Shire of Pingelly on 3 October 2014 in the position of Environmental Health and Building Services Officer and is required to oversee many regulatory areas as part of the employed position. Since his appointment the Public Health Act 2016 has been passed by State Parliament and the Caravan and Camping Act 1995 and Heath (Miscellaneous Provisions) Act 1911 was not included in his original authorisations. In addition, a review of approved delegation of various powers from the Chief Executive Officer to Shire staff it was noticed that some delegations were not included in the original authorisations.
- Mr Gavin Pollock commenced work with the Shire of Pingelly on 17 January 2014 in the position of Chief Executive Officer. Since his appointment the Public Health Act 2016 has been passed by Western Australian State Parliament, and therefore Council should delegate the powers and duties conferred or imposed on an enforcement agency under the Public Health Act 2016.
- Mr Stuart Billingham commenced work with the Shire of Pingelly on 5 September 2016 in the position of Director Corporate and Community Services and is required to oversee many regulatory areas as part of the employed position.
A review of approved delegation of various powers from the Chief Executive Officer to Shire staff was completed and it was noticed that some delegations were not included in the original authorisations.

Mr Barry Gibbs commenced work with the Shire of Pingelly on 18 August 2014 in the position of Director Technical Services and is required to oversee many regulatory areas as part of the employed position. Since his appointment the Public Health Act 2016 has been passed by State Parliament was not included in his original authorisations.

During a review of approved the delegation of various powers from the Chief Executive Officer to Shire staff it was noticed that some delegations were not included in the original authorisations.

Comment:

Section 5.44(1) of the *Local Government Act 1995* provides that the Chief Executive Officer may delegate any of the Chief Executive Officers' powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Section 5.44(2) states that the delegations are to be in writing and may be general or as otherwise provided for in the instrument of delegation. Section 5.46(2) provides that delegations should be reviewed at least once in every financial year.

Section 5.46(3) of the *Local Government Act 1995* requires records to be kept in relation to the exercise of the power in the discharge of duties in accordance with delegations.

Section 21 of the Public Health Act 2016 provides that an enforcement agency, being the Local Government, may delegate a power or duty conferred or imposed on an enforcement agency, by the Public Health Act 2016 to the Chief Executive Officer of the Local Government or to an authorised officer designated by the Local Government.

Section 24 and 312 of the Public Health Act 2016 provides that persons may be designated as authorised officers.

It is recommended that the following delegations be assigned:

Mr Timothy Jurmann, Environmental Health and Building Services Officer

Delegations:

C36: Enter Land in Emergencies

Mr Stuart Billingham, Director Corporate and Community Services

Delegations:

C27: Prohibited & Restricted Burning Times

C38: Notices

Mr Barry Gibbs, Director Technical Services

Delegations:

C50: Electronic Funds Transfer (EFT)

Authorised Officers are required to be appointed to administer various acts on the Shire of Pingelly's behalf. It is recommended that the following shire staff be appointed as an authorised officer for the purposes of administering the following acts and their associated regulations:

Mr Timothy Jurmann, Environmental Health and Building Services Officer

- Public Health Act 2016
- Heath (Miscellaneous Provisions) Act 1911
- Caravan and Camping Act 1995

Mr Gavin Pollock, Chief Executive Officer

- Public Health Act 2016

Mr Stuart Billingham, Director Corporate and Community Services

- Public Health Act 2016

Mr Barry Gibbs, Director Technical Services

- Public Health Act 2016

Consultation:

Chief Executive Officer – Mr Gavin Pollock;
Director Corporate and Community Services – Mr Stuart Billingham
Director Technical Services – Mr Barry Gibbs; and
Environmental Health Officer – Mr Timothy Jurmann

Statutory Environment:

Section 5.44(1) of the Local Government Act 1995

5.46(3) of the Local Government Act 1995

Authorised Person under Section 9.10 of the Local Government Act 1995

Delegation as an Authorised Officer under Section 21, 24, 30 and 312 of the Public Health Act 2016

Delegation as an Authorised Person under Section 17 Caravan Parks and Camping Grounds Act 1995

Authorised Person under Section 26 of the Health (Miscellaneous Provisions) Act 1911

Policy Implications:

Shire of Pingelly Delegation Register
Local Government Act 1995

Section 5.44 provides that:

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) "conditions" includes qualifications, limitations or exceptions.

Section 5.45 provides that:

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

Financial Implications:

Nil

Strategic Implications:

Section 5.44(1) of the *Local Government Act 1995*

Voting Requirements:

Simple Majority

Recommendation:

That Council

1. endorse that the following additional delegations be assigned to Mr Timothy Jurmann, Environmental Health and Building Services Officer:

Delegations:

C36: Enter Land in Emergencies

2. endorse that the following additional delegations be assigned to Mr Stuart Billingham, Director Corporate and Community Services:

Delegations:

C27: Prohibited & Restricted Burning Times

C38: Notices

3. endorse that the following additional delegations be assigned to Mr Barry Gibbs, Director Technical Services:

Delegations:

C50: Electronic Funds Transfer (EFT)

4. That Mr Gavin Pollock, Chief Executive Officer be appointed as an Authorised Officer for the Shire of Pingelly for pursuant to the following additional Act:

- **Public Health Act 2016**

5. That Mr Stuart Billingham, Director Corporate and Community Services be appointed as an Authorised Officer for the Shire of Pingelly for pursuant to the following additional Act:

- **Public Health Act 2016**

6. That Mr Barry Gibbs, Director Technical Services be appointed as an Authorised Officer for the Shire of Pingelly for pursuant to the following additional Act:

- **Public Health Act 2016**

7. That Mr Timothy Jurmann, Environmental Health and Building Services Officer be appointed as an Authorised Officer for the Shire of Pingelly for pursuant to the following additional Acts:

- **Public Health Act 2016**
- **Heath (Miscellaneous Provisions) Act 1911**
- **Caravan and Camping Act 1995**

Moved: _____ Seconded: _____

14.3 Proposed Transfer of Joint Venture Interest to Pingelly Somerset Alliance

File Reference: ADM0309
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Project Administration Officer
Authorising Officer: Chief Executive Officer
Date: 29 May 2018
Disclosure of Interest: Nil
Attachments: Housing Joint Venture Agreement – Shire of Pingelly and the Housing Authority (Attachment 2 following orange sheet in separate attachments booklet)

Summary:

The Shire of Pingelly would like to transfer its interest in the Joint Venture with the Housing Authority (now under the Department of Communities) for public rental housing to the Pingelly Cottage Homes.

