



Shire of Pingelly

Minutes

Ordinary Council Meeting
16 March 2022

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman to declared the meeting open at 2:00.

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

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

Members Present

Cr W Mulroney (President)
Cr J McBurney (Deputy President)
Cr B Hotham
Cr A Oliveri
Cr K Camilleri
Cr P Wood
Cr P Narducci

Staff in Attendance

Mr A Dover Chief Executive Officer
Mr M Hudson Executive Manager Works
Ms J Hitch Customer Service Officer

Members of the Public

Mr Vincent Holt

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

7. APPLICATIONS FOR LEAVE OF ABSENCE

Member Absent

Cr K Singh

8. DISCLOSURES OF INTEREST

Cr Narducci declared a Financial Interest in Item 16.2 Development Application for Rural Home Business (Pastured Egg Packing Shed)

Mr Dover declared an Impartial Interest in Item 19.1 Appointment of a Senior Employee

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 16 February 2022

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

13113 Moved: Cr Oliveri Seconded: Cr McBurney

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 16 February 2022 be confirmed.

Carried 7/0

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

11. ITEMS BROUGHT FORWARD DUE TO PERSONS ATTENDING

12. REPORTS OF COMMITTEES

12.1 Reports of Committees of Council

- Audit Committee Full Council
- Bushfire Advisory Committee Member – Cr Narducci
Deputy – Cr Hotham
- Chief Executive Officer Performance Review Committee Member – Shire President
Member – Deputy President
Member – Cr Camilleri

12.2 Reports of Council Delegates on External Committee

- 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
- Pingelly Recreation & Cultural Committee Member – Shire President
Deputy – Deputy President
- Development Assessment Panel Delegate – Shire President
Delegate – Cr Wood

Deputy – Cr Camilleri
Deputy – Cr Hotham
- Pingelly Tourism Group Delegate – Cr Hotham
Deputy – Cr Narducci
Deputy – Cr Singh
- Shires of Pingelly and Wandering Joint Emergency Management Committee Delegate – Shire PresidentLocal
Deputy – Cr McBurney
- Pingelly Youth Network Delegate – Cr Camilleri
Deputy – Cr McBurney
- Pingelly Somerset Alliance Delegate – Shire President
Deputy – Cr McBurney
- Pingelly Early Years Network Delegate – Cr Camilleri

13. REPORTS FROM COUNCILLORS

Cr William Mulroney (President)

FEBRUARY

- 14th Hotham-Dale Subgroup RRG meeting via zoom- Verification of modification of works by Wandering Shire Council and election of Delegates to the RRGs. (Regional Road Group South)
- 18th Central Country Zone Meeting Darkan with CEO
- 23rd PRACC Board meeting.
- 24th President, Deputy President and CEO general catch up on Council business.
- 25th Webinar COVID Restrictions for Community entering LG Facilities.

MARCH

- 1ST Community Business Sundowner, Pingelly Retreat Motel hosted by Shire of Pingelly. Businesses of the CBD were invited to join in a welcome to the new owners of the Retreat Motel and have a tour of the renovations and explanation of the future of the Business.
- 3rd Entrance Meeting for the upcoming 21/22 Audit. Explanation by the AMD Accountant Principal Mr Tim Partridge. In attendance via zoom OAG Representative, Executive Manager of Corporate and Community Services, President and Finance Officer.
- 4th Regional Road Group South Meeting at Wickepin accompanied by Deputy President Cr Jackie McBurney
- 8th International Women's Day Morning Tea Memorial Park.
- 9th President, Deputy President and CEO Agenda Briefing.
- 9th 3.15pm Public Account Inquiry- Student Transport. Attended by President, Deputy President and CEO via zoom, evidence to substantiate the submission provided to the committee of the Inquiry.
- 15th LEMC Meeting at SES HQ Pingelly.
- 16th Ordinary Council Meeting and Corporate discussion for March.

Mr Holt joined the meeting at 2:05pm.

14. OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Council Delegates to the Pingelly Arts and Culture Focus Group

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

Summary:

Council to consider reviewing and appointing a delegate to the Pingelly Arts and Culture Focus Group.

Background:

Council has a number of delegates on external committees. These committees and their delegates are listed in this agenda at section 13. The purpose of these delegates are to provide representation from Council on the committee and to report back to Council regarding any decisions made by the external committee. The delegates are not empowered to make decisions or commitments on behalf of Council.

