



Shire of Pingelly

Minutes

Ordinary Council Meeting
12 December 2018

Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2.	ACKNOWLEDGEMENT OF COUNTRY	3
3.	ANNOUNCEMENTS BY THE PRESIDING MEMBER	3
3.1	Council Agenda Reports.....	3
4.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	3
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
6.	PUBLIC QUESTION TIME	4
7.	APPLICATIONS FOR LEAVE OF ABSENCE	4
8.	DISCLOSURES OF INTEREST	4
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	4
9.1	Ordinary Meeting – 21 November 2018.....	4
10.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	5
11.	REPORTS OF COMMITTEES OF COUNCIL.....	5
12.	REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES.....	5
13.	REPORTS FROM COUNCILLORS	6
16.3	Proposed Conversion of Shed to Dwelling in Town Centre.....	7
14	OFFICE OF THE CHIEF EXECUTIVE OFFICER	17
14.1	Shire of Pingelly Employee Code of Conduct	17
14.2	Minutes of Audit Committee and Annual Report 2018 & Annual Electors Meeting.....	19
14.3	Confidential Item - Chief Executive Officer Review Performance Review 2018	23
14.4	Confidential Item - Australia Day Awards 2018.....	24
14.5	Confidential Item - Request Rates Write Off – Assessments A2608 and A10013	25
14.6	Confidential Item - Planning Enquiry A864.....	26
15.	DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES.....	27
15.1	Monthly Statement of Financial Activity – November 2018	27
15.2	Accounts Paid by Authority – November 2018.....	30
16.	DIRECTORATE OF TECHNICAL SERVICES	33
16.1	Request to Endorse Section 70A Notification	33
16.2	Proposed Subdivision, Lot 114 Aldersyde-Pingelly Road, East Pingelly	36
16.3	Proposed Conversion of Shed to Dwelling in Town Centre.....	40
17.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	41
18.	NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING	41
18.1	Confidential Item - Renewal of Doctors Medical Services Contract.....	41
19.	CLOSURE OF MEETING	41

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.07pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

3.1 Council Agenda Reports

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

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

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

12577 Moved: Cr Walton-Hassell Seconded: Cr McBurney
That Cr Wood be granted leave from 11th and 12th December 2018 inclusive.
That Cr Hotham be granted leave from to 7th to 15th December 2018 inclusive.

Carried 8:0

MEMBERS PRESENT

Cr DI Freebairn	Deputy President (Chairperson)
Cr J McBurney	
Cr JM Walton-Hassell	
Cr EJ Hodges	
Cr K Hastings	

STAFF IN ATTENDANCE

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

APOLOGIES

Cr WV Mulroney	President
Cr PJ Wood	
Cr B Hotham	

OBSERVERS & VISITORS

Mr Anthony Oliveri

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

Public question time opened at 2.08pm. As there were no questions from the public, public question time closed at 2.08pm.

7. APPLICATIONS FOR LEAVE OF ABSENCE

12578 Moved: Cr Hodges

Seconded: Cr Walton-Hassell

That Cr Bill Mulroney be granted leave from Wednesday 12th to Friday 21st December 2018.

Carried 5:0

8. DISCLOSURES OF INTEREST

Mr Gavin Pollock declared an interest in item 14.3.

Cr Walton-Hassell declared an interest in item 16.1.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 21 November 2018

Statutory Environment:

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

Voting Requirements:

Simple Majority

12579 Moved: Cr Hodges

Seconded: Cr Hastings

Recommendation and Council Decision:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 21 November 2018 be confirmed.