Background:

On 1 February 2008, the Shire of Pingelly entered in to a Joint Venture Agreement with the Housing Authority. The Agreement covered the construction and management and maintenance of four public rental housing units on Sharow Street in Pingelly. The Shire of Pingelly has an 18.28% Share in the Equity of the Land and Buildings.



Comment:

Pingelly Cottage Homes is currently a party to a Joint Venture Agreement with the Housing Authority for the collection of Cottage Home units in Pingelly. The Shire of Pingelly proposes to transfer its interest in the Joint Venture Agreement for the Sharow Street units to Pingelly Cottage Homes, in order to consolidate the management and maintenance of joint venture public rental housing within Pingelly. This will realise efficiencies by reducing the duplication of administrative activities and associated time and financial costs.

Consultation:

The Shire of Pingelly's Chief Executive Officer has spoken with the board members and Chair from Pingelly Cottage Homes (Somerset Alliance) to determine their interest in taking over the ownership interest, management and maintenance responsibilities for the four units on Sharow Street.

Shire of Pingelly officers have been in contact with the Contracts Administrator, Housing for the Department of Communities, Sasha Davidovich, who has advised that the transfer is possible and has detailed the steps the Shire would need to take to complete it.

Statutory Environment:

The Shire of Pingelly is guided by the Joint Venture Agreement, which states that:

“ 6.1 The Organisation shall not assign, sell, transfer, lease, let, mortgage, charge, unencumber or otherwise surrender or dispose of its estate or Interest in the Land, any other Joint Venture Property or this Agreement (other than the letting of Units to Eligible Tenants) during the term EXCEPT to Housing Authority or another association or body approved by Housing Authority which is assessed as eligible under the Guidelines to participate in the Project, unless otherwise approved in writing by Housing Authority.”

Local Government Act 1995 Section 3.58 Disposing of Property

3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Policy Implications:

Shire of Pingelly Policy 5.13 Asset Management states:

“The Shire of Pingelly will undertake to provide the appropriate service levels for its assets, in a whole-of-life and economically, environmentally and socially sustainable manner. In providing and managing assets, the Shire will take into account an appropriate balance between service delivery, risk, reliability, safety and cost.

Budgeting priority will be given to the operation, maintenance and renewal of existing assets and services, and adequate resources will be provided to manage them in a cost effective manner.”

Financial Implications:

Loss of Joint Venture Rental Operating Revenue, Operating and Capital Expenses and removal of the Joint Venture Reserve Funds from the Shire Accounts. Net operating surpluses transferred to Reserve. Capital Expenses transferred from Reserve.

Assets # 10173 Lot 602 (38) Sharow St Land Only WDV \$4,752.80
and #10174 Lot 603(36) Sharow St Land Only WDV \$4,752.80
and #10289A Lot 602 (38) and Lot 603 (4 Units only) WDV \$115,043.24

Joint Venture Reserve Fund Balance: \$51,936 as at 31 May 2018

Strategic Implications:

The transfer of these assets will reduce the administrative burden on the Shire and will consolidate the management and maintenance of joint venture public rental housing within Pingelly.

Voting Requirements:

Simple Majority

Recommendation:

That Council:

1. **approve the listing in the 2018/19 Draft Budget the disposal and transfer of the Shire of Pingelly’s entire interest in the Joint Venture at 36 and 38 Sharow Street with the Housing Authority for public rental housing to the Pingelly Cottage Homes.**
2. **approve the listing in the 2018/19 Draft Budget the transfer of the Joint Venture Housing Reserve balance to Pingelly Cottage Homes.**
3. **authorise the Chief Executive Officer to liaise with the Department of Communities and Pingelly Cottage Homes to action the transfer of this interest in the 2018/19 Financial Year.**

Moved: _____ Seconded: _____

14.4 Pingelly Railway Station

File Reference:	A1018
Location:	1 Quadrant Street
Applicant:	Friends of Pingelly Railway
Author:	Chief Executive Officer
Date:	12 June 2018
Disclosure of Interest:	Nil
Attachments:	Correspondence from Friends of Pingelly Railway dated 23 April 2018 and New Lease Agreement with Site Plan (Attachment 3 following yellow sheet in separate attachments booklet)
Previous Reference:	Item 11.3.6 Pingelly Railway Station at the Ordinary Meeting of Council held on the 18 March 2015

Summary:

That council offer the Pingelly Railway Station to the Friends of Pingelly Railway (FoPR) on a three (3) year lease with a three (3) year extension option. The additional option of a three (3) year lease extension up to 2025 to be actioned under delegation of the Chief Executive Officer on the receipt of a letter of request from the Lessee.

Background:

In 2014 the Public Transport Authority (PTA) approached the Shire of Pingelly to assign the management order for the Pingelly Railway Station to the Shire of Pingelly. There were a number of issues associated with the property, as significant work was required to make the building safe and to bring it up to a usable condition. The original recommendation to Council was to decline taking on the ownership of the building and to approve any requests from the PTA for a demolition licence, should the PTA request one.

There was extensive public interest in retaining the building, following consultation with Pingelly residents. The amended motion that was moved in relation to this item is as follows:

11583 Moved: Cr Steel Seconded: Cr Freebairn

That this item lay on the table for future consideration. As more information is required, a letter is to be written to the Minister for Transport delaying the decision to demolish and suggesting a mutual arrangement between both parties be reached in regard to the future of their building. An acknowledgement is to be sent to Mrs J Jeffries regarding the community response and to advise we are seeking advice from the PTA.

Carried:7:0

11755 - Moved: Cr Steel Seconded: Cr Mulroney

That Council endorse:

- 1. the Friends of Pingelly Railway's request and proposal to retain the Pingelly Railway Station subject to a memorandum of understanding being drawn up between the Friends of Pingelly Railway and the Shire of Pingelly to deliver the determined goals in two stages over three years;**
- 2. once point 1 is met the Chief Executive Officer negotiate and enter in to a peppercorn lease with the Public Transport Authority over the railway station for a period of three years with an option to extend the lease if the set objectives are achieved;**
- 3. the lease agreement be signed by the Shire President and the Chief Executive Officer with the affixing of the common seal.**
- 4. once points 1 and 2 are met the Chief Executive Officer will enter discussions with the Public Transport Authority for the Shire of Pingelly to undertake the management order over the Pingelly Railway Station.**

Carried 6:0

Comment:

The FoPR have almost completed all the required planned time line of works as per their intention outlined to the Shire of Pingelly when entering the current lease agreement on the 12 February 2016.