Following the Pingelly Arts and Culture facilitated workshop, the consensus of those that attended was to form a working group to progress the consultation and guide the direction of Arts and Culture within the town. The CRC has taken the lead to facilitate the establishment of the Pingelly Arts and Culture Focus Group and has sent out an Expression of Interest for those wishing to be part of that group. It is recommended that Council respond to this Expression of Interest request and appoint a Councillor as a delegate to this external committee in addition to the Chief Executive Officer and Community Development Officer.

Comment:

At the local government elections, all positions and appointees to committees and other representation as members of Council are vacated and fresh appointments should be made to continue this representation.

Consultation:

Chief Executive Officer and Councillors.

Statutory Environment:

Nil as this is not a Committee of Council.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Goal 2 - Community

'Quality of life is good, people feel they have a positive future, they enjoy their community, and can live easily in the Shire over their lifetime.'

Outcome 2.2 - Community groups function well with strong volunteer effort and feel supported by the community

Outcome 2.4 - People have access to attractive community facilities, activities and events which support activity and health, community involvement and enjoyment of life

Voting Requirements:
Simple Majority

13114 Moved: Cr McBurney

Seconded: Cr Narducci

Recommendation and Council Decision:

That Council appoints the following delegate to the Pingelly Arts and Culture Focus Group subject to the successful Expression of Interest process:

- **Pingelly Arts and Culture Focus Group Delegate – Cr McBurney
Deputy - Cr Hotham**

Carried 7/0

15. DIRECTORATE OF CORPORATE SERVICES

15.1 Monthly Statement of Financial Activity – February 2022

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 February 2022 to 28 February 2022
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 February 2022 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 28 February 2022.

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 2021/22.

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

13115 Moved: Cr Camilleri Seconded: Cr Wood

Recommendation and Council Decision:

That with respect to the Monthly Statements of Financial Activity for the month ending 28 February 2022 be accepted and material variances be noted.

Carried 7/0

15.2 Accounts Paid by Authority – February 2022

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 is requested to receive the list of accounts paid by authority for the month of February 2022.

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 2021/2022 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	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

13116 Moved: Cr Narducci Seconded: Cr Hotham

Recommendation and Council Decision:

That Council receive the Accounts for Payments for February 2022 as authorised under delegated authority and in accordance with the Local Government (Financial Management) Regulations 1996:

To 28 February:

Municipal Account	\$54,522.90
Trust Licensing Account	\$30,463.30
Trust Account	\$100.00

Carried 7/0

15.3 2021/22 Annual Budget Review

File Reference: ADM0067
Location: Not Applicable
Applicant: Not Applicable
Author: Executive Manager Corporate Services
Disclosure of Interest: Nil
Attachments: 2021/22 Budget Review
Previous Reference:

Summary

To consider and adopt the Budget Review as attached for the period 1 July 2021 to 28 February 2021.

Background

In accordance with Local Government (Financial Management) Regulations, Council is required to carry out a review of its annual budget for that year by 31 March. This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds, to ensure that community benefit from available funding is maximised.

Comment

The mid-year review of the Shire's financial accounts as at 28 February 2021 has been conducted and areas identified that require amendments to initial budget allocations. Wherever possible, service areas seeking additional funds to what was originally approved in the budget are encouraged to generate funding or to find offsetting savings in their own areas. These amendments have been detailed in the document for Council's review. A commentary is provided where expenditure or income has a variance of more than \$5,000.

In reviewing the 2021/22 Budget and incorporating the amendments and the audited surplus for the 2021/22 financial year, the changes made to the various accounts have resulted in a nil effect on the closing fund of \$0.

The budget review process has identified items requiring adjustment which are self-balancing, where increased expenditure is offset by corresponding decreases elsewhere within the program, or additional associated revenue. A copy of the 2021/22 Budget Review report is attached which details the items. Changes over \$5,000 include:

Description	Variation \$
Revenue	
Increase revenue - RACIP (Regional Arts and Cultural Investment Program) Leverages Cultural Planning	50,000.00
Increase revenue Town Hall Grant - Wheatbelt Development Commission	25,000.00
Decrease revenue Sulkies & Buggies Display Shed - Lotterywest Grant	50,000.00
Increase revenue Caravan Park improvements - Chalets- LRCI Phase 3	50,000.00
Increase in General Purpose Grant FAGS - LGGC	54,632.00
Increase in Roads Grant FAGS - LGGC	20,907.00
Increase revenue proceeds Total Loss Insurance Claim - PCEO20	38,738.00
Increase revenue RAC Funding - Pingelly Pocket Park	35,731.00
Increase revenue National Australia Day Grant & IGA Community Chest Fund	20,910.00
Increase revenue Long Service Leave Reimbursement	28,615.00