Carried 5:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

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

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

Central Country Zone of WALGA	Delegate – Shire President Delegate – Deputy President Deputy – Cr Wood
Hotham-Dale Regional Road Sub-Group	Delegate – Shire President Deputy – Cr McBurney
Development Assessment Panel	Delegate – Cr Mulroney Delegate – Cr Freebairn Deputy – Cr Hodges Deputy – Cr Wood
Pingelly Tourism Group	Delegate – Cr McBurney Deputy – Cr Freebairn
Regional Waste Group	Delegate – Cr Mulroney Deputy – Cr Wood
Shires of Pingelly and Wandering Joint Local Emergency Management Committee	Delegate – Shire President Deputy – Cr Hodges
Aged Care Planning Regional Sub-Group (BBP)	Delegate – Shire President Delegate – Cr Hotham Deputy – Cr Freebairn
Youth Focus Group	Delegate – Cr Walton-Hassell Delegate – Cr Hastings Deputy – Cr McBurney
Pingelly Somerset Alliance	Delegate – Shire President Deputy – Cr McBurney
Pingelly Early Years Network	Delegate – Cr Hastings
Pingelly Community Wellbeing Group	Delegate – Cr Walton-Hassell

13. REPORTS FROM COUNCILLORS

Cr William Mulroney (President)

Meetings attended November:

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

Meetings attended December:

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

Cr David Freebairn (Deputy President)

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

Nil

Cr Jackie McBurney

Nil

Cr Kacey Hastings

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

Note: Standing Orders Apply

Council Decision:

12580 Moved: Cr Walton-Hassell Seconded: Cr McBurney

To bring item 16.3 forward to be dealt with as the applicant, Mr Anthony Oliveri, was in attendance at this meeting.

Moved 5:0

16.3 Proposed Conversion of Shed to Dwelling in Town Centre

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

Summary:

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

Background:

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

Comment:

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

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

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

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

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

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

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

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

To Who It May Concern

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

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

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

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

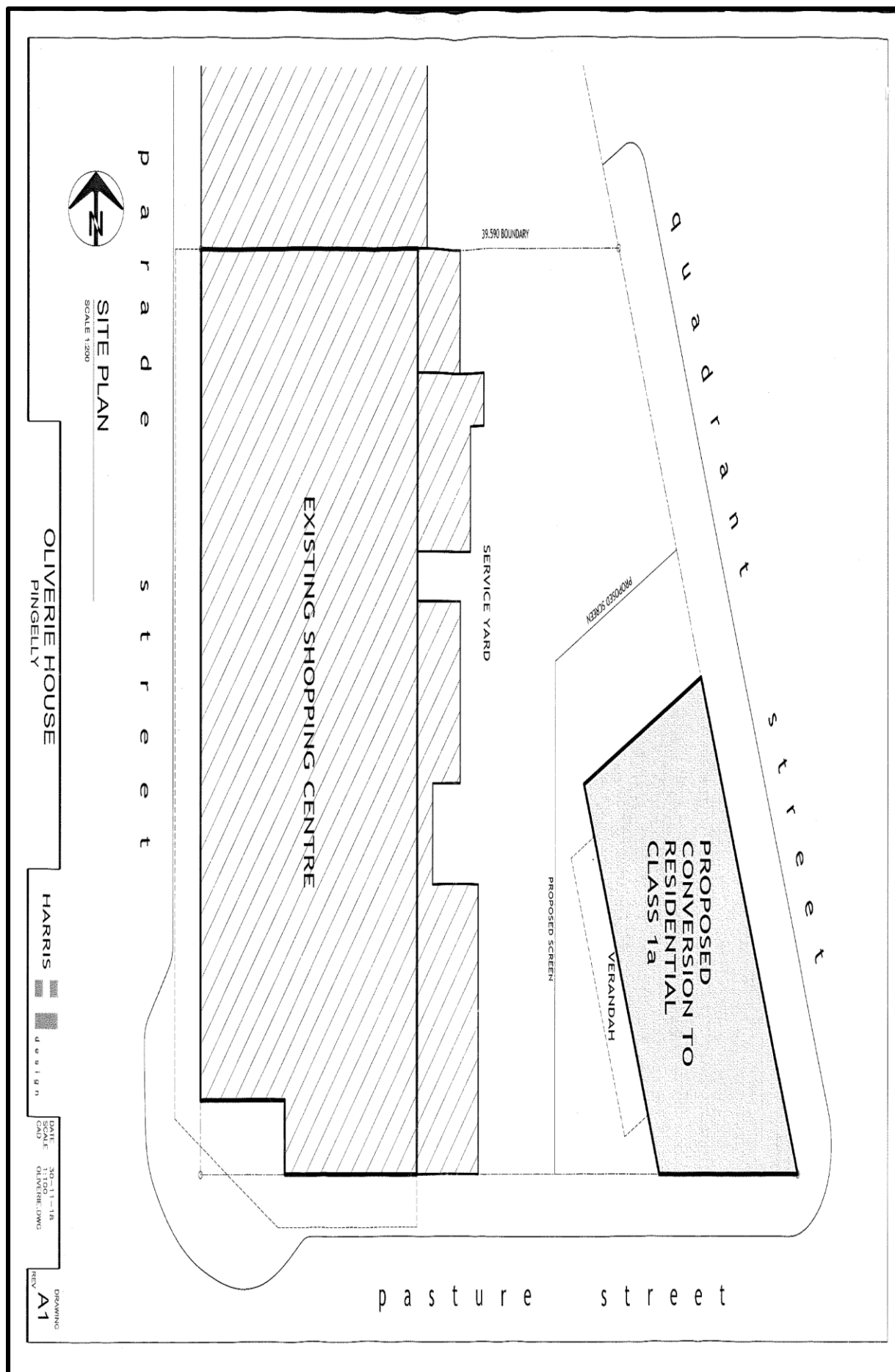
We are fully committed to being here long term in Pingelly and putting our best effort into the shop and town so to have a house near it that would fit all our family would be a wonderful help.