Please note the outstanding work undertaken by the FoPR volunteers who have fundraised and committed many hours to restore a piece of Pingelly history for the whole community to enjoy now and into the future.

The Shire of Pingelly currently holds a ten (10) year lease agreement with PTA over the Pingelly Railway Station that has the provision to sub lease to the FoPR. The mentioned lease agreement with PTA commenced on the 1 February 2016 and ends on the 31 January 2026 with the option to extend the lease agreement if required.

Should the FoPR enter into a new lease agreement on the Railway Station it is expected that the only costs likely to be payable by the Shire of Pingelly will be the building insurance and the lease agreement fee of \$1.00 per year.

Consultation:

Friends of Pingelly Railway Station
Chief Executive Officer – Gavin Pollock

Statutory Environment:

Shire of Pingelly Municipal Heritage Inventory

The railway station is listed in the Shire of Pingelly Municipal Inventory 1996 (Site 09) which suggests it was built in 1929.

The Inventory provides the following *Statement of Significance*:

Although in poor condition, the building is representative of railway structures common to rural towns with its continuous platform roof supported by timber struts.

The Railway Station has historic value for its important associations with the development of the State's railway system and the vital role it played in the settlement and development of Pingelly.

And rates the *Conservation Action (Category 2)* as:

The place is considered to have a high level of significance valued by the local community; should be provided maximum encouragement to the owner under the town planning scheme to conserve the significance of the place.

Shire of Pingelly Local Planning Scheme No 3

8.1 Permitted development

Except as otherwise provided for in the Scheme, for the purposes of the Scheme, the following development does not require the planning approval of local government –

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is –
 - (i) located in a place that has been entered in the register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or

- (b) the demolition of any building or structure except where the building or structure is –
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;
- (c) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area;
- (d) the use of land in a reserve, where such land is vested in Council or vested in a Public Authority:
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;

provided the development complies with the provisions of the Development Table - General for the surrounding or relevant land use zone as determined by Council.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under Section 157 of the Planning and Development Act.

7.1 Heritage List

7.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2 In the preparation of the Heritage List the local government is to –

- (a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such entries on the municipal inventory as it considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List the local government is to –

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) carry out such other consultation as it thinks fit; and

- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

Note: 1. The purpose and intent of the heritage provisions are –

- (a) to facilitate the conservation of places of heritage value; and
- (b) to ensure as far as possible that development occurs with due regard to heritage values.

- 2. A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.

Policy Implications:

Nil

Financial Implications:

The cost of insuring the premises will need to be included in future year’s budgets and the lease agreement fee of \$1.00 per year.

Strategic Implications:

Shire of Pingelly Strategic Community Plan;

Outcome 2.5: Appropriate development which is diverse in nature and protects local heritage

Strategy 2.5.4: Support the conservation and maintenance of heritage buildings, heritage items and places of interest

Voting Requirements:

Absolute Majority

Recommendation:

That Council endorse:

- 1. entering a three (3) year lease agreement with additional three (3) year extension option with the Friends of Pingelly Railway Station Inc for the Pingelly Railway Station Lot 832 within Reserve 10207 Pingelly;**
- 2. the lease term to be effective from 1 January 2019 and the lease document to be signed by the Shire President and the Chief Executive Officer with the Shire of Pingelly common seal being executed;**
- 3. the additional option of a three (3) year lease extension up to 2025 to be actioned under delegation of the Chief Executive Officer on the receipt of a letter of request from the Lessee.**

Moved: _____ Seconded: _____

14.5 Christmas and New Year's Office Closure

File Reference: 0000
Location: Shire of Pingelly – Administration
Applicant: Gavin Pollock – Chief Executive Officer
Author: Gavin Pollock – Chief Executive Officer
Date: 12 June 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

Council to consider a shutdown of the Shire Administration Centre over the Christmas and New Year period being from 12 noon on Friday 21 December 2018 to Sunday 6 January 2019 (inclusive).

Background:

During the Christmas and New Year period for 2017/18 Council endorsed a similar closure of the Shire Administration Centre.

Comment:

During the abovementioned period there are four public holidays with staff being required to take approved leave for the additional days.

A roster will be developed to ensure coverage is provided by Senior Staff and the Works Supervisor so contact can be made by phone as per a roster with one or more being in town if required at short notice. Some members of the outside staff will be working in Pingelly during the closure period and will be available out of hours if required.

Fire weather warnings and harvest ban SMSs can be sent remotely using information telephoned to the either of the Directors by a Pingelly based Fire Control Officer. This person will also arrange for the broadcast of harvest and vehicle movement bans where required.

The emergency services and police will be notified of all key personnel contact details during the period. This information will also be provided in the Information Bulletin. The public will be notified of contactable numbers via the Pingelly Times, a notice on the office door, the Shire of Pingelly Website and Facebook page.

Consultation:

Chief Executive Officer, Director of Technical Services and Director Corporate & Community Services.

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

Recommendation:

- 1. That Council endorse the Chief Executive Officer closing the Shire Administration Office at 12 noon on Friday 21 December 2018 to Sunday 6 January 2019 inclusive and reopen 8:30am on Monday 7 January 2019.**
- 2. That staffing requirements and contact details are put into place for the closure period to deal with any emergency issues that may arise.**