Increase revenue Paid Parental Leave Reimbursement – Centrelink	10,816.00
Increase revenue reimbursement - Workers Compensation Claim	60,942.00
Decrease revenue refuse site charges	5,600.00
Gifted Old Bowling Club Building - Accounting Transaction only	599,000.00
Increase revenue LRCI Phase 3 PRACC Carpark and Drainage	25,000.00
Decrease revenue Grain Freight Route funding transfer 22/23 Budget	46,500.00
Decrease revenue Proceeds on New Lease	230,000.00
Decrease Proceeds on Disposal of Asset - PT13 and PSM01	52,000.00
Decrease revenue Private Works	10,000.00
Expenditure	
Increase expenditure Australia Day	16,865.00
Increase expenditure - RACIP (Regional Arts and Cultural Investment Program) Leverages Cultural Planning	50,000.00
Increase expenditure Caravan Park improvements – Chalets	50,000.00
Increase expenditure Town Hall - Wheatbelt Development Commission Grant	25,000.00
Increase in utility expenditure Pingelly Swimming Pool	5,000.00
Increase Advertising - Various vacant positions	6,000.00
Increase expenditure IT expenditure	6,700.00
Increase expenditure Relocation Expenses CEO & Coordinator Works	6,000.00
Increase expenditure Long Service Leave payout	11,000.00
Increase in Financial Services	11,000.00
Decrease expenditure Right of Use Assets PT13	230,000.00
Decrease Leasing - Replacement PT13	34,500.00
Increase expenditure Appliance Bay Facility & Amenities plus fast fill trailer shed - ESL Grant BFB	231,707.00
Increase expenditure RAC Funding - Pingelly Pocket Park	35,731.00
Gifted Old Bowling Club Building - Accounting Transaction only	599,000.00
Decrease expenditure Sulkies and Buggies project	200,000.00
Increase expenditure Emergency Repairs to BR006 Yealering Pingelly Road Bridge	26,800.00
Increase expenditure PRACC Carpark and Drainage (LRCI Phase 3)	25,000.00
Increase expenditure materials York Williams Road	48,309.00
Decrease expenditure materials North Bannister Pingelly Road	50,000.00
Decrease expenditure employee direct labour and PWOH's CB81 Review	12,424.00
Increase expenditure materials CB81 Review Street	33,206.00
Decrease expenditure CC82 Pasture Street	20,062.00
Decrease expenditure Materials FPC1 Footpath Construction	11,208.00
Increase expenditure Rural Road Maintenance	34,224.00
Decrease expenditure materials Town Street Maintenance	5,000.00
Increase expenditure Long Service Leave Payouts	18,000.00
Increase expenditure PT13 Parts and Repairs	10,000.00

Increase expenditure Portable Device Salary Sacrifice Arrangement and Electronic Device/Equipment for working remotely - COVID 19	12,075.00
Increase expenditure RAT (Rapid Antigen Test) COVID 19	9,868.00

Reserves

This budget review has an overall positive impact on the estimated closing balance of Shire Reserves as at 30 June 2022 of \$138,738, due to the transfer of \$100,000 for the Sulkies and Buggies project and \$38,738 transfer to Plant Reserve to fund future plant requirements in the Technical area.

Consultation

No external consultation is required for this item.

Statutory Environment

Local Government Act 1995 Section 6.2 Municipal Budget.

Local Government (Financial Management) Regulations 1996.

Regulation 33A Review of Budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department of Local Government, Sport & Cultural Industries.

Policy Implications

There are no policy implications.

Financial Implications

Specific financial implications are as outlined in the comment section of this report.

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 budget review in the prescribed form or closing date 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 (4)
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

Absolute Majority

13117 Moved: Cr Camilleri Seconded: Cr Wood

Recommendation and Council Decision:

- 1. That Council adopts the 2021/22 Budget Review for the period ending 28 February 2021 as attached.**

Carried 7/0

16. DIRECTORATE OF WORKS

16.1 Proposed Second Shed

File Reference: A1176
Location: Lot 203 – 36 Pitt Street
Applicant: I & P James
Author: Administration Officer Technical
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary

Council to consider an application for an additional shed at Lot 203 – 36 Pitt Street, Pingelly.

