

Notice of Meeting



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Dear Elected Member

The next Ordinary meeting of the Shire of Pingelly will be held on 18 July 2018 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

The Pingelly Community Craft Centre will be providing dinner.

Schedule

2pm Council Meeting

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

Gavin Pollock
Chief Executive Officer

13 July 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
18 July 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. At the Presiding Member's discretion this can also be deemed as the maximum time.

(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.

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.

DECLARING AN INTEREST

PROXIMITY

Applicant's property shares common boundary or is directly opposite member's property.

Prior ministerial approval obtained?

YES

STAY debate & vote

NO

LEAVE THE ROOM

FINANCIAL

Matter will result in financial gain, loss, benefit or detriment to member or close associate.

Insignificant, trivial or in common with a significant number of ratepayers?

NO

LEAVE THE ROOM

YES

STAY debate & vote

Prior ministerial approval obtained?

NO

LEAVE THE ROOM

IMPARTIALITY

Applicant is member's relative, employer or business partner, friend or adversary.

Disclosure is at the member's discretion, mindful of public perception.

STAY debate & vote

STAY debate & vote

SHIRE OF PINGELLY

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 18 July 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

At the Ordinary Council Meeting held on Wednesday 20 June 2018 Mr Craig McLennan asked the following questions:

Summary of Question:

The three documents that were used for the business case that the Shire relied upon to prepare the business case, I have not received them as yet.

It is noted that you have asked this same question of the Shire President via email and the Shire confirms the reply as correct as provided to you by email on 1 June 2018 from the Shire President.

Summary of Question:

I was advised the full document of estimate of probable cost was in the business case and there is only a reduced summary in the document at page 23.

It is noted that you have asked this same question at the Ordinary Meeting of Council held on 16 May 2018. The Shire provided the Shire web site link that leads to all documents supporting the business case as this is where the extracts originate from.

Summary of Question:

In the business case pages 29 and 30 which refer to income and expenditure was prepared in 2015 can you please provide an updated income and expenditure for the PRACC.

The Shire is currently working with the PRACC Board to determine what is to be budgeted as projected income and expenditure for the PRACC. So at this point the budget is unconfirmed.

Summary of Question:

There is nothing in the document about the position that is currently being advertised to run the PRACC. If that is not included in the document it needs to be included as a total expense in the running of the PRACC.

The PRACC is being run by the PRACC Board and this position is not employed by the Shire.

Summary of Question:

The Council is paying for it?

The Council will contribute some costs towards the running of the PRACC.

Summary of Question:

Could you please advise where the money is coming from for this?

The Shire will commit funding towards the PRACC that would have been seen equivalent to the Shire operational cost for the old Pavilion and Community Centre that have now been demolished to make way for the new PRACC.

Summary of Question:

What are the Council doing to ensure the Chief Executive Officer does not benefit from the use of his privileges at the Shire in regards to his second job?

It is noted that you have asked this same natured question at the Ordinary Meeting of Council held on 16 May 2018. The Shire response is the same as noted in the Council minutes of this meeting that Council have endorsed resolution 12386 as previously advised.

Summary of Question:

I would like all of the details of the funding for the PRACC that have come through Council, whatever the Council is putting through the project eg it has been documented that the Council have applied for \$1.2 million. I would like to know what money is coming from the Council for the PRACC.

It is noted that you have asked this same natured question at the Ordinary Meeting of Council held on 16 May 2018. The Shire response is the same as recorded in the minutes of mentioned meeting.

Summary of Question:

At the last Council meeting I asked what do the Council consider the risks of litigation against them for not providing sufficient protection to my building in Parade Street from the site that has the museum on it. A reply was not given due to mitigating reasons. I would like to know what the mitigating reasons were.

The Shire of Pingelly is of the view it has not impacted your building.

Summary of Question:

At the last meeting I asked will Council direct to issue to the public all documents in relation to the PRACC and I was told they would be included in their entirety in the business case and they would be.

The Chief Executive Officer has advised that the web address to these documents were provided to your solicitor and yourself via email and also the link was published in the last Council minutes for 16 May 2018.

