



Shire of Pingelly

Minutes

Ordinary Council Meeting
18 November 2020

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.....	3
6.	PUBLIC QUESTION TIME	3
7.	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
8.	DISCLOSURES OF INTEREST	3
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	4
9.1	Ordinary Meeting – 21 October 2020.....	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
13.	REPORTS FROM COUNCILLORS	6
14	OFFICE OF THE CHIEF EXECUTIVE OFFICER	7
14.1	Budget Project Allocation.....	7
14.2	Draft Tourism Strategy.....	9
14.3	Consideration of Legal Action – unpaid rates over three years	11
15.	DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES.....	15
15.1	Monthly Statement of Financial Activity – October 2020	15
15.2	Accounts Paid by Authority – October 2020.....	18
16.	DIRECTORATE OF TECHNICAL SERVICES	20
16.1	Bush Fire Advisory Committee Minutes	20
16.2	Proposed Relocation of Telecommunications Facility	22
16.3	Proposed Oversize Shed.....	33
16.4	Proposed Partial Permanent Closure of Scudds Lane	37
16.5	Road Dedication and Closure – Portion of Bettison Road.....	40
17.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	43
18.	NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING	43
19.	CLOSURE OF MEETING	43

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2pm.

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, present and emerging.

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

MEMBERS PRESENT

Cr W Mulroney (President)
Cr B Hotham
Cr P Narducci
Cr P Wood
Cr D Freebairn
Cr K Hastings
Cr A Oliveri

STAFF IN ATTENDANCE

Ms J Burton Chief Executive Officer
Mrs D Sweeney Executive Manager Corporate Services
Mr D Watkins Executive Manager Technical Services
Mrs L Boddy Executive Assistant

VISITORS

No members of the public present.

APOLOGIES

Cr J McBurney (Deputy President)

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

N/A

6. PUBLIC QUESTION TIME

No members of the public present.

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. DISCLOSURES OF INTEREST

Cr Mulroney declared a proximity interest in item 16.4 - Proposed Partial Permanent Closure of Scudds Lane

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 21 October 2020

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are 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

12910 Moved: Cr Hotham

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 October 2020 be confirmed.

Carried 7:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

- Audit Committee Full Council
- Pingelly 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 Hastings

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 Oliveri
- Development Assessment Panel Delegate – Shire President
Delegate – Cr Wood
Deputy – Cr McBurney
Deputy – Cr Hotham
- Pingelly Tourism Group Delegate – Cr Hotham
Deputy – Cr Oliveri
- Regional Waste Group Delegate – Cr Mulroney
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Shire President
Deputy – Cr Freebairn
- Youth Focus Group Delegate – Cr Hastings
Deputy – Cr McBurney
- Pingelly Somerset Alliance Delegate – Shire President
Deputy – Cr McBurney
- Pingelly Early Years Network Delegate – Cr Hastings

13. REPORTS FROM COUNCILLORS

13. REPORTS FROM COUNCILLORS

Cr William Mulronev (President)

Meetings attended October

22nd Councillors visit to Katanning to inspect the Community all ages playground and Council Projects in Katanning and lunch with Katanning Shire Councillors.

26th Hotham Dale Regional Road Sub Group Meeting with CEO in Brookton.

27th President-Deputy President and CEO meeting discussion re Council Business and project pathway.

29th President, Cr D Freebairn and CEO meeting.

29th Local Government Grants Commission visit and overview of how grants are determined per Local Government.

Meetings attended November

9th Wheatbelt South Grain Freight Network meeting to determine priority of Roads for Stage 2 within the Hotham Dale RR Subgroup.

10th President and CEO Meeting and Agenda Briefing.

10th LEMC Meeting with Wandering and Pingelly Shires- SES Building.

12th South West Land Council briefing with Department of Premier and Cabinet.

14th Market Day manning Shire Stall and networking with the community.

18th Risk Management Workshop and Ordinary Council Meeting for November.

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Budget Project Allocation

File Reference:	ADM0075
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary

This report seeks Council approval of a number of projects to be included within the Budget under the adopted amount of \$25,381 for Discretionary Projects. Adoption of the officer recommendation will result in a zero impact to the Shire’s budgeted net current position.

Background

During the course of preparing the 2020/21 Budget, an amount of \$25,381 was set aside to enable Council to consider the allocation of projects following the annual financial audit and the finalisation of the 2019/20 end of financial year position.

At the Special Council Meeting on 23 July 2020, Council approved:

“an allocation of up to \$22,500 for a Community Emergency Services Manager, for each of the 2020/21, 2021/22 and 2022/23 financial years, with the contribution for Year 1 to be assigned from the discretionary projects allocation in the 2020/21 Budget.”

The amount required to be allocated by the Shire of Pingelly to this position in the 2020/21 Budget is \$12,000, leaving a discretionary project balance of \$13,381.

Comment

Auditors were on site in early October 2020 to conduct the financial audit for the year end 30 June 2020. While the audit report is not yet available, there has been no indication of any adjustments required to the financial statements. The allocation of the remainder of the discretionary allocation can therefore take place with minimal risk.

It is recommended that the following projects are funded from the remaining \$13,381.

Project	Details	Cost
Repairs to front stairs – Shire administration	The front stairs of the Shire Administration have been a hazard for approximately six months. Full reconstruction is required due to the integrity of the structure having failed.	\$7,000
Fire Pump	Supply and fit new fire pump at the Shire of Pingelly Depot to decrease the time required to fill appliances during an emergency situation.	\$6,000

Consultation

Nil

Statutory Environment

Section 6.8 of the *Local Government Act 1995* refers to expenditure from the municipal fund that is not included in the annual budget. Any adjustments to a budget allocation must be made by an absolute majority decision of the Council. Additionally, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

Policy Implications

There are no policy implications.

Financial Implications

There are no impacts on the adopted 2020/21 Budget.

Strategic Implications

Goal 5	Innovation, Leadership and Governance
Outcome 5.5	Financial Resources are Effectively Managed
Strategy 5.5.2	Ensure financial sustainability

Risk Implications

Risk	Failure to allocate the funds to projects which are the highest priority may result in community complaints.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 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)

Voting Requirements

Absolute Majority

12911 Moved: Cr Wood Seconded: Cr Hotham

Recommendation and Council Decision

That Council allocate the remaining portion of the discretionary project allocation in the 2020/21 Budget to the following projects:

1. Fire Pump \$6,000
2. Repair to administration entry stairs \$7,000

Carried 7:0

14.2 Draft Tourism Strategy

File Reference:	ADM0051
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Draft Tourism Strategy Submission Draft Tourism Strategy 2020
Previous Reference:	OCM July 2020 Item 14.5

Summary

Council is requested to consider the Pingelly Tourism Strategy 2020 following a period of public comment and further review.