Background

The applicant has submitted an application for development consent for a proposed second shed with an area of 96m² at Lot 203 – 36 Pitt Street. There is already an existing two bay garage 36m² in area.

This application is required to be referred to Council as the new shed will create a larger outbuilding area bringing it over the requirements of 60m² for the mixed use zoning.

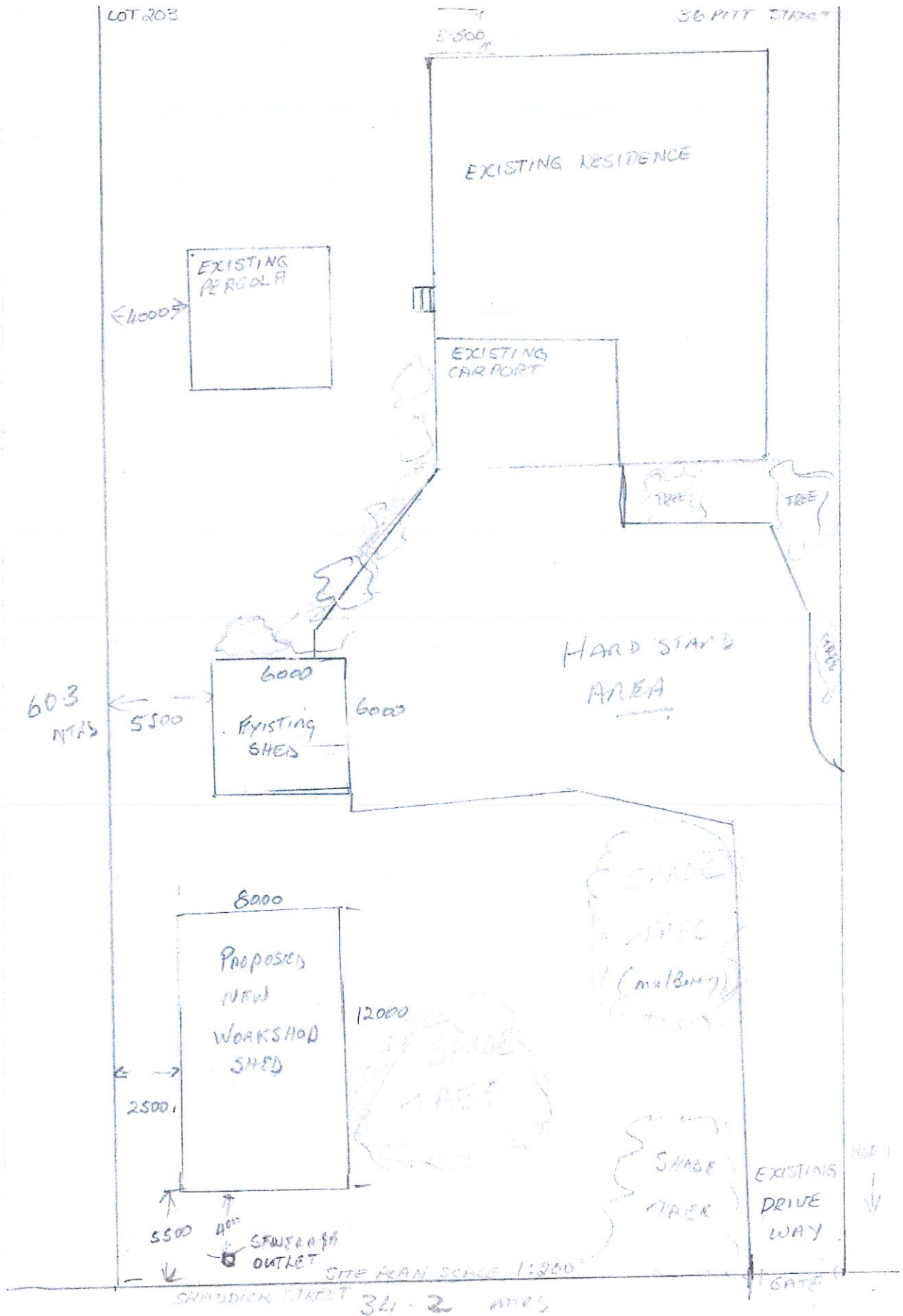
Comment

The shed is proposed to be located at Lot 203 – 36 Pitt Street, Pingelly, which is zoned mixed use and a total lot area of 2064m². The shed will be constructed in colorbond materials and be located in the north-eastern corner of the property setback 5.5m from the rear boundary adjacent to Shaddick Street and the eastern boundary 2.5m.