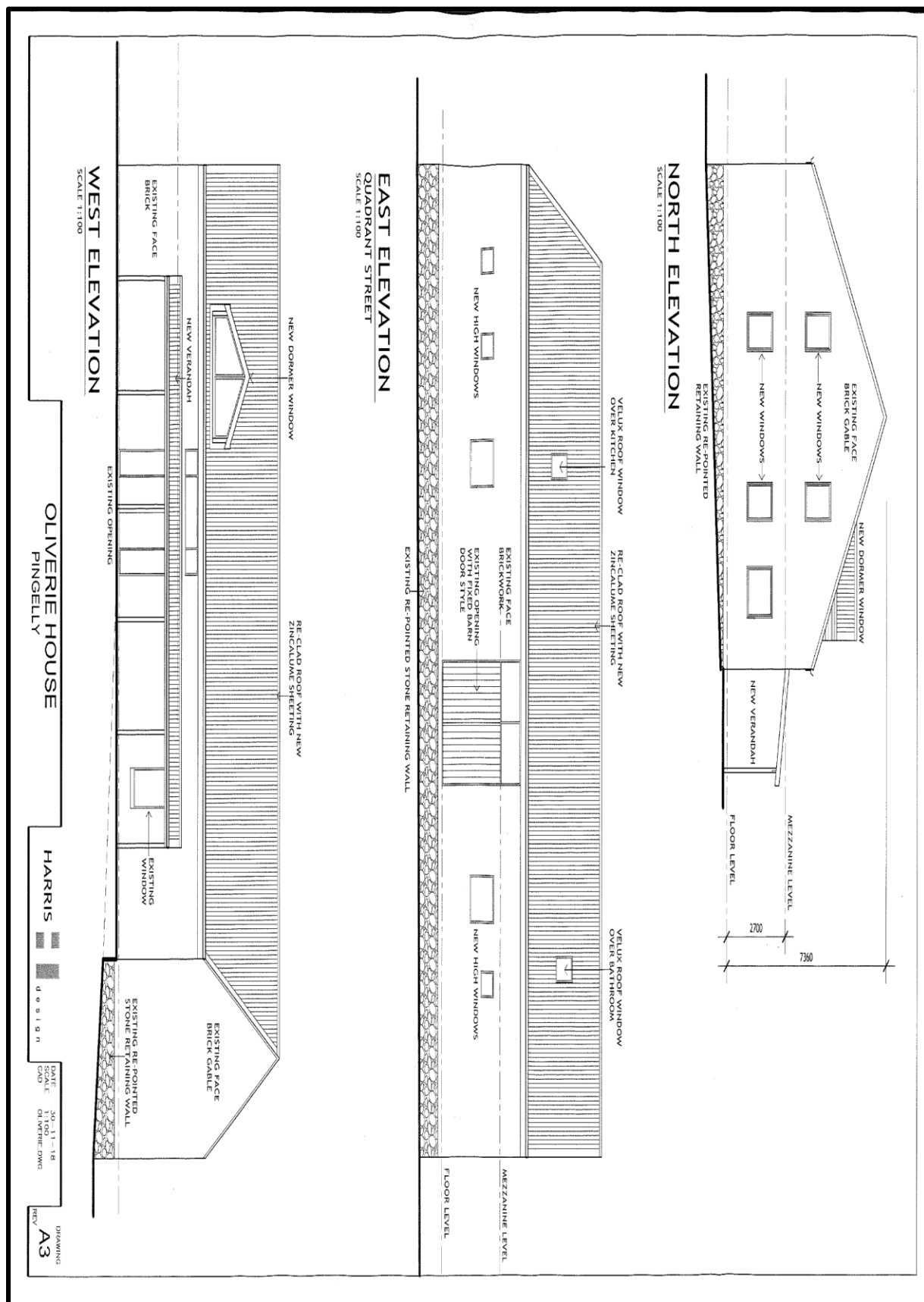
We hope you can consider this proposal seriously as we feel it would be a great way to preserve a beautiful old shed in Pingelly and make it into a home.