Background

The Shire of Pingelly Strategic Community Plan identifies the need for an increased focus on Tourism in order to diversify the Pingelly economy and ultimately support local business and a strong community. The development of a Tourism Strategy was seen to be the first step in providing direction for a thoughtful way forward, in order to maximise resources that would be allocated to tourism.

In July 2020, Council endorsed the draft Tourism Strategy to be released for public comment, with the final document to be presented to Council.

Comment

One submission from the public was received (attached), with the submission aligning well with the direction of the Strategy. Further review has been undertaken by staff in consultation with a number of industry leaders with general agreement around the priorities listed.

The Pingelly Tourism Strategy (attached) outlines a comprehensive approach in continuing the development of the tourism industry, and offers a strategic path for addressing issues associated with strengthening the tourism offerings.

In consideration of the limited amount of financial and workforce resources Pingelly has to allocate towards tourism initiatives, and considering this is the first Tourism Strategy to be adopted by Council, the actions contained within the Strategy are focused on what are both a priority and achievable.

The draft Strategy contains an evaluation of the Shire's current tourism product, identifies tourism opportunities within the Shire and considers the barriers to tourism development and growth. Pingelly's key advantages from a tourism perspective include nature, the award winning Pingelly Recreation and Cultural Centre, heritage and cultural experiences. The results of a SWOT analysis identify the Shire's strengths, weaknesses, opportunities and threats in the tourism sector.

The focus themes within the Strategy include:

- a. Experience Development
- b. Partnerships
- c. Infrastructure
- d. Marketing and Promotion
- e. Events

Each theme is considered to be a significant contributor to tourism success, and many are co-dependant. The success of larger scale events, for example, rely on the availability of suitable infrastructure (short term accommodation).

Consultation

A tourism workshop was held to allow any interested members of the community and business to have input into the priorities for tourism in Pingelly. Representatives from the Pingelly Tourism Group were present at this workshop, and further discussions with the Group occurred about the draft Strategy. Community comment on the draft Strategy was invited over a consultation period of four weeks, with one submission received.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Finalisation of the strategy and associated implementation plan will determine the priorities for Council for future resourcing commitments.

Strategic Implications

Goal 1	The local economy is strong and resilient, embraces opportunities, and delivers local business growth and jobs
Outcome 1.3	The right resources and infrastructure are in place to support business development, including an increase in visitors and visitor spend in the Shire
Strategy 1.3.1	Support local tourism infrastructure development.

Risk Implications

Risk	The primary risk to Council is ultimately not endorsing the Tourism Strategy which may lead to a lack of tourism focus for the Shire, and ultimately reduce the visitation to the region.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

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)

Voting Requirements

Simple Majority

12912 Moved: Cr Hotham

Seconded: Cr Narducci

Recommendation and Council Decision

That Council adopt the Pingelly Tourism Strategy 2020 as attached.

Carried 7:0

14.3 Consideration of Legal Action – unpaid rates over three years

File Reference:	A11720, A11756, A11768, A11794, A6373, A11770, A11782, A9592
Location:	Lot 142 Parade Street, Lots 567 and 568 Phillip Street, Lots 573, 574, 569 and 570 Kelvin Street, Lot 186 Pitt Street Pingelly
Applicant:	Not applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Nil

Summary

Council is requested to approve legal action in relation to several properties that have rates and service charges outstanding for a period exceeding three years.

Background

In accordance with the Local Government Act 1995, sections 6.56, 6.60, 6.64 and 6.68, Council is able to authorise the debt recovery process for outstanding rates and charges, required by the Local Government Act 1995, to facilitate the sale of the land where they remain outstanding for a period in excess of three years.

In determining whether the local government can take possession of the land, it must ensure that:

- the land is rateable. Except as provided for in s.6.26 of the Act, all land within a district is rateable.
- any unpaid service charge is not one that is imposed on the occupier of land who is not the owner of that land (s.6.63).
- the total amount of rates or service charges raised and due on the land by the issue of rate notices remain unpaid for at least the last three years. The three years is calculated from the date they became due (s.6.64).

Where rates remain unpaid for a period of 3 years, the Shire can sell the property(s) to recover the outstanding rates and costs incurred. The costs of undertaking these actions are recoverable by Council, under section 6.56 of the Local Government Act 1995.

Comment

There are currently eight properties that have rates and charges outstanding in excess of three years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. Written notification has been directed to the last known postal address of the ratepayers advising that it is the Shire's intention to refer the matter to Council with a recommendation to sell the property in order to recover the outstanding balance. There has been no response to the correspondence.

The eight properties and relevant details are contained in the following table.

Assessment	Address	Period Outstanding	Amount Outstanding
A11720	Lot 573 Kelvin Street	16/17 – 20/21	\$ 7,712
A11756	Lot 574 Kelvin Street	16/17 – 20/21	\$ 7,756
A11768	Lot 569 Kelvin Street	13/14 – 20/21	\$ 12,581
A11794	Lot 570 Kelvin Street	12/13 – 20/21	\$ 12,581
A6373	Lot 142 Parade Street	12/13 – 20/21	\$ 24,660
A11770	Lot 567 Philip Street	13/14 – 20/21	\$ 19,227
A11782	Lot 568 Philip Street	14/15 – 20/21	\$ 14,103
A9592	186 Pitt Street	15/16 – 20/21	\$ 8,541
TOTAL			\$107,161

Council has a number of options which are detailed below.

Option 1 – Exercise the provisions of Section 6.64 of the *Local Government Act 1995*

- Given the high level of the debts and the amount of time that has been afforded to enable the ratepayers to either clear or reduce the debt, it is appropriate to apply Section 6.64 of the Local Government Act 1995 empowering the sale of land provisions in relation to unpaid rates and charges.

Option 2 – Exercise the provisions of Section 6.74 of the *Local Government Act 1995*

- Apply to the Minister to have the land re-vested in the Crown in the right of the State.

Option 3 – Exercise the provisions of Section 6.75 of the *Local Government Act 1995*

- Make application for the land to be vested in the local government.

It is recommended that Council apply the provisions of Section 6.64 of the Local Government Act 1995 and sell the land in respect of the unpaid rates and charges, which are in arrears for a period of excess of 3 years.

The utilisation of a professional debt collector is proposed for the sale of the above properties, due to the complexity of this issue. Estimated fees for each property include a management fee of \$1,500, plus approximately \$6,000 over the 18 month process, including advertising. All fees and charges can be recovered at the point of the sale of the property.

Consultation

Department of Local Government, Sport and Cultural Industries
AMPAC Debt Collection Agency

Statutory Environment

Legislation Implications – S6.64 of the *Local Government Act 1995* states:

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –
 - (a) from time to time lease the land;
 - (b) sell the land;
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Policy Implications

Council Policy 5.7 Rates Recovery, requires properties with rates outstanding for more than 3 years (other than eligible pensioner properties) to be reported to Council for consideration of sale.

Financial Implications

The officer recommendation is not likely to have any financial impact, as the outstanding debt will either be recovered in due course, or written off.