The shed will have a total area of 96m² with a gable height of 3.71m and a wall height of 3m and will be used for general storage and a workshop for private use.

There will be minimum over shadowing issues with neighbouring properties as the rear lane of Shaddick Street on northern boundary of the lot is adjacent to the rear lane known as Shaddick Street. The shed will overshadow the rear of the property adjoining the eastern boundary.





Consultation

Consultation with neighbours on either side and two to the rear **with no comments received.**

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.
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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

13118 Moved: Cr Narducci Seconded: Cr Oliveri

Recommendation and Council Decision:

That Council grant planning approval for the proposed second shed for workshop and storage at Lot 203 – 36 Pitt Street, Pingelly which is to be used ancillary to the dwelling and not for commercial or industrial purposes.

Carried 7/0

Cr Narducci was placed in the online waiting room at 2:17

16.2 Development Application for Rural Home Business (Pastured Egg Packing Shed)

File Reference:	A5485
Location:	Lot 394 – 9 Narducci Street
Applicant:	C Smith
Author:	Administration Officer Technical
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	8 December 2021 – Item 16.1 Development Application for Pastured Egg Farm

Summary

Council to consider an application for a Rural Home Business (Pastured Egg Packing Shed) on the rural residential lot at 9 Narducci Street in association with the Pastured Egg Farm (approved 8 December 2021) on the adjoining lots.

Background

The applicant has submitted a fresh application for the packing shed that relates to the approved development for a Pastured Egg Farm business to be located on the rural residential property.

The original location of this outbuilding on the general agriculture lot 3493 was part of the application for a Pastured Egg Farm and the outbuilding is to be used for the processing and packing of the eggs.

This application is required to be referred to Council as the new outbuilding will increase further the outbuilding area over the requirements of 200m² for the rural residential zone.

Comment

The applicant has requested for the packing shed which in the existing approval was proposed to be located on the General Agriculture Land Lot 3493 to be located on the Rural Residential Land at Lot 3493 – 9 Narducci Street. This relocation will allow easier access to the packing shed, greater security and proximity to power.

The location of the proposed outbuilding will be next to the existing shearing shed on the property – site plan inserted below.

The proposed use of the outbuilding is to accommodate egg processing and packaging material in relation to the previously approved Pastured Egg Farm that will be located on the adjoining general agriculture land to the south.