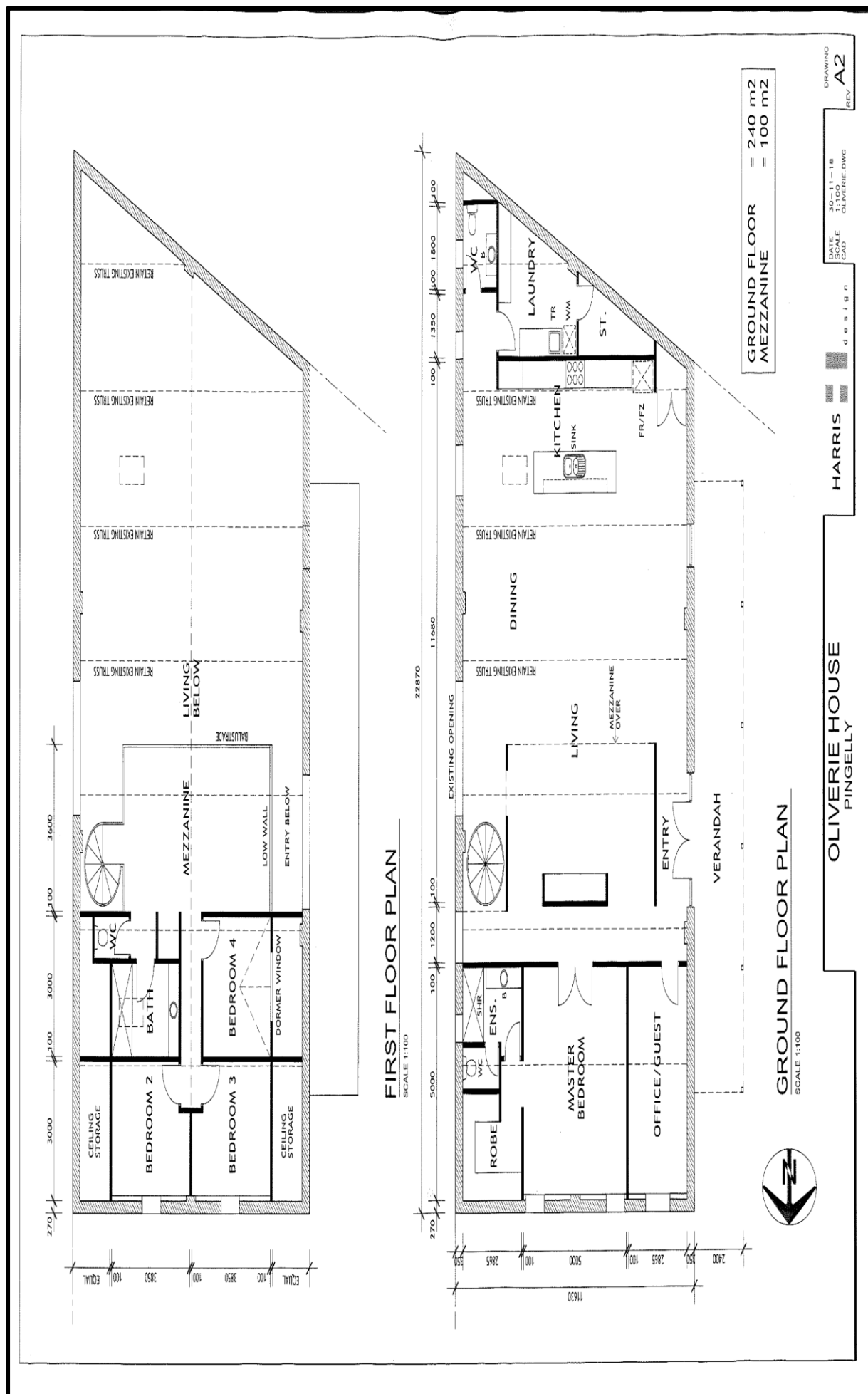
Kind regards

Anthony & Sharon Oliveri

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







Consultation:

Director Technical Services

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3

(a) Town Centre Zone

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

5.17

Development in the Town Centre Zone

5.17.1

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

5.17.2

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

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

- iv) is sympathetic with the townscape and character of the surrounding built environment.

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

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

Policy Implications:

13.6 Pingelly Town Centre Townscape

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

5. Colours

Colour schemes which were fashionable at the turn of the century provide a large variation in colour selections. It is important to recreate the building tones and to highlight areas and elements which enforce and enhance the original building's character. Each building should have its own colour scheme which relates to its particular architectural style. The colours of adjoining and newly constructed buildings should be in similar colours and toning as the historic buildings.

- a. Building colours should preferably follow themes used at the turn of the century.
- b. Original materials such as brickwork and stucco should be highlighted, not painted over.
- c. Original colours can be found by scraping the site.
- d. Painting a group of individual buildings in one colour scheme should be discouraged.

6. Signs / Sign Writing

- a. Old sign types should be encouraged. Where possible, appropriate turn of the century lettering should be used. The range offers numerous variations for individual businesses to express their advertisements.
- b. Signs painted over the whole facade should be prohibited. New signs should be positioned in appropriate places such as parapets, verandas, on panels above the shop windows, or as hanging signs under verandas.
- d. Components to be discouraged:
 - i. covering up historic facades;
 - ii. construction of blank facades;
 - iv. use of modern materials ie. acrylic sheets; and
 - v. construction of pseudo colonial verandas with turned posts and lacework.

Financial Implications:

No known financial implications.

Strategic Implications:

No known strategic implications.

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority

Moved: Cr Walton-Hassell Seconded: Cr McBurney
To suspend standing orders.

Carried 5:0

12581 Moved: Cr Hodges Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

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

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

Carried 5:0

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Shire of Pingelly Employee Code of Conduct

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

Summary:

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

Background:

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

12480 Moved: Cr Hodges Seconded: Cr Hastings

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

Carried 7:0

Comment:

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

Original wording;

24 Out of Hours Conduct

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

New Wording;

24 Out of Hours Conduct

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

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

Consultation:

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

Statutory Environment:
Nil

Policy Implications:
Nil

Financial Implications:
Nil

Strategic Implications:
Nil

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:
Majority.