Strategic Implications

Goal 5	Innovation, Leadership and Governance
Outcome 5.8	A strong corporate governance framework is maintained

Risk Implications

Risk	Initiation of legal proceedings presents a high reputational risk to Council, however, if the Shire does not proceed with recovery action, the likelihood of an ever increasing rate debt is high. Additionally, failure to act can increase public perception that the Shire is unwilling to follow through on legal recovery, encouraging ratepayers to ignore attempts in the recovery of debts. An additional risk exists that the sale of the properties will not fully cover the debt and associated legal costs.
Risk Rating (Prior to Treatment or Control)	High (16)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 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)

Voting Requirements

Simple Majority

Moved: Cr Wood

Seconded: Cr Freebairn

Recommendation

That Council pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, proceed to dispose of the following properties due to unpaid rates and charges in arrears for three (3) or more years, and recover from the proceeds of the sale the outstanding balance:

- a) A11720 Lot 573 Kelvin Street Pingelly
- b) A11756 Lot 574 Kelvin Street Pingelly
- c) A11768 Lot 569 Kelvin Street Pingelly
- d) A11794 Lot 570 Kelvin Street Pingelly
- e) A6373 Lot 142 Parade Street Pingelly
- f) A11770 Lot 567 Philip Street Pingelly
- g) A11782 Lot 568 Philip Street Pingelly
- h) A9592 Lot 186 Pitt Street Pingelly

Moved: Cr Hastings

Seconded: Cr Freebairn

Amended Recommendation

That Council pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, proceed to dispose of the following property due to unpaid rates and charges in arrears for three (3) or more years, and recover from the proceeds of the sale the outstanding balance:

- e) A6373 Lot 142 Parade Street Pingelly

Carried 7:0

Moved: Cr Hastings Seconded: Cr Wood

12913 COUNCIL DECISION

That Council pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, proceed to dispose of the following property due to unpaid rates and charges in arrears for three (3) or more years, and recover from the proceeds of the sale the outstanding balance:

- e) A6373 Lot 142 Parade Street Pingelly**

Carried 7:0

12914 Moved Cr Wood Seconded Cr Oliveri

That the rates on the following properties be brought to the 2021/22 Budget workshop for consideration of a rates exemption:

- a) A11720 Lot 573 Kelvin Street Pingelly**
b) A11756 Lot 574 Kelvin Street Pingelly
c) A11768 Lot 569 Kelvin Street Pingelly
d) A11794 Lot 570 Kelvin Street Pingelly
e) A11770 Lot 567 Philip Street Pingelly
f) A11782 Lot 568 Philip Street Pingelly
g) A9592 Lot 186 Pitt Street Pingelly.

Carried 7:0

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – October 2020

File Reference:	ADM0075
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Executive Manager Corporate Services
Disclosure of Interest:	Nil
Attachments:	Monthly Statements of Financial Activity for the period 1 October 2020 to 31 October 2020
Previous Reference:	Nil

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 October 2020 are attached for Council consideration and adoption. This report now incorporates new Australian Accounting Standards Board (AASB) requirements effective from 1 July 2019. AASB 15 Revenue from Contracts with Customers (IFRS 15), AASB 1058 Income for Not-for Profit Entities, AASB 16 Lease replaces AASB 117 (IFRS 16).

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;

Comment

The Monthly Financial report has been prepared in accordance with statutory requirements and provides council with their financial position as at 31 October 2020.

Consultation

Nil

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 2020/21.

Strategic Implications

Goal 5	Innovation Leadership and Governance
Outcome 5.6	Financial systems are effectively managed
Strategy 5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting) and long-term financial planning requirements

Risk Implications

Risk	Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position. As the monthly report is a legislative requirement, non-compliance may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

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)

Voting Requirements

Simple Majority

12915 Moved: Cr Hastings

Seconded: Cr Narducci

Recommendation and Council Decision

That with respect to the Monthly Statements of Financial Activity for the month ending 31 October 2020 be accepted and material variances be noted.

Carried 7:0

15.2 Accounts Paid by Authority – October 2020

File Reference:	ADM0066
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Finance Officer
Disclosure of Interest:	Nil
Attachments:	List of Accounts
Previous Reference:	Nil

Summary

Council endorsement is required for accounts paid by authority for the month of October 2020.

Background

In accordance with *Local Government (Financial Management) Regulations 1996 Clause 13 (1)* schedules of all payments made through Council's bank accounts are presented to the Committee and to Council.

Comment

Unless otherwise identified, all payments have been made in accordance with Council's adopted 2020/21 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

Goal 5	Innovation Leadership and Governance
Outcome 5.6	Financial systems are effectively managed
Strategy 5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting) and long term financial planning requirements

Risk Implications

Risk	Failure to present a detailed listing of payments in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 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)

Voting Requirements

Simple Majority

12916 Moved: Cr Hastings

Seconded: Cr Oliveri

Recommendation and Council Decision

That Council endorse the Accounts for Payments for October 2020 as authorised under delegated authority and in accordance with the Local Government (Financial Management) Regulations 1996:

To 31 October 2020:

Municipal Account	\$371,390.26
Trust Account	\$150.00
Trust Licensing Account	\$32,129.40

Carried 7:0

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Bush Fire Advisory Committee Minutes

File Reference: ADM0057
Location: Not Applicable
Applicant: Not Applicable
Author: Administration Officer Technical
Disclosure of Interest: Nil
Attachments: Bush Fire Advisory Committee Minutes 6 October 2020

Summary

Council is requested to endorse the minutes from the Bush Fire Advisory Committee (BFAC) Meeting held on 6 October 2020.

Background

The Bush Fire Advisory Committee (BFAC) meet before and after the fire season to review the actions for the coming season and to review the Shire Fire Break information.

Comment

The minutes of the October meeting are attached for Council consideration and endorsement.

Consultation

BFAC Committee

Statutory Environment

Bushfires Act 1954

Local Government Act 1995

Financial Implications

No known financial implications.

Strategic Implications

Goal 2	Community
Outcome 2.3	People feel that their community is safe for all, free of nuisance and protected from risk of damage
Strategy 2.3.2	Act to reduce the risk of bush fire, and be prepared in case of bush fire in terms of emergency response and disaster recovery.

Risk Implications

Risk	The key risk in relation to this decision lies around the governance of the BFAC, and the need to accept and consider the minutes as a Committee of Council.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

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)

Voting Requirements

Simple Majority

12917 Moved: Cr Freebairn Seconded: Cr Hotham

Recommendation and Council Decision:

That Council receive the Minutes of the Bushfire Advisory Committee Meeting of the Shire of Pingelly held in the Council Chambers on 6 October 2020.