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 – 20 June 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 20 June 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
- Chief Executive Officer 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 June 2018:

19th PRACC meeting
20th Corporate Discussion and June Council Meeting
21st PAAA Meeting with WACHS re Pingelly Age Appropriate Accommodation
21st Personally invited business personnel for a tour of the PRACC
22nd CCZ Teleconference- Shire Chambers
26th Tour of PRACC with Pingelly Men Shed volunteers
27th Tour of PRACC with Pingelly business personnel
27th Information Session for prospective Councillors, Shire Chambers
28th Opening address for the Presentation by Camp Kulin Chief Executive Officer's information session at Pingelly Primary School for parents and carers of children attending the Pingelly Primary School

Meetings attended July 2018:

4th Corporate Discussion
5th PRACC Meeting
6th Tour of PRACC with community group selected by ballot
9th PRACC sub-committee meeting to short list applicants for PRACC Manager's Position, Bruce Sewell's Office
10th President and CEO Meeting
11th Tour of PRACC with Men's Shed members
11th Agenda briefing meeting with Executive Staff

Cr David Freebairn (Deputy President)

Meetings attended

Nil

Meetings attended

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

Nil

Cr Jackie McBurney

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

Cr Elect Kacey Hastings

Note: Standing Orders Apply

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Policy Manual Annual Review

File Reference: ADM0487
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Chief Executive Officer
Date: 10 July 2018
Disclosure of Interest: Nil
Attachments: Sponsorship Policy with Changes marked in red (Attachment 1 following purple sheet in separate attachments booklet)
Policy Manual (available for viewing on the Shire website www.pingelly.wa.gov.au)
Previous Reference: Agenda Item 14.1 – 17 May 2017

Summary:

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

Background:

Council has reviewed portions of the Policy Manual periodically with a full review last occurring in May 2017. Although there is no required timetable for the review of policies, it is suggested that it should be reviewed regularly, to ensure policies are relevant, current and understood.

To ensure the Policy Manual is up to date, it should have an administrative review at least once a year, and a report made to Council on matters needing amendment or inclusion.

Comment:

The Policy Manual has been prepared to complement the Delegations Register adopted by Council. Should a discrepancy exist between Delegation and Policy, the Delegation is to be followed being the higher authority.

New or Amendments to Shire Policies

Council may make new policies, or resolve amendments, at any time. However, unless specifically resolved that the authority is to be included in the Policy Manual, the direction to act is for a specific matter, and is not a general or on-going direction. Please note that the only policy with changes is Policy 5.16 Sponsorship Policy.

Consultation:

Executive Staff

Statutory Environment:

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

Statutory Context

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

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

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

Policy Implications:

Policy 2.1 Shire of Pingelly Policy Manual

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

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

Financial Implications:

Nil

Strategic Implications:

Shire of Pingelly Strategic Community Plan

Voting Requirements:

Simple Majority

Recommendation:

That Council endorse the July 2018 Policy Manual review including the amended Sponsorship Policy 5.16 and all other policies as presented with no changes required.

Moved: _____ Seconded: _____

14.2 Delegations and Authorised Officer Appointment

File Reference: ADM00043
Location: N/A
Applicant: Director Technical Services
Author: Director Technical Services
Date: 2 July 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: 18 February 2015, Item 11.3.3 Delegations and Authorised Officer Appointments, Council Resolution 11743

Summary:

That Council endorse additional authorisations for Mr Russell Dyer, Works Supervisor 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 Russell Dyer commenced work with the Shire of Pingelly on 28 January 2015 in the position of Works Supervisor 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 a delegation was 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 Chief Executive Officer'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.

It is recommended that the following delegations be assigned:

Mr Russell Dyer, Works Supervisor

Delegations:

C50: Electronic Funds Transfer (EFT)

Consultation:

Chief Executive Officer – Mr Gavin Pollock;
Director Corporate and Community Services – Mr Stuart Billingham; and
Director Technical Services – Mr Barry Gibbs.