Moved: _____

Seconded: _____

14.6 Proposed Transfer Community Resource Centre 18 Parade Street Pingelly

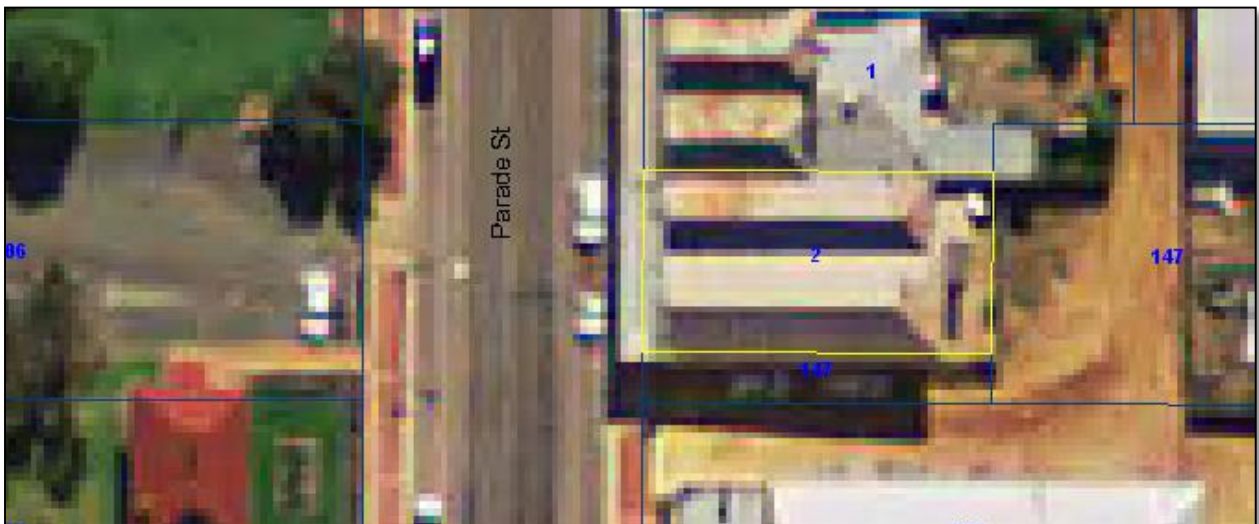
File Reference: A7641
Location: Shire of Pingelly
Applicant: Director Corporate & Community Services
Author: Director Corporate & Community Services
Date: 11 June 2018
Disclosure of Interest: Nil
Attachments: Letter (Attachment 4 following green sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

To present Council with a request from the Pingelly Community Resource Centre for the future transfer of ownership of the Land & Buildings at Lot 2 (18) Parade Street Pingelly from the Shire of Pingelly to the Pingelly Community Resource Centre in entirety.

Background:

The Shire of Pingelly has received correspondence from the Pingelly Community Resource Centre dated 1 May 2018 submitted as a separate attachment. The letter also requesting the Shire of Pingelly give consideration to waiving the rates in the future.



Comment:

The matter is presented for Council consideration of the request by the Pingelly Community Resource Centre. It is supported that the Shire of Pingelly progress the transfer of the land & building at Lot 2 (18) Parade Street in entirety to the Pingelly Community Resource Centre.

Consultation:

Pingelly Community Resource Centre (CRC)
Council
Chief Executive Officer

Statutory Environment:

Local Government Act 1995

3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations
From the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Policy Implications:

There are no known policy implications arising from this agenda item.

Financial Implications:

The following two assets are held by the Shire of Pingelly as at 31 May 2018.

- Asset 10180 Lot 2 D8284 (18) Parade Street Specialised Building only WDV \$230,686.35
- Asset 10191 Lot 2 (18) Parade Street Freehold Land only WDV \$16,000

If the Shire of Pingelly was to agree to transfer these two assets to the Pingelly Community Resource Centre for no consideration there would be an approximate book loss on disposal of \$246,686.35, which would reduce any operating surplus by the same figure. The balance Sheet would result in a similar reduction in Land (\$16,000) and Specialised Building (\$230,686.35) asset values.

Impact on Shire future ratios calculations.

Asset sustainability ratio:
$$\frac{\text{Capital renewal and replacement expenditure}}{\text{Depreciation expenses}}$$

- Future reduction in depreciation expenses denominator figure

Asset consumption ratio:
$$\frac{\text{depreciated replacement costs of assets}}{\text{Current replacement cost of depreciable assets}}$$

- Decrease in both the numerator and denominator figures

Asset renewal ratio:
$$\frac{\text{NPV of planning capital renewal over 10 years}}{\text{NPV of required capital expenditure over 10 years}}$$

- Decrease in both the numerator and denominator figures

Advantages

No longer required to re-assess for fair value every three years (cost saving)

No further operating cost each year e.g. Property Insurance approx. \$1,116 and Emergency Service Levy \$82 2018/19, fire extinguisher inspections/service \$120 p.a., Water Rates and Consumption approx. \$1,400.

Disadvantages

Reduction in Shire Asset valuation base.

Loss of ownership and control over the property.

Strategic Implications:

Future reduction in the Shire of Pingelly asset base and reduction in operational costs.

Voting Requirements:

Simple Majority.

Recommendation:

That Council:

- **authorises the Chief Executive Officer to progress the process to transfer/disposal of the land and buildings at Lot 2 (18) Parade Street Pingelly from the Shire of Pingelly to the Pingelly Community Resource Centre in the 2018/19 financial year.**
- **approves the listing of the planned disposal of Lot 2 (18) Parade Street in the Shire of Pingelly Draft 2018/19 Annual Budget.**
- **authorises the Shire President and Chief Executive Officer to sign and affix the Shire of Pingelly Common Seal to any required legal documents for the transfer.**

Moved: _____ Seconded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – May 2018

File Reference: ADM0075
Location: N/A
Applicant: Director Corporate & Community Services
Author: Director Corporate & Community Services
Date: 11 June 2018
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2017 to 31 May 2018
(Attachment 5 following blue 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 May 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.

Recommendation:

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

Moved: _____ Seconded: _____

15.2 Accounts Paid by Authority – May 2018

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Director Corporate & Community Services
Author: Senior Finance Officer
Date: 8 May 2018
Disclosure of Interest: Nil
Attachments: List of Accounts
(Attachment 6 following purple sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

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

Recommendation:

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

May 2018	
MUNI - 117984856	
EFT4846 – 4955	\$2,069,521.51
CHEQUE 24549 – 24556	\$14,593.29
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD9744.1 – DD9809.1	\$40,730.10
TRUST FUND – 1925-1926	\$150.00
DIRECT DEBIT -	
DD9724.1 – DD9756.10 & EFT 4848 - 4957 – Pay and Super	\$31,058.18
CREDIT CARD	
DD9777.1	\$3,210.30
GRAND TOTAL	\$2,159,263.38

Notification	Explanation
Nil	

Moved: _____ Seconded: _____

15.3 Shire of Pingelly – Fundraising Licence Plates New Logo Artwork Approval

File Reference: ADM0001
Location: Shire of Pingelly
Applicant: Director Corporate & Community Services
Author: Director Corporate & Community Services
Date: 11 June 2018
Disclosure of Interest: Nil
Attachments: Nil (Sample can be viewed at the meeting)
Previous Reference: N/A

Summary:

To present Council with the New Shire Logo Artwork on the Shire of Pingelly Fundraising Number plates series for consideration of approval by Council.