Carried 7:0

16.2 Proposed Relocation of Telecommunications Facility

File Reference:	ADM0299/A22008
Location:	Lot 3 & 4 – 167 Page Road, West Pingelly
Applicant:	Visionstream Australia Pty Ltd
Author:	Administration Officer Technical
Disclosure of Interest:	Nil
Attachments:	16.2 Application Documents
Previous Reference:	OCM 11 December 2019

Summary

Council to consider an application for planning approval for the proposed relocation of previously approved Telstra Communications Facility.

Background

An application has been received from Visionstream Australia Pty Ltd for planning approval for the construction and operation of a Telstra Telecommunications Facility.

Visionstream Australia Pty Ltd have submitted the application on behalf of Telstra Corporation Ltd. This application involves the installation of a 60m lattice tower and associated ancillary equipment at Lots 3 & 4 – 167 Page Road, West Pingelly. Lot J27 – 3724 North Wandering Road, West Pingelly.

Visionstream Australia Pty Ltd previously applied to have the facility located at Lot J27 – 3724 North Wandering Road, West Pingelly and approval was granted by Council on 11 December 2019. This location is no longer viable and a new location has been sourced with an application for approval submitted for the site.

Telstra has applied the precautionary approach in the selection and design of the proposed site in accordance with Sections 4.12 and 4.2 of the Telecommunications Code.

Comment

This application is part of Telstra's commitment to regional Australia in bringing high-speed mobile internet to even more communities around the country as part of the Federal Government's Mobile Black Spot Program.

The proposed location of the facility is Lots 3 & 4 – 167 Page Road, West Pingelly. The property is owned by the University of Western Australia who have co-signed the application along with the applicant.

Under the *Shire of Pingelly's Local Planning Scheme No.3*, Lots 3 & 4 are zoned "General Agriculture" and under the zoning table the land use for a telecommunications infrastructure in the "General Agriculture Zone" is a Discretionary ('D') use.

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

The proposal complies with the objectives and general requirements of the General Agricultural Zone, encouraging process and value adding industries and further intensive agriculture through providing a mobile network to connect and support industries and future growth. It ensures the protection of rural landscapes and the natural environment and maintaining an appropriate distance from any sensitive uses. As the proposal is located within an area not designated as an agricultural use, and by request of the landowner only taking up a small amount of space, there is no adverse impacts to the existing agricultural use of the land or surrounding uses.

The proposed scope of works for the proposal includes the following:

- Installation of one (1) 60m high lattice (overall height 62.4m to top of antennae);
- Installation of one (1) triangular headframe;
- Installation of six (6) new panel antennas;
- Installation of one (1) equipment shelter at the base of the lattice tower;
- Installation associated ancillary cabling and equipment on the tower and within the equipment shelter; and
- Clearing vegetation for the purposes of the above.

Site Selection Process

Telstra assesses the technical viability of potential sites through the use of computer modelling tools that produce predictions of the coverage that may be expected from these sites as well as from the experience and knowledge of the radio engineers.

There are also a number of other important criteria that Telstra uses to assess options and select sites that may be suitable for a proposed new facility. These take into account factors other than the technical performance of the site, and include:

- The potential to co-locate on an existing telecommunications facility.
- The potential to locate on an existing building or structure.
- Proximity to community sensitive locations and areas of environmental heritage.
- The potential to obtain tenure at the site.
- The cost of developing the site and the provision of utilities (power, access to the facility and transmission links).

Telstra is also contracted to meet objectives of the Mobile Black Spot Programme, with parameters set by the Federal Government. A number of factors determined which areas receive funding, including the lack of outdoor coverage and the number of people who would benefit from a new facility.

In the Mobile Black Spot Programme Discussion Paper, the Australian Government Department of Communications 2013, it states that:

“The Mobile Black Spot Programme will improve mobile phone coverage and competition in regional and remote Australia, including along major transport routes, in small communities and in locations prone to experiencing natural disasters. The Guidelines aim to ensure the Programme is delivered efficiently and effectively as possible and achieve maximum value for money”

In making the proposal for this site at West Pingelly, Telstra has carefully weighed all of the aforementioned criteria.

Candidate Sites

Telstra carefully examined a range of possible deployment options in the area before concluding that a new mobile base station at 167 Page Road, West Pingelly would be the most appropriate solution to provide necessary mobile phone coverage to the West Pingelly locality.

- Colocation opportunities and existing telecommunications infrastructure within proximity to the proposed installation; and
- An analysis of the locations considered when determining an appropriate location for a new telecommunications installation within the required coverage area.

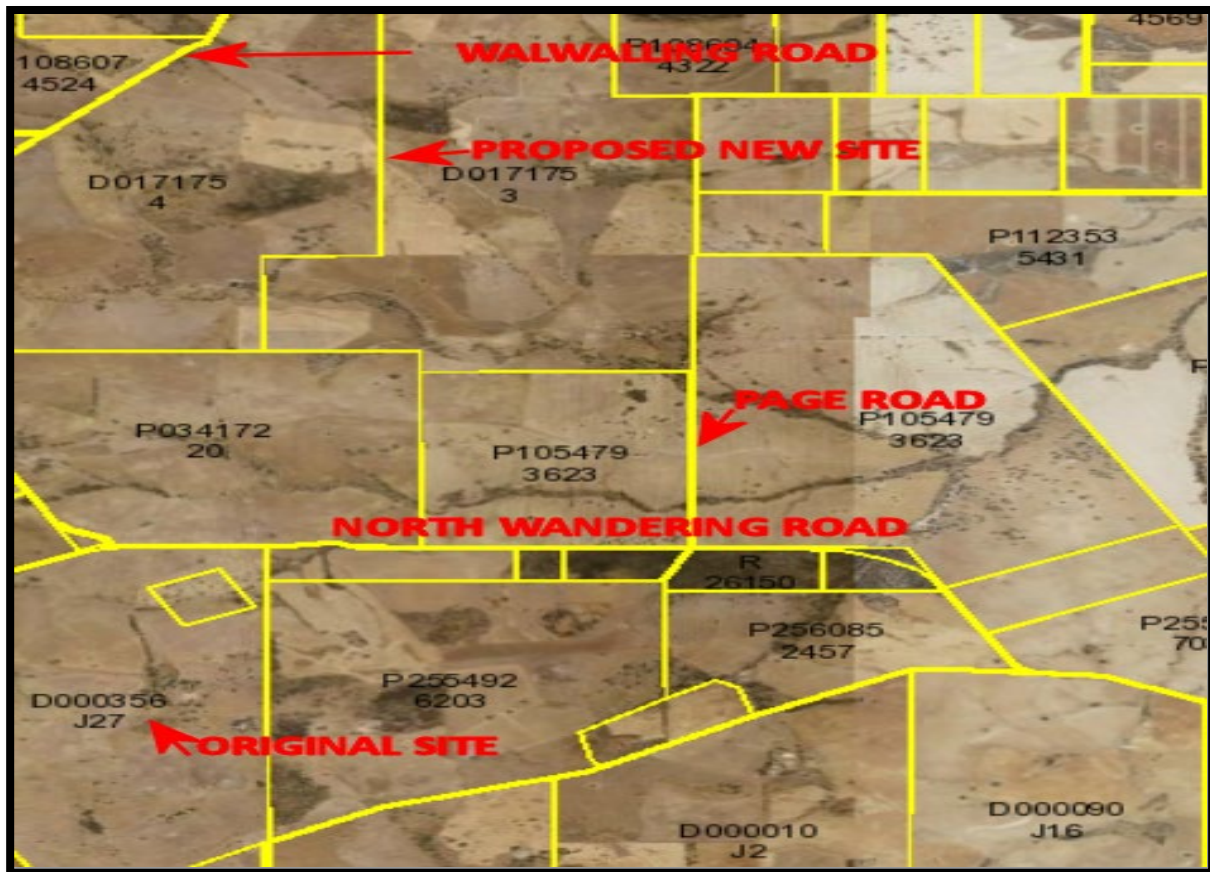
Below is a map showing the existing facilities and the distance from the proposed facility location.