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

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 delegation be assigned to Mr Russell Dyer, Works Supervisor:**

Delegations:

C50: Electronic Funds Transfer (EFT)

Moved: _____ Seconded: _____

14.3 Council Delegates to Committees

File Reference: 0000
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Chief Executive Officer
Date: 9 July 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Ordinary Meeting held on 15 November 2017 item 14.1

Summary:

Council to consider reviewing and appointing members, delegates and deputies to Committees (internal and external).

Background:

Council has the following Committees:

- Audit Committee Full Council
Charter:
To:
 - assist the auditor and ensure that audits are conducted successfully and timely;
 - meet with the auditor at least once a year;
 - examine the auditor's report and ensure appropriate action is taken; and
 - report on actions taken in respect of any issues raised by the auditor to council.

- Recreation and Cultural Committee
Charter:
 - To provide recommendations to the Shire of Pingelly on sport and recreation matters

- Bushfire Advisory Committee
Charter:
To advise Council on all matters relating to:
 - the prevention, controlling and extinguishing of bush fires;
 - prosecutions for breaches of the Bush Fire Act;
 - the formation and de-formation of bush fire brigades;
 - the co-ordination of the efforts and activities of the bush fire brigades; and
 - any other matter relating to bush fire control

- Medical and Aged Care Services Committee
Charter: To investigate health issues relevant to Pingelly

- Chief Executive Officer Performance Review Committee
Charter: To complete the Annual Performance Review of the Chief Executive Officer

Current committees and their members/delegates are detailed below:

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

Council has previously appointed delegates to the following 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

Comment:

With the recent retirement and appointment of one Councillor, it is considered to be an opportune time to review delegations to external committees.

Consultation:

Chief Executive Officer and Councillors.

Statutory Environment:

Section 5.8 of the *Local Government Act* (Establishment of committees) provides that a local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

- *Absolute majority required.

Section 5.9 (Types of committees) provides that:

- (1) In this section **other person** means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only;
 - (b) council members and employees;
 - (c) council members, employees and other persons;
 - (d) council members and other persons;
 - (e) employees and other persons; or
 - (f) other persons only.

Section 5.10 (Appointment of committee members) provides that:

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).
 - *Absolute majority required.
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Section 5.11A (Deputy committee members) provides:

- (1) The local government may appoint a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.
 - **Absolute majority required.*
- (2) A person who is appointed as a deputy of a member of a committee is to be —
 - (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

Section 5.11 (Tenure of committee membership)

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the term of the person's appointment as a committee member expires;
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,whichever happens first.

Section 5.12 (Election of presiding members and deputies)

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
 - (a) to "office" were references to "office of presiding member";
 - (b) to "council" were references to "committee"; and
 - (c) to "councillors" were references to "committee members".
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
 - (a) to "office" were references to "office of deputy presiding member";
 - (b) to "council" were references to "committee";
 - (c) to "councillors" were references to "committee members"; and
 - (d) to "mayor or president" were references to "presiding member".

Section 5.15 (Reduction of quorum) provides that the local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

- **Absolute majority required.*

Section 5.16 (Delegation of some powers and duties to certain committees) provides that:

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.
 - **Absolute majority required.*
- (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) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

Section 5.17 (Limits on delegation of powers and duties to certain committees)

- (1) A local government can delegate —
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

Section 5.19 (Quorum for meetings) provides that the quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

Section 7.1A (Audit committee) provides that:

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed * by the local government and at least 3 of the members, and the majority of the members are to be council members.
 - **Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

Section 67 of the *Bush Fires Act* provides that:

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind, as, or a different kind from, those specified in this subsection.

- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee;
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
 - (a) may from time to time meet and adjourn as the committee thinks fit;
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Section 5.8 of the *Local Government Act 1995* and section 38 of the *Emergency Management Act 2005*, establishes the Shires of Pingelly and Wandering Joint Local Emergency Management Committee;

1. In accordance with provisions of Section 5.9 of the *Local Government Act 1995* resolves that the Local Emergency Management Committees are to comprise of Councillors, Staff and Other Persons;

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

N/A

Voting Requirements:

Absolute Majority

Recommendation 1:

That Council discuss the following Committees of Council and Council Delegates to External Committees by appointing elected members of Councillors to the following Committees:

- | | |
|---|---|
| • Audit Committee | Full Council |
| • Recreation & Cultural Committee | Member –
Member – |
| • Bushfire Advisory Committee | Member –
Deputy – |
| • Chief Executive Officer Performance Review Committee | Member –
Member –
Member – |

That delegates and general deputies be appointed for:

- **Central Country Zone of WALGA** Delegate –
Delegate –
Deputy –

- **Hotham-Dale Regional Road Sub-Group** Delegate –
Deputy -

- **Development Assessment Panel** Delegate –
Delegate –

Deputy –
Deputy –

- **Pingelly Tourism Group** Delegate –
Deputy –

- **Regional Waste Group** Delegate –
Deputy –

- **Shires of Pingelly and Wandering Joint
Local Emergency Management Committee** Delegate –
Deputy –

- **Aged Care Planning Regional Sub-Group (BBP)** Delegate –
Delegate –
Deputy –

- **Youth Focus Group** Delegate –
Delegate –
Deputy –

- **Pingelly Somerset Alliance** Delegate –
Deputy –

Moved: _____ Seconded: _____

Recommendation 2:

That Council endorse the above appointments of Elected Members of Council to the Committees of Council and Council Delegates to External Committees.

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 three confidential items.

Moved: _____ Seconded: _____

14.4 Confidential Item - Land Usage of Lots 168 and 169 Taylor Street Pingelly

File Reference: A5396
Location: Lots 168 and 169 Taylor Street Pingelly
Applicant: Shire of Pingelly
Author: Chief Executive Officer
Date: 8 July 2018
Disclosure of Interest: Nil
Attachments: Letters from Wojtowicz Kelly Legal Dated 20 October 2017 and Kings Park Legal Dated 26 February and 30 May 2018 – (Confidential – under separate cover)
Previous Reference: Confidential Item 14.1 Land Usage of Lot 168 and 169 Taylor Street Pingelly from the Ordinary Meeting of Council held on 16 May 2018

Moved: _____ Seconded: _____

14.5 Confidential Item - Tender 01/2018-2019 – Roadside Vegetation Clearing

File Reference: ADM0557
Location: Shire of Pingelly
Applicant: Director Technical Services
Author: Director Technical Services
Date: 11 July 2018
Disclosure of Interest: Nil
Attachments: Tender Evaluation Report, 11 July 2018 – (Confidential – under separate cover)
Previous Reference: Nil

Moved: _____ Seconded: _____

14.6 Confidential Item - Tender 02/2018-2019 – Cartage of Materials for Earthworks

File Reference: ADM0558
Location: Shire of Pingelly
Applicant: Director Technical Services
Author: Director Technical Services
Date: 11 July 2018
Disclosure of Interest: Nil
Attachments: Tender Evaluation Report, 11 July 2018 – (Confidential – under separate cover)
Previous Reference: Nil

Moved: _____ Seconded: _____

Council Recommendation:
That the meeting be again open to the public

Moved: _____ Seconded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – June 2018

File Reference: ADM0075
Location: N/A
Applicant: Director Corporate & Community Services
Author: Director Corporate & Community Services
Date: 10 July 2018
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2017 to 30 June 2018
Previous Reference: N/A

Summary:

Due to preparation of end of financial year to 30 June 2018 Monthly Statement of Financial Activity is not available and will be presented to the August 2018 Council Meeting.