Background:

The Shire of Pingelly has been working with the Department of Transport to produce a sample number plate with the Shire new Log on. Sample Number plate supplied and tabled at the meeting for inspection. Correspondence from the Department of Transport dated 4 May 2018 attached.

Comment:

The sample number plate was presented to the Corporate Discussion meeting on the 6 June 2018 and was recommended to be presented to the June 2018 Council meeting for approval of the artwork.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

There are no known policy implications arising from this agenda item.

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.

Recommendation:

That Council

- 1. approves the Shire of Pingelly Fundraising Number plate design as presented and**
- 2. request the Chief Executive Officer advises the Department of Transport in writing in a letter of acceptance, Council consents for the use of this logo on the local authority Fundraising series number plates.**

Moved: _____ Seconded: _____

Council Recommendation:

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.

Moved: _____ Seconded: _____

15.4 Confidential Item - Rates Write Off – A20054 - Deceased Estate Pensioner

File Reference: A20054
Location: Shire of Pingelly
Applicant: Director Corporate & Community Services
Author: Director Corporate & Community Services
Date: 12 June 2018
Disclosure of Interest: Nil
Attachments: Nil

Moved: _____ Seconded: _____

Council Recommendation:

That the meeting be again open to the public

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Dual Fire Control Officer Appointment

File Reference: ADM0313
Location: Shire of Brookton
Applicant: Shire of Brookton
Author: Administration Officer Technical
Date: 25 May 2018
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider the appointment of dual fire control officer with the Shire of Brookton.

Background:

The Shire of Brookton has requested the appointment of:

- Mr Bevan Walters
- Mr Murray Hall
- Mr Dennis Wilkinson
- Mr Tim Evans
- Mr Ross Evans

as dual fire control officers for the 2018/19 fire season.

Comment:

The Shire of Brookton has requested the appointment of the above fire control officers to Dual Fire Control Officers for the Shire of Brookton 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:

There are no known policy implications.

Financial Implications:

There are no known financial implications.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority.

Recommendation:

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

- **Mr Bevan Walters**
- **Mr Murray Hall**
- **Mr Dennis Wilkinson**
- **Mr Tim Evans**
- **Mr Ross Evans**

Moved: _____ Seconded: _____

16.2 Dual Fire Control Officer Appointment

File Reference: ADM0313
Location: Shire of Cuballing
Applicant: Shire of Cuballing
Author: Administration Officer Technical
Date: 12 June 2018
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider the appointment of dual fire control officer with the Shire of Cuballing.

Background:

The Shire of Cuballing has requested the appointment of:

- Mr Graeme Dent as a dual fire control officer for the 2018/19 fire season.

Comment:

The Shire of Cuballing has requested the appointment of the above fire control officer to Dual Fire Control Officer for the Shire of Cuballing and the Shire of Pingelly.

Once approval has been given the appointment of the Dual Fire Control Officer 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:

There are no known policy implications.

Financial Implications:

There are no known financial implications.

Strategic Implications:

There are no known significant strategic implications.

Voting Requirements:

Simple Majority.

Recommendation:

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

- Mr Graeme Dent

Moved: _____ Seconded: _____

16.3 RFT4-2017/18 - Sale of Surplus Items

File Reference: ADM0544 & A7381
Location: Lot 822 & 827 – 1 & 3 Paragon Street
Applicant: Director Technical Service
Author: Director Technical Services
Date: 30 May 2018
Disclosure of Interest: Nil
Attachments: List of Assets Sold and for Sale (Attachment 7 after pink sheet in separate attachments book)

Summary:

Council to acknowledge the sale and disposal of surplus plant and equipment.

Background:

The Shire had accumulated an assortment of surplus plant and equipment over period of time. The tender closed at 12.00pm, 16 May 2018 with 15 tenders received.

Comment:

Any plant and equipment not sold by these tender will be assessed for either retendering, sold as scrap or disposal at the Pingelly Refuse site.

Consultation:

Chief Executive Officer – Gavin Pollock
Director Corporate and Community Services – Stuart Billingham
Work Supervisor – Russell Dyer

Statutory Environment:

Local Government Act 1995 - 3.58. Disposing of property

Policy Implications:

Nil

Financial Implications:

Income from the sale of surplus plant and equipment will be placed in the General Ledger Account 1272. The total income from tender RFT4-2017/18 for the sale of surplus plant and equipment is \$1643.00 including GST

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority

Recommendation:

Council to acknowledge the following

- the sale and disposal of surplus plant and equipment as completed on 18 May 2018 as per Delegated Authority *Section 5.42 of the Local Government Act 1995*; and
- the sale and disposal of surplus plant and equipment as listed on the Shire of Pingelly web site as of 18 May 2018.

Moved: _____ Seconded: _____

16.4 Call for Tenders – Domestic and Commercial Refuse Collection

File Reference: ADM0560
Location: Shire of Pingelly
Applicant: Director Technical Services
Author: Director Technical Services
Date: 30 May 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

Council to consider calling tenders for Domestic and Commercial Refuse Collection for the town area of Pingelly for 2018/19 Financial Year.

Background:

The Shire of Pingelly currently has arrangements with Great Southern Waste for refuse services within the Shire of Pingelly. The Shire of Pingelly receives the following refuse services:

- 240 litre bins supplied and maintained by contractor;
- Kerbside pickup of domestic waste;
- Kerbside pickup of commercial waste;
- Waste pickup from Shire Street bins and Shire Reserves;
- Bulk pickup and transfer of recyclable materials once every 3 weeks; and
- Bulk pick up of general waste from Shire skip bins and transfer to the Pingelly Refuse Site

Comment:

The current arrangement will finish on 30 June 2018 and a new tender will be required as part of the Shire of Pingelly requirement for financial governance and due diligence.

Consultation:

Russell Dyer – Works Supervisor
Stuart Billingham - Director Corporate and Community Services
Gavin Pollock – Chief Executive Officer

Statutory Environment:

Local Government Act 1995

Local Government (Functions and General) Regulations 1996, Provision of goods and services Part 4. Tenders for providing goods or services (s. 3.57) Division 2

Regulation 11. When tenders have to be publicly invited

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000.

Financial Implications:

If a contractor is awarded the tender the scope of work will be based on the Shire's 2018/19 Sanitation Program.