Candidate	Location	Proposal	Zoning	Description
Candidate A	143 Ivanhoe Road, West Pingelly WA 6308	New tower 60m	Rural/Agriculture	Could not obtain tenure.
Candidate B	143 Ivanhoe Road, West Pingelly WA 6308	New tower 60m	Rural/Agriculture	Could not obtain tenure.
Candidate C	Lot 6203 on deposited plan 255492	New tower 60m	Rural/Agriculture	Landowner advised different lot closer to power which is the proposed location.
Candidate D	202 Ivanhoe Road, West Pingelly WA 6308	New tower 60m	Rural/Agriculture	Could not obtain tenure.
Candidate E	3724 North Wandering Road, West Pingelly WA 6308	New tower 60m	Rural/Agriculture	Planning Approval was received 13 December 2019 (reference: ADM0299/A820/OPA19352)
Candidate F	167 Page Road, West Pingelly WA 6308	New tower 60m	Rural/Agriculture	Subject site

A preferred nominated candidate was selected for the proposed facility based on the radiofrequency objectives, property tenure, planning and environmental issues, potential community sensitive uses and engineering criteria as noted above. For this project, co-location on an existing telecommunications facility is not possible and a new macro tower is considered suitable given:

- The site is technically feasible and can achieve Telstra’s coverage and capacity objectives by installing the new mobile base station;
- The site will provide improved coverage to the West Pingelly area, which provides an important first response tool in emergency situations;
- The proposed location is situated on freehold land;
- The proposed facility maintains what is considered to be appropriate separation from sensitive land uses;
- The facility will not alter the land use;
- The landowner is supportive of the Telstra proposal;
- The site is not located within a culturally significant area;
- The site is appropriately serviced and has a readily available access to the electricity supply network and existing transport network;
- The proposed facility will not prejudice the existing or anticipated future use of the site; and
- The costs associated with delivering the site and constructing the facility are considered by Telstra.

Site Details	
Site Address	167 Page Road, West Pingelly
Real Property Description	Lot 3 on Diagram 17175 and Lot 4 on Diagram 17175 (access only)
Coordinates	-32°490570°, 116.979010°
Site Area	6,341,086m ²
Registered Owner	The University of Western Australia
Existing Land Use	Rural Residential/Agriculture
Vegetation	The subject site is clear of vegetation
Topography	The proposal area is relatively flat.
Services	As yet unconfirmed. This is subject to design from Western Power



Proposed Telstra Site 167 Page Road, West Pingelly.

Surrounding area

The proposed facility is on privately owned land located within West Pingelly, approximately 117kms south west of Perth. The subject property is situated off Page Road. Entrance to the property is taken directly from Page Road. The surrounding properties in the area are predominantly large rural properties with pockets of vegetated spaces. The closest residence not on the subject site being located approximately 2km to the north east of the subject and 3km to the north.

Summary of land bordering subject site (Source: *Visionstream 2020*)

North	The northern edge of the property borders two (2) rural farmland properties with pockets of mature vegetation and dams.
East	The eastern edge of the property borders five (5) rural properties. Rural farmland properties with pockets of vegetation, outhouses dams and one possible residential dwelling.
South	The southern edge of the property borders two (2) rural properties. Rural farmland properties with scattered vegetation, dams and one residential dwelling to the south west.
West	The western side of the property borders one rural property. The rural farmland includes scattered vegetation, vegetation pockets and dams.

The surrounding area can be described as being predominately rural with pockets of vegetation or scattered vegetation, several dams and farm outhouses. The below figures show the surrounding areas from the proposed tower’s location. The figures show the area to be rural with no residences within view from ground level.



View south of the proposed facility

Visual Impacts

The site has been identified as being located within land that is zoned general agriculture. The subject lot is predominantly cleared with clustered areas of mature vegetation to the north. The site and the proposed works have been located and designed to take into consideration the aims of the *Shire of Pingelly Local Planning Scheme No.3*.

Telstra has selected a site and location that appropriately minimises any perceived negative impacts on the visual amenity of the area. An assessment of the area has shown that residences in the area are relatively few comprising:

- One residence 3.3km to the north
- One residence/farm 2.14km to the north east
- One residence/farm 2.15km to the south east
- One residence 3.4km to the south west
- three residences/farm 3.4km to south west
- One residence 2.9km to the north west

Views of the existing facility from these residences is significantly obstructed by the existing mature vegetation surrounding, and further lessened by the large distance between the proposal and each residence.

The site selection carefully considered environmental and visual constraints, existing and future land use characteristics, the orderly planning of the area and the design of the facility. On balance, it is considered that the location and height of the facility ensure optimal service provision to the area whilst minimising any perceived visual impact. Moreover, as previously mentioned the site will also provide other carriers with the opportunity to co-locate their infrastructure in the future.

Heritage

In order to determine any possible natural or cultural values of state or national significance associated with the site a search was conducted through the relevant Heritage Registers. No Aboriginal or other heritage sites of significance were identified within the subject land holding or within proximity.

The site is located within Native Title Applications WC1998/058 and WC2003/006 and Native Title Indigenous Land Use Agreement (ILUA) WI2015/005. Visionstream will, where required under Native Title legislation, notify the relevant corporation during Telstra's notification or as otherwise directed by Council.

Flora and Fauna

In order to determine any possible natural flora and fauna significance associated with the site, a search was conducted through the relevant environmental registers. The Protected Matters Search Tool from the Department of the Environment and Energy which shows matters of national environmental significance or other matters protected by the *Environment Protection and Biodiversity Conservation Act 1999*, found that no significant environmental matter was identified.

Bushfire

The specific site location is not identified as being in a Bush Fire Prone Area by the Fire and Emergency Services Commissioner.

Natural disasters, including the continuing threat of bushfires, have served to highlight the critical importance of effective telecommunications. Previous bushfire incident reviews have demonstrated effective telecommunications networks are essential for disaster response management, allowing emergency service providers to be alerted to medical or fire emergencies.