15.2 Accounts Paid by Authority – June 2018

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Director Corporate & Community Services
Author: Senior Finance Officer
Date: 10 July 2018
Disclosure of Interest: Nil
Attachments: List of Accounts
(Attachment 2 following yellow sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

Council endorsement is required for accounts made by authority for the month of June 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 June 2018 as presented:

May 2018	
MUNI - 117984856	
EFT4958 – 5104	\$1,166,784.40
CHEQUE 24557 – 24574	\$42,200.13
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD9824.1 – DD9883.1	\$27,144.30
TRUST FUND – 1927-1928	\$450
DIRECT DEBIT -	
DD9818.1 – DD9861.9 & EFT 5000 - 5106 – Pay and Super	\$20,610.34
CREDIT CARD	
DD9821.1	\$2,786.15
GRAND TOTAL	\$1,259,975.32

Notification	Explanation
Nil	

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Proposed Road Widening Bodey Street, Pingelly

File Reference: ADM0498 & A20153
Location: Lot 3001 on DP50195 Harper Street
Applicant: Director Technical Service
Author: Director Technical Services
Date: 3 July 2018
Disclosure of Interest: Nil
Attachments: Email – Peter Gow – Proposed Widening (Attachment 3 following orange sheet in separate attachments booklet)

Summary:

Council to request the Minister for Planning, Lands and Heritage to dedicate 355 m² of land from Crown Land vested for Residential / Light Industry for use as a Road Reserve.

Background:

The Shire had progressed State Blackspot funding to modify the current “Y” road intersection of Bodey Street, Harper Street and Yenellin Road to a “T” road junction so to improve road safety and completed the Restricted Access Vehicles (RAV) Network between Yenellin Road and Harper Street.

Comment:

This minor resumption of crown land from for Residential / Light Industry to a Road Reserve will be offset by the replanting of the old section of Bodey Street so to maintain the biodiversity of the area.

Consultation:

Chief Executive Officer – Gavin Pollock
Director Corporate and Community Services – Stuart Billingham
Land Surveyor - Peter Gow

Statutory Environment:

*Land Administration Act 1997 – section 56 - Dedication of land as road; and
Land Administration Regulations 1998*

Policy Implications:

Nil

Financial Implications:

Cost for the land resumption will be included as part of the construction cost for the realignment of Bodey Street in the 2017/18 financial budget. The total cost will be between \$6,000.00 - \$7,000.00 excluding GST

Strategic Implications:

Outcome 2.6: Safe and reliable transport infrastructure

Strategy 2.6.1: Maintain and further develop roads and footpaths at appropriate standards within financial constraints

Strategy 2.6.2: Explore alternative heavy haulage routes and funding options

Strategy 2.6.3: Investigate and respond to transport infrastructure safety issues

Voting Requirements:

Absolute Majority

Recommendation:

Council agree to the following:

- **Request the Minister of Planning, Lands and Heritage for Lot 3003 be created from a section of Lot 3002 on DPS50195 as per Deposited Plan 414147;**
- **The land use for Lot 3003 on DPS50195 be dedication as a Road Reserve vested in the Shire of Pingelly; and**
- **indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.**

Moved: _____ Seconded: _____

16.2 Proposed Shed

File Reference: A4100
Location: Lot 678 – 58 Pitt Street, Pingelly
Applicant: Mr R & Mrs J Hay
Author: Administration Officer Technical
Date: 9 July 2018
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider an application for a proposed shed at Lot 678 – 58 Pitt Street, Pingelly.

Background:

Mr R & Mrs J Hay have submitted an application for planning consent for a proposed shed with an area of 150m² at Lot 678 – 58 Pitt Street.

Comment:

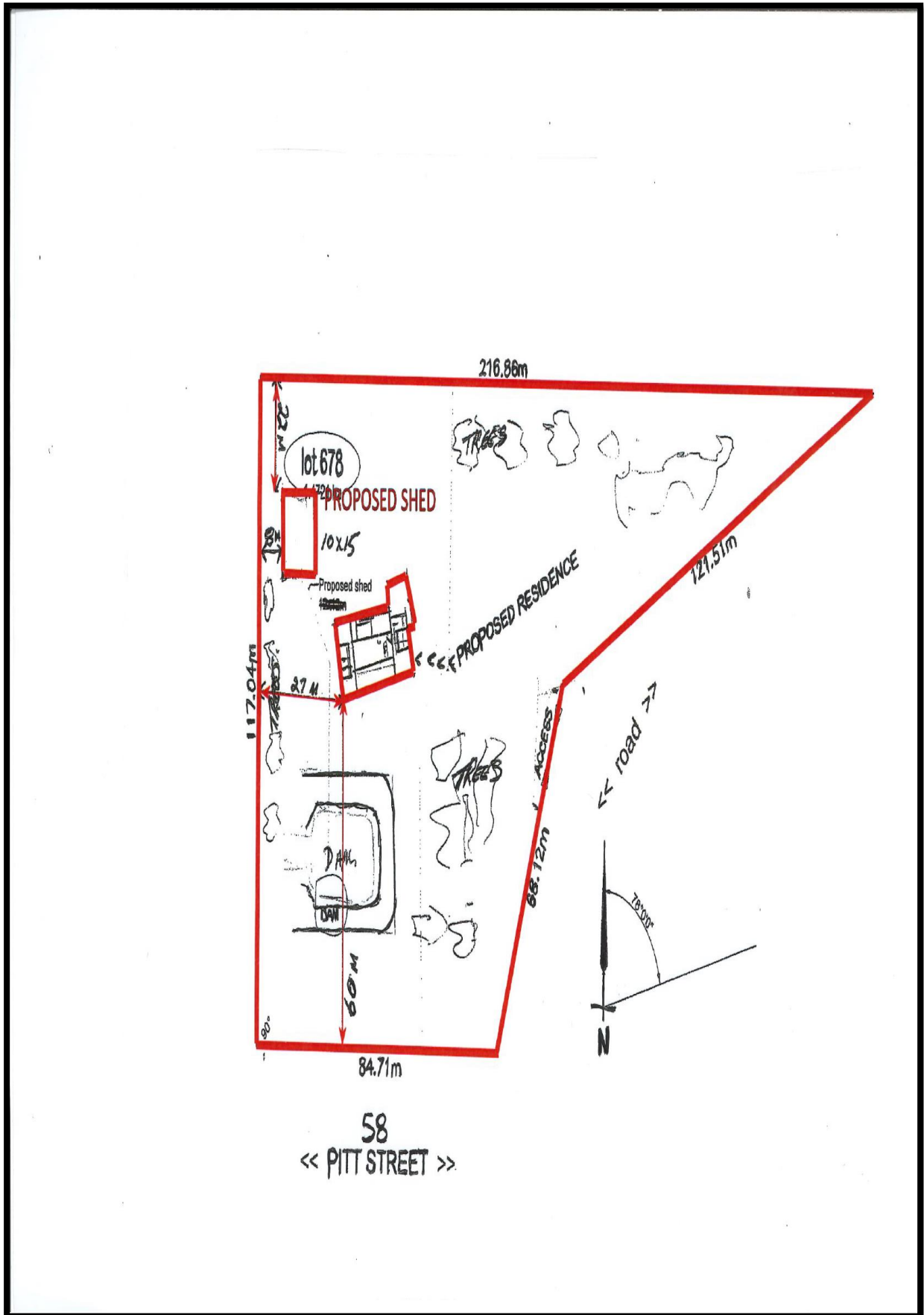
The proposed shed will be located at Lot 678 – 58 Pitt Street, Pingelly, which is zoned residential with an R10/R20 code and a total lot area of 14721m².

The proposed shed will be located 8m from the western boundary 22m from the northern boundary. The proposed shed will have a total area of 150m², with a wall height of 4m and gable height of 4.972m. The proposed shed is oversized for outbuilding area of Lot 678 – 58 Pitt Street under *Shire of Pingelly's Policy 13.2 Outbuildings* residential zone R10 code or above.