Policy Implications:

Policy Manual part 5.11 Purchasing Policy.

Strategic Implications:

Shire of Pingelly -Strategic Community Plan 2013-2023

2.3: *Effective waste management*

Strategy 2.3.1: Maintain the household waste collection and recycling services

Voting Requirements:

Simple Majority.

Recommendation:

That Council:

Call for the following tenders for the 2018/19 financial year:

- **Domestic and Commercial Refuse Collection**

Moved: _____ Seconded: _____

16.5 Proposed Shed Extension

File Reference: A7514
Location: Lot 222 – 13 Sharow Street, Pingelly
Applicant: Mr C Hean
Author: Administration Officer Technical
Date: 25 May 2018
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for a proposed shed extension at Lot 222 – 13 Sharow Street, Pingelly.

Background:

Mr C Hean has submitted an application for planning consent for a proposed shed extension to an existing shed with an area of 80m² with a proposed extension area of 80m² to a total create a total area of 160m² at Lot 222 – 13 Sharow Street.

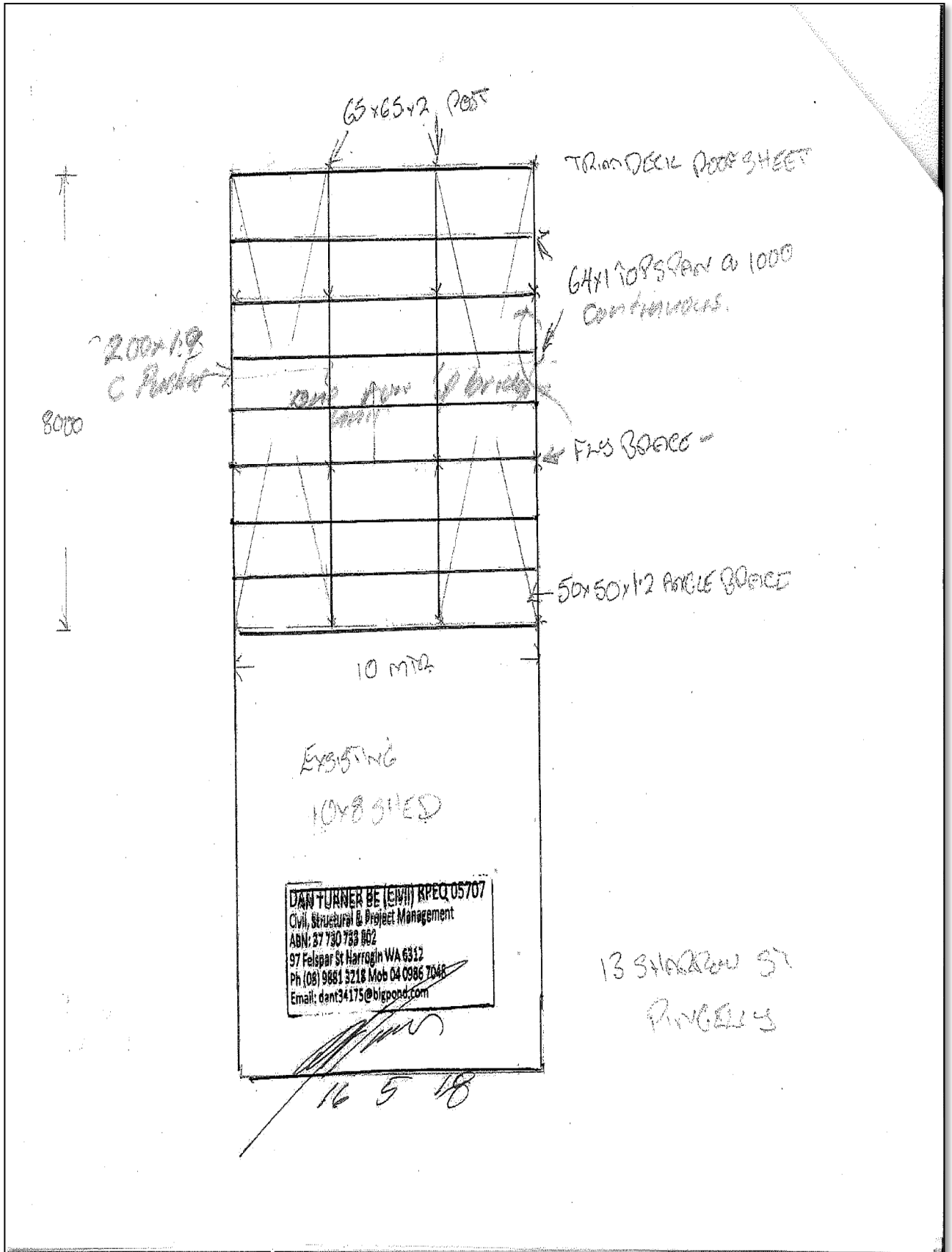
Comment:

The proposed shed extension will be located at Lot 222 – 13 Sharow Street, Pingelly, which is zoned residential with an R10/R20 code and a total lot area of 4067m².

The proposed shed extension will be located on the southern end of the existing shed which is located on the eastern boundary of the property. The existing shed setbacks are 4.8m from eastern boundary on Somerset Street and 27m from front northern boundary on Sharow Street. The proposed extension will be 8m x 10m (80m²) with a gable height of 3.048 to match existing shed and will be used for the storage of vehicles.

There will be no over shadowing issues with neighbouring properties as the side boundary is on Somerset Street, the southern boundary abounds Monger Street. There are no buildings on the vacant land at 10 Somerset Street and 45 Sharow Street to the south is owned by the applicant.





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".

Consultation:

Barry Gibbs – Director Technical Services
Shire of Pingelly Outbuildings Policy 13.2

Statutory Environment:

Shire of Pingelly's Local Planning Scheme No.3

Financial Implications:

There are no known financial implications.

Strategic Implications:

There are no known strategic implications.

Voting Requirements:

Simple Majority

Recommendation:

Council to grant planning approval for the proposed shed extension at Lot 222 – 13 Sharow Street, Pingelly which is to be used ancillary to the dwelling and not for commercial purposes.