The subject lot is predominantly cleared and not adjoining large vegetated areas which could cause high bushfire risk. Additionally, the proposed facility will operate on an unmanned basis acquiring only 2-4 maintenance visits per year. As a result, the proposed works do not increase the extent of bushfire risk currently affecting the land.

Access

Access to the facility will be via an internal access track that comes off Walwalling Road with ample parking on site. All vehicles will be able to use the access straight of Page Road.



Proposed access route through Lot 4 D17175 to the subject site



View of the subject site from existing internal access track

Mobile phone base stations require only infrequent maintenance visits (i.e. only two (2) to four (4) times per year). Furthermore, the site will operate on a continually unmanned basis. As such, the proposal will not be a significant generator of vehicular and/or pedestrian traffic.

The existing access will provide appropriate access to the site for the infrequent maintenance inspections. Furthermore, dedicated parking spaces are not considered necessary for the site given the very low traffic generation of the site and the unmanned nature of the site.

During the construction phase various vehicles will be used to deliver equipment and construct the Telstra Mobile Base Station Facility. Any traffic impacts associated with construction and establishment will be of a short-term duration (i.e. approximately five weeks over non-consecutive periods) and are not anticipated to adversely impact on the surrounding road network.

Traffic from this construction would only occur from the hours of 7am to 6pm. If a road closure is required for the erection and installation of equipment, the appropriate approvals will be obtained from the Department of Transport.

Construction

The construction of the mobile base station will take approximately one or two weeks over non-consecutive periods, subject to weather.

Noise and vibration emissions associated with the Telstra Mobile Base Station Facility will be limited to the construction phase will be of short duration and will be in accordance with the standards outlined in the Environmental Protection (Noise) Regulations 1997. Construction works will only occur between the hours of 7am and 6pm.

The proposal will connect to the existing power supply on the subject property. The power supply route involves an extension of 2km.

Furthermore, the proposal incorporates minimal hard surfaces and therefore will generate significant stormwater runoff from the site. As such, the proposal does not require connection to the stormwater network.

Conclusion

This application is a direct result of the community's requests for reliable telecommunications to be provided to the West Pingelly area. There is strong State policy support for telecommunications facilities if, when balancing improved telecommunications services with environmental impacts; including for example, visual impact and flood or fire hazard, a particular proposal provides a net community benefit.

The proposed works provide the community with reliable 4G access which in turn supports the various rural, residential and tourist industries in the region and form part of a wider plan to ensure reliable and accessible coverage during emergency situations such as in the event of bush fires.

The proposed telecommunications facility will form an integral component in Telstra's national 4GX network. This 4G service brings higher speeds and extra 4G coverage to a range of communities across the nation. 4GX will include services provided over Telstra's new 700MHz spectrum and deliver higher typical mobile speeds on compatible devices, allowing more Australians to experience more reliable connections and ultra-fast mobile internet.

Telstra has undertaken an assessment of the relevant matters as required by the *Telecommunications Act 1997*, State Legislation and the *Shire of Pingelly Local Planning Scheme No. 3*. The proposal is considered appropriate in light of the relevant legislative, environmental, technical, radio coverage and public safety requirements.

The proposed development is considered appropriate for the subject site for the following reasons:

- The proposed works are located as part of the Mobile Blackspot Program to provide reliable mobile phone service to the West Pingelly area. It will deliver mobile coverage to regional and remote communities who, for the first time, will be able to access fast mobile voice and data services. The improved coverage is increasing access to new technologies for key regional sectors and communities, which rely on a fast, reliable and affordable mobile network.
- Public views to the existing facility are adequately contained due to the presence of mature vegetation and the undulating topography, and appropriate distances to surrounding residents.
- The proposal is consistent with the relevant provisions of the *Shire of Pingelly Local Planning Scheme No. 3*.
- The proposal will improve Telstra 4GX communications services to the area, including voice calls, video calling and Wireless Broadband – a high speed wireless internet service via the 3G/4G phone network.
- The proposed facility is appropriately located in a rural area, providing good separation from residential properties and roads.
- Emissions from the proposed facility will be significantly below the Australian Radiation Protection and Nuclear Safety Agency standards adopted by the Australian Communications and Media Authority.

The assessment of the proposal demonstrates that the proposal represents sound and proper town planning and it is respectfully requested that consent is granted for this development application.

A detailed planning assessment report is attached.

Consultation

The Shire administration invited neighbour comment on the Development Application for a two week period by writing to 8 adjoining/nearby landowners. The Shire received 1 submission on the Development Application which is outlined in Attachment 16.2. The main issues raised in the submission relate to the location of the proposed tower and effects of interference from other nearby towers.

In accordance with standard practice and in order to address concerns and issues where possible, the Shire administration provided the applicant an opportunity to review and respond to the submission. Attachment 16.2 outlines the applicant's response.

Attachment 16.2 sets out *State Planning Policy 5.2 Telecommunications Infrastructure*, while Attachment 16.2 is an extract from the *Planning and Development (Local Planning Schemes) Regulations* which sets out matters to be considered by local government in assessing a Development Application.

Statutory Environment

Shire of Pingelly Local Planning Scheme No.3

Policy Implications

There are no known policy implications.

Financial Implications

There are no known financial implications.

Strategic Implications

Goal 1	Economy
Outcome 1.3	The right resources and infrastructure are in place to support business development, including an increase in visitors and visitor spend in the Shire.
Strategy 1.3.2	Advocate for adequate broadband, water and power supply capacity.

Risk Implications

Risk	The key risk around this application is the need to consult with the community. There is no requirement to consult due to the use being a 'discretionary' use under the Local Planning Scheme. On occasions, it is beneficial to consult due to the public being concerned about a development and the need to 'hear' the community. In this circumstance, the risk is considered to be low, as the tower is located on a 6,341,086m ² block, with the nearest neighbour being in excess of 2 km away. If Council refuses a compliant application for telecommunications given the need for additional infrastructure, damage to the reputation of Council may arise. If the application is refused, and the applicant requests a review at the State Administrative Tribunal, legal costs will be incurred by the Shire.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

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)

Voting Requirements

Simple Majority

12918 Moved: Cr Hastings Seconded: Cr Oliveri

Recommendation and Council Decision

The application for development approval for the proposed Telstra Telecommunications Tower at Lots 3 & 4 – (No. 167) Page Road, West Pingelly is approved subject to the following conditions:

1. The development must be carried out in accordance with the submitted plans and specifications (addressing all conditions) or otherwise amended by the local government and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. Any lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.

Carried 6:1

16.3 Proposed Oversize Shed

File Reference: A5245
Location: Lot 171 – 15 Taylor Street
Applicant: T Messenger
Author: Administration Officer Technical
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary

Council to consider an application for a proposed oversized shed at Lot 171 – 15 Taylor Street, Pingelly.