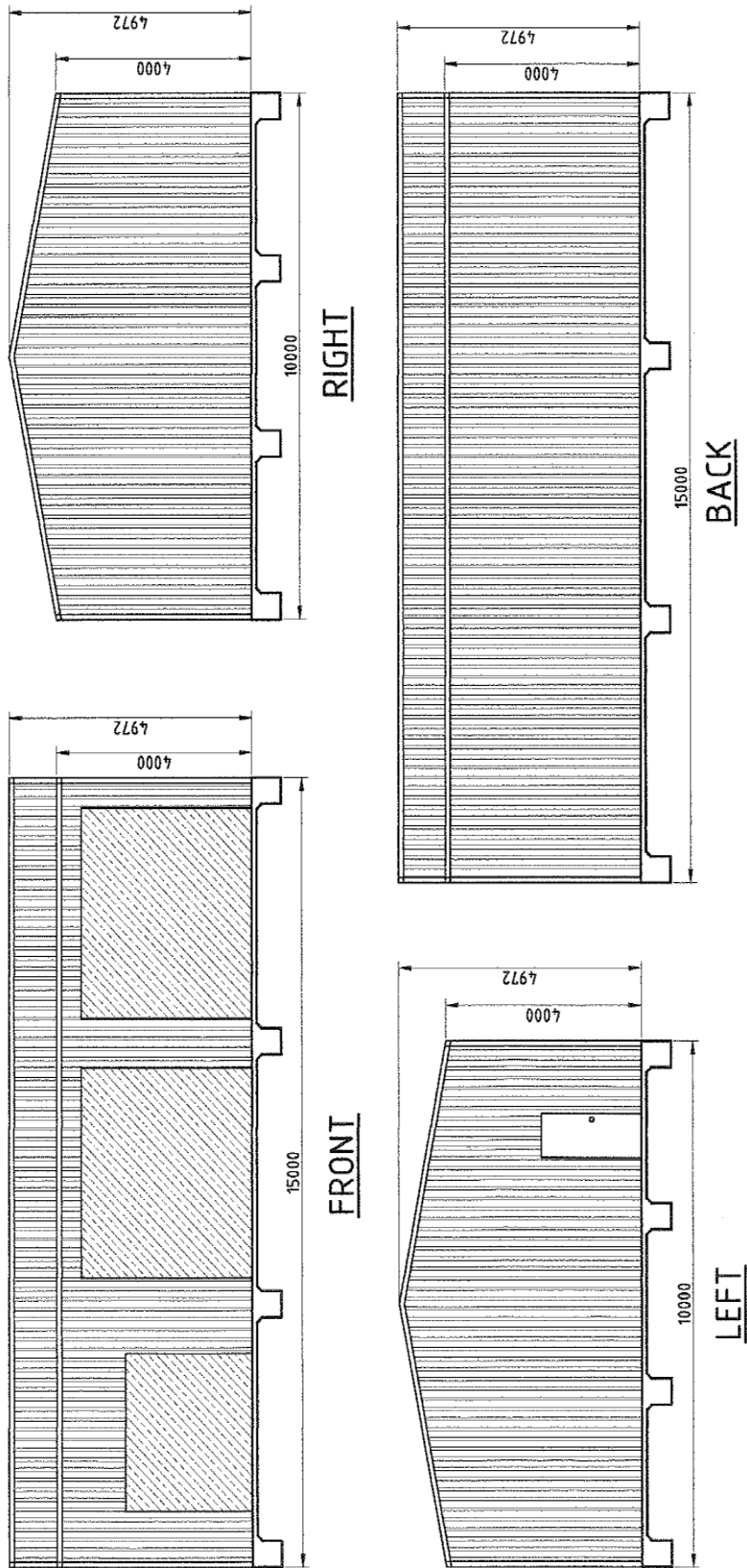
Lot 678 – 58 Pitt Street is currently vacant land and the applicants are in the process of preparing a building application to be submitted for a proposed dwelling, location indicated on the site plan.

The shed will be constructed in colorbond materials.