Moved: _____ Seconded: _____

16.6 Proposed Non Commercial Motorcycle Activity

File Reference: A23640
Location: Various Locations at 1040 Jingaring Road, East Pingelly
Applicant: Willie Thomson of Dirt High Promotions
Author: Administration Officer Technical
Date: 1 June 2018
Disclosure of Interest: Nil
Attachments: Brookton Pony Express Emergency Risk Management Plan (Attachment 8 following gold sheet in separate attachments booklet)

Summary:

Council to consider granting approval for a proposed Non Commercial Motorcycle Activity on 4 & 5 August 2018 at 1040 Jingaring Road on the following locations 19588, 18578, 4813, 7103, 4609 & 5873.

Background:

An application has been received from Willie Thomson of Dirt High Promotions for planning consent for a proposed Non Commercial Motorcycle Activity in the Shire of Pingelly.

The proposed activity is to be on the weekend of 4 and 5 August 2018 on the property at 1040 Jingaring Road, East Pingelly known as Brooklands Park Pastoral owned by Jeff Edwards.

Comment:

An application has been received from Willie Thomson of Dirt High Promotions for planning consent for a proposed Non Commercial Motorcycle Activity on the property Brooklands Park Pastoral owned by Jeff Edwards. A similar event was held at this property on 5 and 6 August 2017.

The land is zoned General Agriculture and with the subject lots to be used for the event at 1040 Jingaring Road in the Shire of Pingelly.

The type of event is a Pony Express Motorcycle Event to be held on 4 and 5 August 2018, the owner of the property Jeff Edwards has given consent for this event to be held on his property.

The event will be run under permit from Motorcycling Australian and run in accordance with the Australian Rules of Competition, Public Liability Cover of \$50,000,000 through AON Insurance & Motorcycling Australia.

A copy of the application letter and other documentation is inserted below.

The proposed land use is a *use not listed* under the *Shire of Pingelly's Local Planning Scheme No.3* (LPS 3) Table 1 – Zoning Table and cannot be reasonably determined as falling within the interpretation of one of the existing uses. Therefore the provisions contained in Clause 4.4.2 of LPS 3 must be followed:

- 4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –
- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or

- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

There will be between 10-20 people setting up the track on Friday 3 August 2018 and tidying up on Monday 6 August 2018.

All parking for the event will be within the property and controlled by voluntary marshalls. A minimum of 6 portable toilets will be provided. No dogs or pets allowed. There will be alcohol sales and food catering provided by the Seabrooke Cricket Club.

Event promotion will be through Local Community News & Peel Region Sept Sport will be advised and event promotion through local businesses and motorcycle shops between Perth & Bunbury.

Given the temporary nature of the proposal it is unlikely there will be any substantial negative impact on rural character, amenity or agricultural production in the surrounding area.

The main potential disturbance to amenity would be from noise and traffic. To ensure such amenity disturbance is minimised, should Council grant planning consent for the application, hours of operation could be restricted as a condition of approval.

It would also be suggested an Emergency and Risk Management Plan for the event addressing possible identified risks and proposed mitigation measures be submitted to include:

- Emergency Evacuation
- Fire Management
- First Aid and Ambulance Services
- Toilet Facilities etc

Previous similar events have been approved and operated in the Shire of Brookton and one the Shire of Pingelly including events run by the applicant.

The Local Government may issue a temporary planning approval under clause 10.6 of the LPS No.3, approvals would be required for permits under other Acts, Local Laws and Council Policies. If these are in place to Council's satisfaction then a temporary approval could be issued subject to any conditions Council deems necessary.