Background

The applicant has submitted an application for planning consent for a proposed oversized shed with an area of 144m² at Lot 171 – 15 Taylor Street. This application is required to be referred to Council as the new shed will create a larger than existing outbuilding area bringing it over the requirements of 75m² for zoning area of R12.5/R20 as referenced in the Shire of Pingelly's Policy 13.2 Outbuildings.

Comment

The shed is proposed to be located at Lot 171 – 15 Taylor Street, Pingelly, which is zoned residential with an R12.5/R25 code and a total lot area of 1518m². The shed will be constructed in colorbond materials and be located on the south eastern corner of the property bordering the neighbour to the east and Shaddick Street to the south with 1.5m boundary setbacks from rear and side boundaries. The shed will have a total area of 144m² with a gable height of 4.8m. There are no other existing outbuildings on the property. There will be limited overshadowing issues with neighbouring properties as the proposed location of the shed joins the eastern boundary of the property where there is an existing shed located on the adjoining property boundary and the southern boundary adjoins Shaddick Street. The shed will be located 11.5m from the western boundary.

Four neighbours have been consulted on the proposed shed with a request for any objections to be submitted by 12 November 2020.



Consultation

The Shire administration invited neighbour comment on the Development Application for a two week period by writing to four adjoining/nearby landowners. No submissions have been received to date.

Statutory Environment

Shire of Pingelly's Local Planning Scheme No.3

Policy Implications

“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.

Financial Implications

There are no known financial implications.

Strategic Implications

Goal 3	Built Environment
Outcome 3.2	New development (including commercial) is of a high quality and contributes positively to the character and appearance of the town.
Strategy 3.2.1	Encourage new developments to be designed and built in a way that reduces pressure on and demand for resources (e.g. energy efficiency and water conservation), and gives priority to development/ infill of currently zoned land.

Risk Implications

Risk	The key risk arises from the failure to consult with neighbouring properties resulting in complaints. This has been managed through the consultation process.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 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)

Voting Requirements

Simple majority

12919 Moved: Cr Hotham

Seconded: Cr Narducci

Recommendation and Council Decision

That Council grant planning approval for the proposed oversized shed at Lot 171 – 15 Taylor Street, Pingelly which is to be used ancillary to the dwelling and not for commercial purposes.

Carried 7:0

16.4 Proposed Partial Permanent Closure of Scudds Lane

File Reference: ADM0393
Location: Scudds Lane
Applicant: Shire of Pingelly
Author: Administration Officer Technical
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: 17 February 2010, 21 April 2010 and 15 April 2020

Summary

Council to consider the partial permanent closure of Scudds Lane.

Background

The Shire of Pingelly was notified in early 2020 of the opportunity to apply for funding under the Drought Communities Programme – Extension (DCPE). The objectives of the program are to deliver support to targeted drought-affected regions of Australia by funding:

- local community infrastructure and
- other drought relief projects.

In April 2020, Council considered a number of projects as viable options under the DCPE, with the redevelopment of Memorial Park chosen as the project which would provide the greatest economic benefit to the Shire of Pingelly within the grant criteria. At the Ordinary Council Meeting of 15 April 2020, Council endorsed a submission to be prepared under the Drought Communities Programme – Extension, for the re-development of Memorial Park, with final concept drawings and project components to be endorsed by Council prior to the final submission. The concept plan was subject to community and stakeholder consultation.

Comment

Approval for the funding application has been granted, with the project to be delivered by 30 June 2021. Part of the concept plan, which was previously subject to consultation, is to partially close Scudds Lane to create a safer environment for the use of the two parks (east and west) and allow better utilisation of the area.

It is recommended that the Council initiates the permanent road reserve closure process to assist in implementing the Council’s concept plan for Memorial Park.



Following the close of the consultation period, the Shire Administration will consider the submissions and will report back to Council. The Council will determine whether or not it will agree to the road reserve closure request and whether it will advise the Minister for Lands to permanently close a portion of Scudds Lane.

Should the proposal progress, it is proposed that the road reserve is amalgamated into Shire managed reserves (Memorial Park).

Consultation

Subject to the Council's decision, there is a requirement to seek comments from affected landowners and stakeholders for at least 35 days. This will include through writing to and inviting comments from stakeholders and government agencies, placing a public notice in a newspaper circulating in the district, placing details on community noticeboards, placing details on the Shire website, on the Shire's Facebook page and having details at the Shire office.

Statutory Environment:

Land Administration Act 1997 and the Land Administration Regulations 1998. A Council resolution is required to initiate the road closure process.

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request;
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Policy Implications

No known policy implications.

Financial Implications

The Shire is required to meet all costs associated with the road closure process including survey, possible land acquisition, State Government administration fees and amalgamation fees.

Strategic Implications

Goal 1	Economy
Outcome 1.1	The Shire experiences significant new business growth and employment and is known widely as an innovative and collaborative community which is attracting new population and investment.
Strategy 1.1.1	Work with community groups, local business and other partners to explore and leverage opportunities for business development around the PRACC.

Risk Implications

Risk	The road closure will retain vehicular access to properties in Scudds Lane. There are existing services in the road reserve which may need to be protected by an easement. Landowner and stakeholder feedback are required. Without the closure of Scudds Lane, the full economic and social benefits of an enhanced Memorial Park will not be realised.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Compliance
Risk Action Plan (Controls or Treatment Proposed)	Consultation with property owners on Scudds Lane (between Pasture Street and Sharow Street), servicing authorities and other stakeholders who may be impacted by the permanent road reserve closure.

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 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)

Voting Requirements

Simple majority

12920 Moved: Cr Narducci

Seconded: Cr Oliveri

Recommendation and Council Decision

That Council:

1. **Agrees to initiate permanent road reserve closure action, under section 58 of the *Land Administration Act 1997*, to close a portion of Scudds Lane as outlined in the Concept Plan, with the road reserve proposed to be amalgamated into Reserve 10705 and Reserve 17942.**
2. **Notes the Shire administration will invite submissions on the closure of a portion of Scudds Lane for a period of six (6) weeks.**
3. **Will reconsider the road closure request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Lands permanently closes a portion of the Scudds Lane reserve.**

Carried 5:1

Cr Narducci left the room at 2.33pm and returned at 2.34pm.

Cr Mulroney returned to the room at 2.34pm

16.5 Road Dedication and Closure – Portion of Bettison Road

File Reference: 00307
Location: East Pingelly
Applicant: Shire of Pingelly
Author: Administration Officer Technical
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: 19 December 2012

Summary

Council to formalise the dedication of a small section of the realigned Bettison Road reserve.