12582 Moved: Cr Hastings Seconded: Cr McBurney

Recommendation and Council Decision:

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

Carried 5:0

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

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

Summary:

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

Background:

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

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

Comment:

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

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

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

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

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

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

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

Consultation:

AMD Chartered Accountants

Chief Executive Officer

Bob Waddell – Local Government Consultant

Statutory Environment:

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

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

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

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

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

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

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

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

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

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

Section 1.7 (local public notice) provides that:

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

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

Policy Implications:**1.4 Audit Management and Specifications****Financial Implications:**

Nil

Strategic Implications:

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

7. Financial Ratio Performance Measures

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

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

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

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

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

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Absolute Majority

12583 Moved: Cr Walton-Hassell

Seconded: Cr McBurney

Recommendations:

That Council:

- 1. receives the minutes of the Audit Committee dated 2 May 2018.**
- 2. accepts the Shire of Pingelly Annual Report for the Financial Year ended 30th June 2018;**
- 3. receives the Audit Report for 2017/18 from AMD Chartered Accountants;**
- 4. advertises and holds its Annual Electors Meeting in the Council Chambers, 17 Queen Street, Pingelly to be held on Tuesday 5 February 2019 at 7:00pm;**
- 5. submits a copy of the Shire of Pingelly Statutory Annual Financial Report to the Director General of the Department of Local Government, Sport and Cultural Industries as required by Local Government (Financial Management) Regulations clause 51(2).**
- 6. notes the comments on the Audit Management Letter by management with further actions required to be undertaken by the Chief Executive Officer.**

Carried 5:0

Anthony Oliveri left the meeting at 2.35pm and did not return.

12584 Moved: Cr Hastings Seconded: Cr Hodges

Recommendation and Council Decision:

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

Carried 5:0

Prior to discussing Item 14.3 Gavin Pollock declared a financial interest due to the item being about his performance review at the Shire of Pingelly.

14.3 Confidential Item - Chief Executive Officer Review Performance Review 2018

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

12595 Moved: Cr McBurney Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

That Council Note:

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

Carried 5:0

14.4 Confidential Item - Australia Day Awards 2018

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

12595 Moved: Cr McBurney

Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

That Council endorse:

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

Carried 5:0

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

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

12595 Moved: Cr McBurney

Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

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

Carried 5:0

14.6 Confidential Item - Planning Enquiry A864

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

12595 Moved: Cr McBurney

Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

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

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

Carried 5:0

12589 Moved: Cr Walton-Hassell

Seconded: Cr McBurney

Council Decision:

That the meeting be re-opened to the public.

Carried 5:0

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – November 2018

File Reference: ADM0075
Location: N/A
Applicant: Director Corporate & Community Services
Author: Director Corporate & Community Services
Date: 05 December 2018
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2018 to 31 November 2018
(Attachment 2 following red 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 November 2018 is attached for Council consideration and adoption.

Background:

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

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

Consultation:

Chief Executive Officer.

Statutory Environment:

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

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

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

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

Policy Implications:

There are no policy implications.

Financial Implications:

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

Strategic Implications:

There are no known significant strategic implications.

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority.

12590 Moved: Cr Walton-Hassell

Seconded: Cr McBurney

Recommendation and Council Decision:

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

Carried 5:0

15.2 Accounts Paid by Authority – November 2018

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

Summary:

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

Comment:

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

Consultation:

Nil

Statutory Environment:

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

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds — by the Chief Executive Officer; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

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

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

Policy Implications:

There are no policy implications arising from this amendment.

Financial Implications:

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

Strategic Implications:

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

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority.

12591 Moved: Cr Walton-Hassell

Seconded: Cr Hastings

Recommendation and Council Decision:

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

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

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

Notification	Explanation
Nil	

Carried 5:0

12592 Moved: Cr Walton-Hassell Seconded: Cr Hastings
That the meeting be adjourned for 15 minutes from 2.55pm.

Carried 5:0

The meeting recommenced at 3.12pm with everyone in attendance before the adjournment present with the exception of Cr Walton-Hassell who returned to the room at 3.15pm.