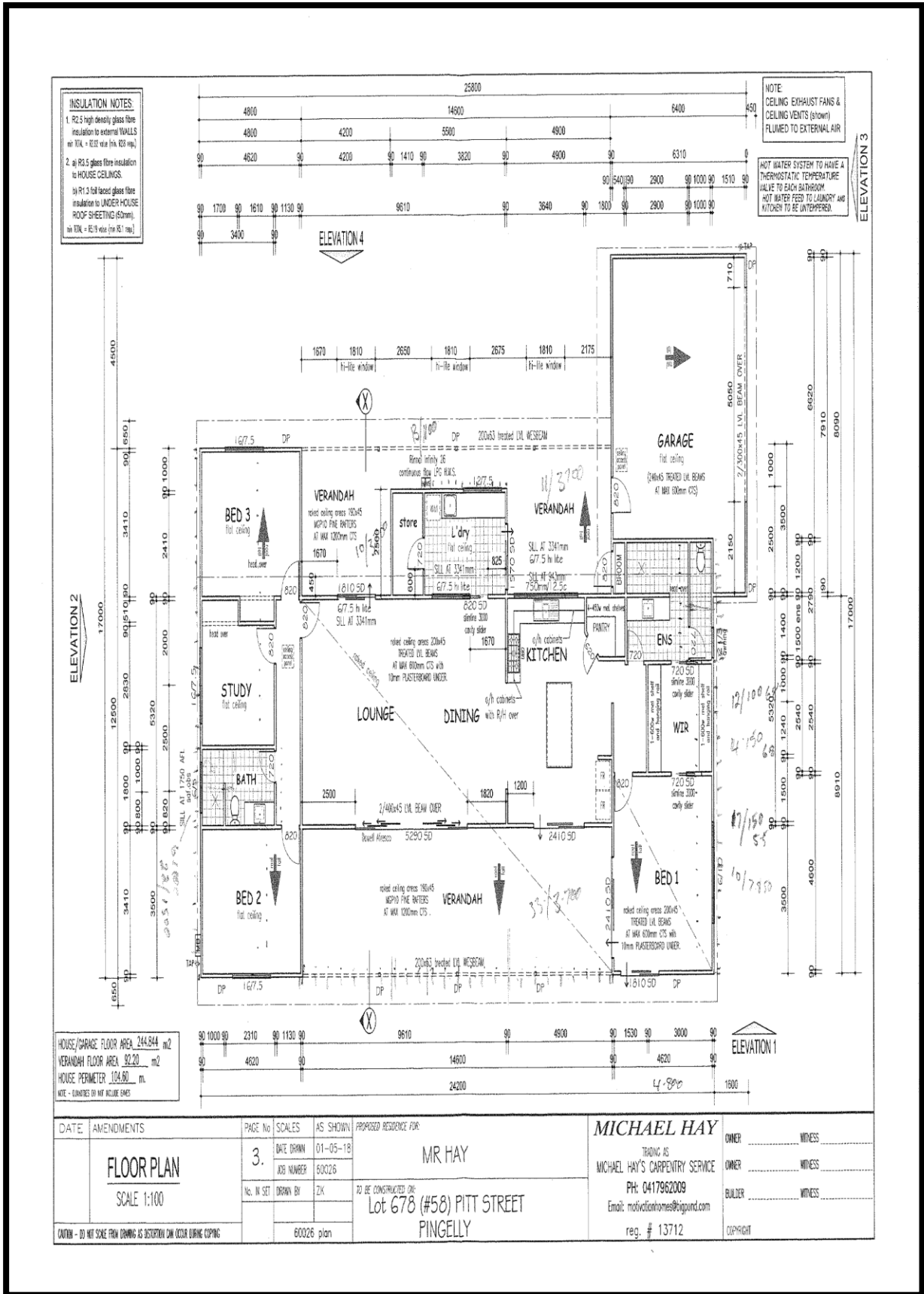
There will be no over shadowing issues with neighbouring properties because of the area size of Lot 378 – 58 Pitt Street and the shed is setback back in the rear north western corner some distance from the adjoining properties. The northern boundary abounds properties on Prestige Street, but Lot 678 – 58 Pitt Street is lower than these properties and the oversized shed will not create any issues.







PROPOSED SHED FOR BOB & JANINE HAY
58 PITT ST. PINGELLY WA 6308



Proposed Residence

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:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

Recommendation:

Council to grant planning approval for the erection of the proposed oversized shed at Lot 678 – 58 Pitt Street, Pingelly which is to be used ancillary to the dwelling and not for commercial purposes.

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.