Background

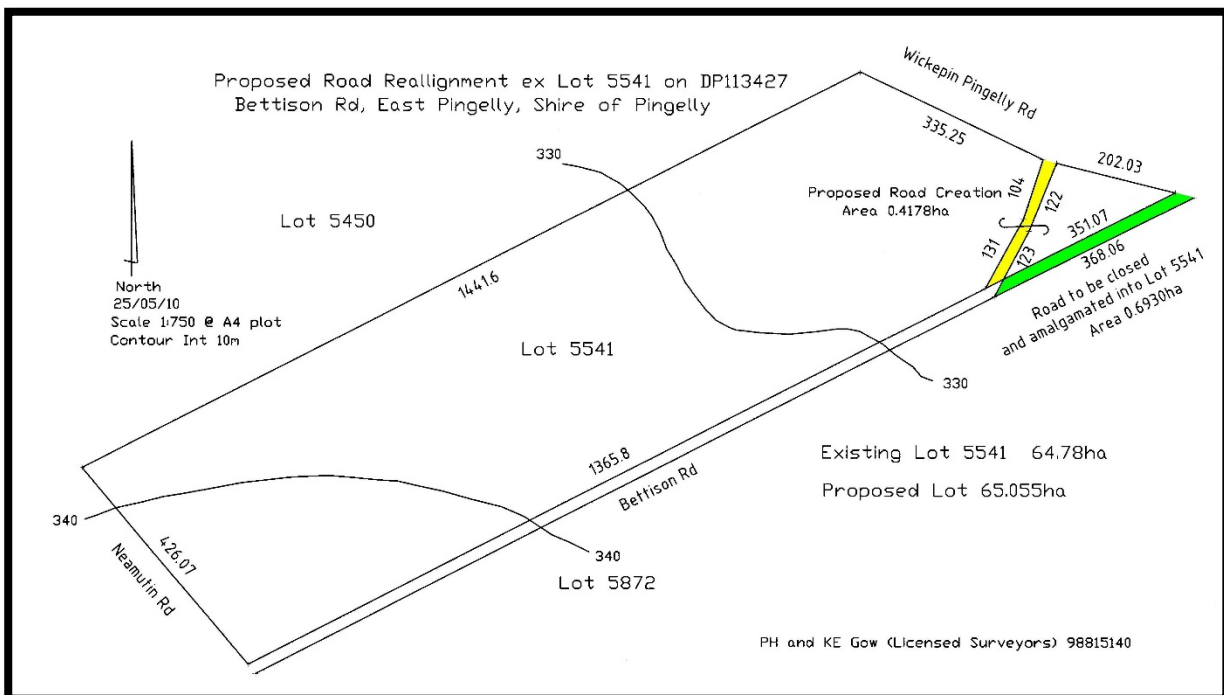
In 2009, the Shire of Pingelly realigned the intersection of Bettison Road and Wickepin-Pingelly Road through freehold Lot 5541 on Deposited Plan 113427. The process involved the Taking by Agreement of 4560m² from Lot 5541 in exchange for 6933m² of redundant road corridor.

The Council, at its meeting on the 19 December 2012, resolved:

“That the section of Bettison Road shown on the sketch in green be closed and the Minister for Lands be indemnified in this action.”

The road closure requirements for this proposal were suitably addressed by the Shire in 2012 including associated consultation.

The plan showing the road closure and associated road dedication is outlined below:



Based on recent Department of Planning, Lands and Heritage (DPLH) advice, the Shire did not however address the requirements of section 56 of the *Land Administration Act 1997* (LAA) in 2012. For the road reserve dedication (creation) to be completed, the Shire is required to undertake the following:

1. Statement of Indemnity for claims of compensation as a result of the Taking by Agreement under Part 9 of the LAA (outlined in the recommendation);
2. Deed of Agreement signed by the freehold landowner (William Sydney Brain) and the Shire, using the Shire’s common seal (the Deed has not currently been signed; however this is proposed to be addressed in the recommendation); and
3. Council Resolution for the dedication of a road under section 56 of the LAA and a statement that the Shire indemnified the Minister for Lands, under section 56(4) of the LAA, against any claim for compensation (outlined in the recommendation).

Comment

It is suggested that Council is now able to finalise its position on the Bettison Road reserve dedication. It is recommended that Council agree to the road reserve dedication for a portion of Bettison Road to provide certainty for the landowner, the community and the Shire.

Subject to the Council’s decision, a Deed of Agreement is required to be signed between the landowner and the Shire. The Shire’s final task is nominating a preferred surveyor to prepare a freehold acquisition plan, which will support both the taking and amalgamation of freehold land into Lot 5541.

The Minister for Lands will determine whether to dedicate the road reserve. Should the Minister agree, the section of the Bettison Road reserve will be dedicated and vested with the Shire.

Consultation

Previously undertaken to meet the requirements of the LAA.

Statutory Environment

Land Administration Act 1997 and Land Administration Regulations 1998.

The Council now needs to formally resolve to finalise the dedication and indemnify the DPLH against any costs that may arise (survey documentation, stamp duty etc.).

Policy Implications

No known policy implications.

Financial Implications

The Shire is required to meet all costs associated with the road dedication process including survey and State Government administration fees.

Strategic Implications

Goal 3	Built Environment
Outcome 3.4	It is easy and safe to move around and in and out of the district
Strategy 3.4.1	Provision of a road network with service levels that meet the needs of industry and residents.

Risk Implications

Risk	The key risk is the realigned road is not a dedicated road reserve for public use under the control of the Shire of Pingelly.
Risk Rating (Prior to Treatment or Control)	Medium 6
Principal Risk Theme	Operational/Reputational
Risk Action Plan (Controls or Treatment Proposed)	For a formal resolution of the land resumption and road dedication.

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)

Voting Requirements

Simple majority

12921 Moved: Cr Narducci

Seconded: Cr Freebairn

Recommendation and Council Decision

That Council:

- 1. Endorses the plan outlined in this report to dedicate a portion of Bettison Road, East Pingelly as a Shire managed road under section 56 of the *Land Administration Act 1997*.**
- 2. Delegates authority to the Shire President and to the Shire’s Chief Executive Officer to sign and seal the Deed of Agreement with the owner of Lot 5541 on Deposited Plan 113427.**
- 3. Subject to suitably addressing point 2, requests the Minister for Lands to support the road reserve dedication for a portion of Bettison Road.**
- 4. Confirms the Shire will meet all costs associated with the road reserve dedication process and indemnifies the Minister for Lands and the Department of Planning, Lands and Heritage against any claim for compensation and for costs and expenses in the process under section 56(4) of the *Land Administration Act 1997*.**
- 5. Delegates authority to the Shire’s Chief Executive Officer to progress matters with the Department of Planning, Lands and Heritage, other agencies and the landowner regarding the dedication of the Bettison Road reserve along with nominating and engaging the preferred surveyor to prepare a freehold acquisition plan.**

Carried 7:0

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).

The Shire President requested that Julie Burton, Darryn Watkins, Lisa Boddy and Deanne Sweeney leave the room at 2.38pm.

Cr Narducci left the room at 2.47pm and returned at 2.48pm

Julie Burton, Darryn Watkins, Lisa Boddy and Deanne Sweeney returned to the room at 2.48pm

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 2.50pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 9 December 2020.

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