Gavin Pollock left the room at 3.14pm and returned at 3.15pm.

16. DIRECTORATE OF TECHNICAL SERVICES

Prior to item 16.1 Cr Walton-Hassell declared a proximity interest.

16.1 Request to Endorse Section 70A Notification

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

Summary:

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

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

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

Background:

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

Condition 1 of the approval requires:

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

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

Condition 2 of the approval requires:

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

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

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

Comment:

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

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

12564 Moved: Cr Freebairn

Seconded: Cr Hodges

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

Carried 7:0

Consultation:

Jacky Jurmann, Consultant Planner.

Barry Gibbs, Director of Technical Services

Statutory Environment:

Local Government Act 1985

9.49A. Execution of documents

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

Policy Implications:

C32: Common Seal

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

Objective: To expedite the approval process.

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

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

Financial Implications:

There are no known financial implications.

Strategic Implications:

There are no known strategic implications.

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Absolute Majority.

12593 Moved: Cr Hodges

Seconded: Cr McBurney

Recommendation and Council Decision:

That item 16.1 from the Council meeting on 21 November 2018 be lifted from the table.

Carried 5:0

12594 Moved: Cr Hodges

Seconded: Cr Hastings

That Council authorise the Shire President and the Chief Executive Office to affix the Common Seal of the Shire of Pingelly and execute the Section 70A Notification form (attached to this report) in accordance with conditions 1 & 2 of the WAPC Subdivision Approval (No.155577) in accordance with section 9.49A of the *Local Government Act 1985*.

Carried 5:0

12595 Cr McBurney Cr Walton-Hassell

That recommendations for items 14.3 to 14.6 be moved en bloc.

Carried 5:0

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

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

Summary:

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

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

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

Background:

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

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

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

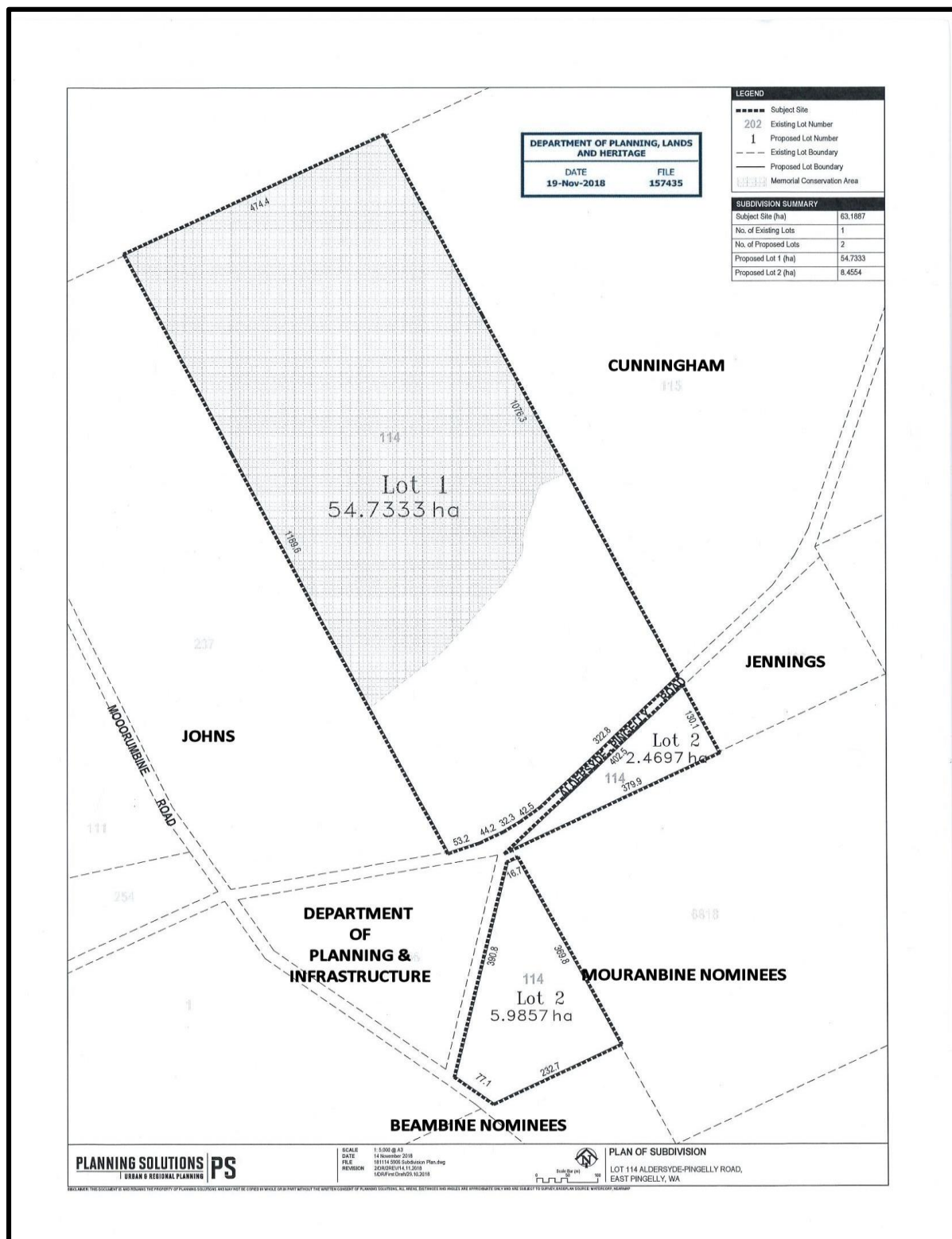
Proposed Lot 1 (northern portion) will contain the area of land under a Conservation Covenant with the remainder being continued to be used for agricultural purposes. Proposed Lot 2 (southern portion) is intended to be used for rural living and agricultural purposes.