10.6 Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

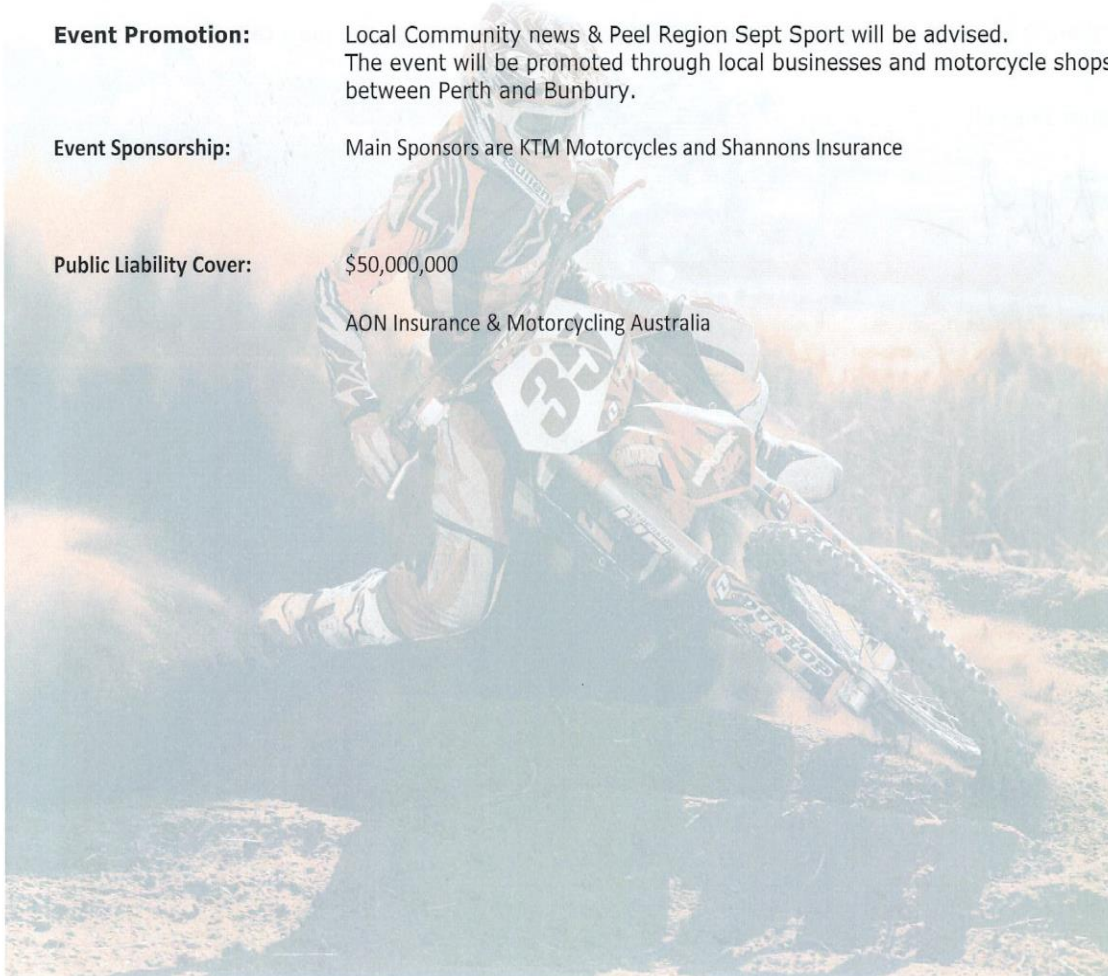
DIRT HIGH PROMOTIONS

1/17 Canvale Road
CANNING VALE 6155
Tel: 08 9455 2359
Mob: 0438 360 570

willie@williethomson.com
www.williethomson.com

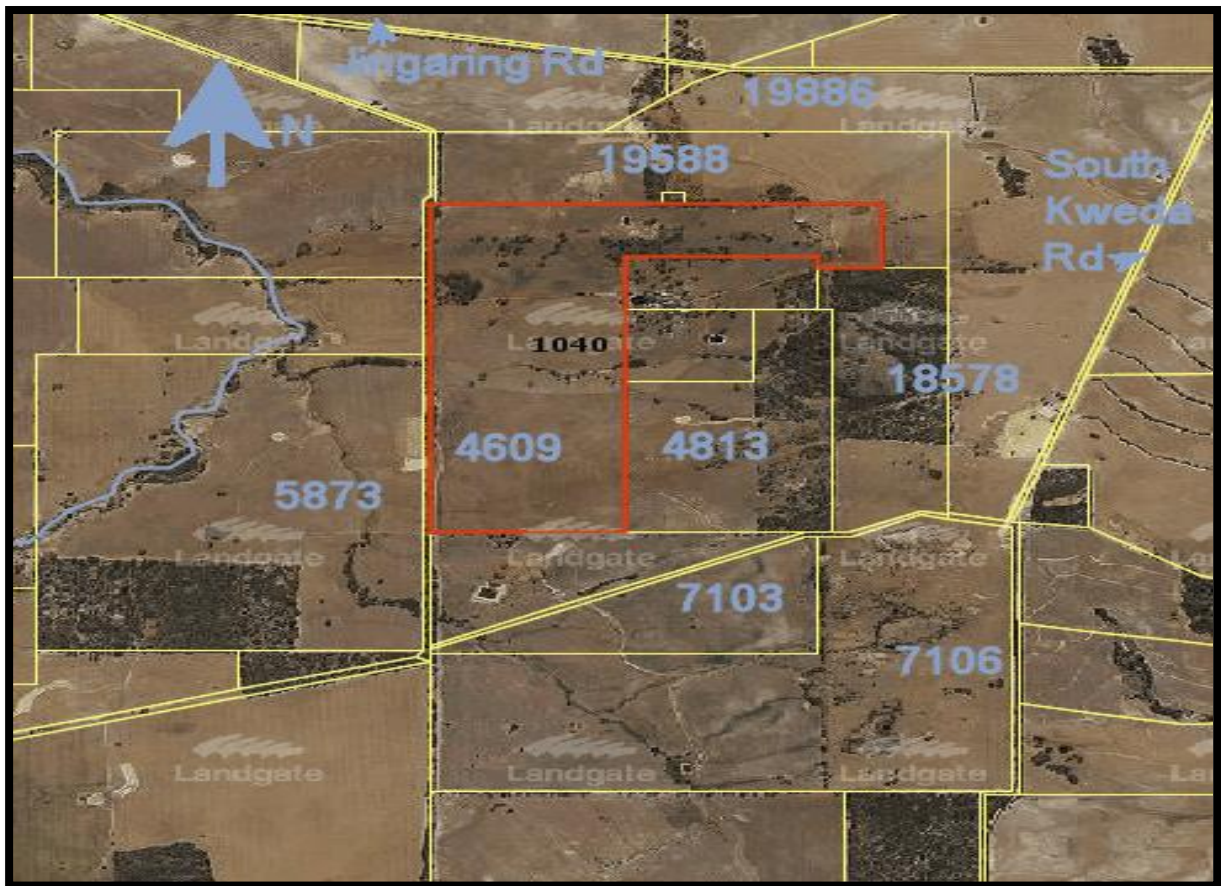
ABN 90 063 103 560

Type of event:	Pony Express Motorcycle Event
Date of event:	04 & 05 August 2018
Area Required:	TBA
Access Required:	Friday 03rd (10-20 people) to mark out track and set up area. Monday, Finish tidying up and Inspection by owner of farm.
Parking:	All parking will be within the property and controlled by voluntary marshalls.
Toilets:	A minimum of 6 portable toilets will be provided.
Animals:	No dogs or pets will be allowed.
Alcohol:	By Sale from the Seabrooke Cricket Club
Food Catering:	By Sale from the Seabrooke Cricket Club
Event Guidelines:	The event will be run under permit from Motorcycling Australia and run in accordance with the Australian Rules of Competition.
Event Promotion:	Local Community news & Peel Region Sept Sport will be advised. The event will be promoted through local businesses and motorcycle shops between Perth and Bunbury.
Event Sponsorship:	Main Sponsors are KTM Motorcycles and Shannons Insurance
Public Liability Cover:	\$50,000,000 AON Insurance & Motorcycling Australia









Consultation:

Barry Gibbs – Director of Technical Services

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3

Policy Implications:

There are no known Policy Implications.

Financial Implications:

There are no known Financial Implications.

Strategic Implications:

There are no known Strategic Implications.

Voting Requirements:

Simple Majority

Recommendation:

That Council grant planning consent for the proposed Motorcycle Event at the following locations 19588, 18578, 7103, 4813, 4609 & 5873, off Jingaring Road, subject to the following conditions:

- 1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.**
- 2. This approval is for activities occurring between and including 3 – 6 August 2018, as described in the application.**
- 3. Ablution facilities that comply with the Shire of Pingelly’s Environmental Health requirements shall be available on site at all times during the event.**
- 4. Motorcycle activity shall occur only between the hours of 9.00am and 4.00pm on the 4 & 5 August 2018.**
- 5. The risk mitigation, control and responsibilities as prescribed in an Emergency and Risk Management Plan (ERMP) to be provided to the Shire of Pingelly, to be complied with at all times during the event.**
- 6. Appropriately qualified in first aid persons shall be on site at all times during the event.**
- 7. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the event.**

Moved: _____ Seconded: _____

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

18. NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

19. CLOSURE OF MEETING

The Chairman to declare the meeting closed.