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

Comment:

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

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



Consultation:

Director Technical Services.

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

Statutory Environment:

Pingelly Local Planning Scheme No. 3 (LPS3)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy Implications:

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

Financial Implications:

There are no financial implications associated with this proposal.

Strategic Implications:

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

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority

12596 Moved: Cr McBurney Seconded: Cr Hastings

Recommendation and Council Decision:

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

Carried 5:0

16.3 Proposed Conversion of Shed to Dwelling in Town Centre

Council Decision:

12580 Moved: Cr Walton-Hassell Seconded: Cr McBurney

To bring item 16.3 forward to be dealt with as the applicant, Mr Anthony Oliveri, was in attendance at this meeting.

Moved 5:0

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).

12597 Moved Cr Hodges Seconded Cr McBurney
To introduce new business to the meeting.

Carried 5:0

12598 Moved Cr Walton-Hassell Seconded Cr Hodges
THAT pursuant to Section 5.23 of the Local Government Act 1995 these item be dealt with, with the public excluded as the items deal with a confidential matter.

Carried 5:0

18.1 Confidential Item - Renewal of Doctors Medical Services Contract

File Reference:	00297
Location:	Shire of Pingelly
Applicant:	Agape Ventures Pty Ltd
Author:	Chief Executive Officer
Date:	11 December 2018
Disclosure of Interest:	Nil
Attachments:	Doctors Medical Services Contract
Previous Reference:	N/A

12600 Moved: Cr Walton-Hassell Seconded: Cr Hodges
That the meeting again be open to the public.

Carried 5:0

12601 Moved: Cr Hastings Seconded: Cr McBurney

Recommendation and Council Decision:
That Council

- 1. Endorse the new three (3) year Doctors Medical Services Contract between the Shire of Pingelly and Agape Ventures Pty Ltd with the new remuneration rate back paid to 1 May 2018.**
- 2. Endorse the contract document being signed by the Shire President and Chief Executive Officer with the Shire of Pingelly common seal being executed.**

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 4.23pm.

These minutes were confirmed by Council at the
Ordinary Council Meeting held on 20 February 2019.

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