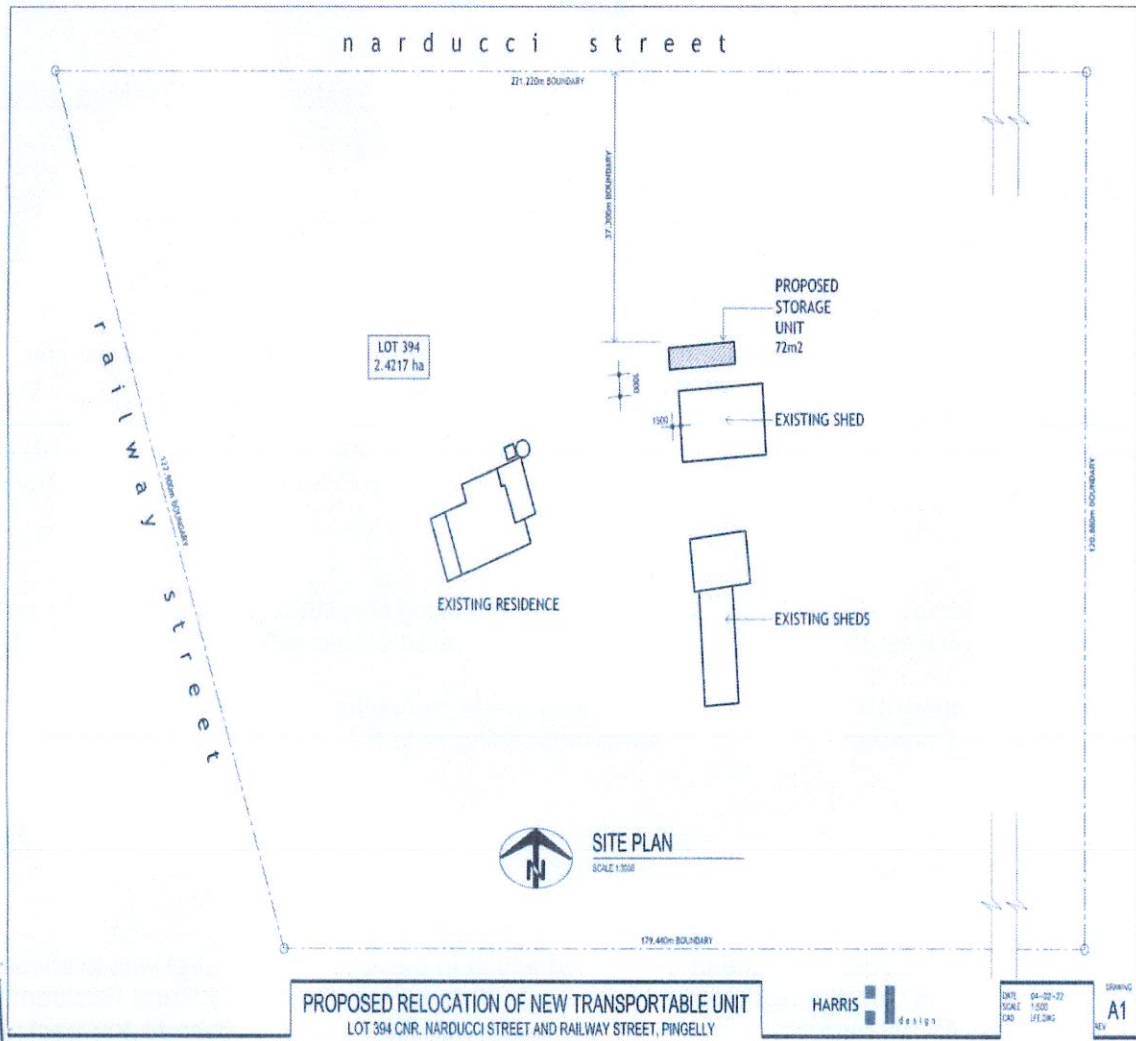
The area of the proposed outbuilding will be 72m² in area. There are existing outbuildings on the property with a combined outbuilding area exceeding 200m² in area. The property is considered to be of a size which would easily contain the additional 72m² building with substantial setbacks as shown on the plans below.

The property is zoned rural residential with the southern boundary being the end of the gazetted townsite. The adjoining land is zoned general agriculture.

The location of the proposed packing shed fits with the land use of Rural Home Business which requires consultation with the nearest neighbours to the above property.

An option to accommodate the egg processing equipment and packaging material was to retrofit the existing limestone shearing shed, but the applicants preference was to maintain the historical integrity of these limestone structures.

The proposed transportable building meets all food safety and handling requirements and is vermin proof.



Consultation

Consultation with two neighbours **and no comments were received.**

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:

4.2 In any residential zone with an R code below R10, the rural residential zone of the Shire and on farming zoned lots which have an area of 2ha or less

- a. Non-masonry zincalume construction, where the total zincalume outbuilding area does not exceed 75m² and the total outbuilding area does not exceed 200m², or
- b. Non-masonry colorbond construction, where the total colorbond outbuilding area does not exceed 150m² and the total outbuilding area does not exceed 200m²
- c. Masonry or other approved construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 200m²,
- d. Wall height of any outbuilding not to exceed 4m. In the case of a gable roof construction, the maximum building height is not to exceed 5m;
- e. No planning consent or building licence approval will be granted or issued, for any outbuildings on a residential or rural residential zoned lot where a building licence has not been issued for a residence and / or where an outbuilding is not located at least 4m from any boundary of the lot;
- f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for purposes permitted within the zone in which it is located under the provisions of the Shire's operative Local Planning Scheme;
- g. Any development application which does not comply with the above shall be referred to Council for consideration.

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.
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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

13119 Moved: Cr Camilleri Seconded: Cr Wood

Recommendation and Council Decision:

That Council grant planning approval for the location of the proposed outbuilding to be used as a Rural Home Business (Egg Packing Shed) at Lot 394 – 9 Narducci Street, Pingelly with the following conditions:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
2. Any further use, addition to and/or intensification of any part of the subject development that is not in accordance with the approved application and the Conditions of Approval, and that is not considered minor, shall be subject to a new Development Application and approval for that use, addition and/or intensification.
3. The Egg Packing Shed is to be included in the revised site plan; Environmental Management Plan; and Emergency Management and Evacuation Plan required under the Pastured Egg Farm (Animal Husbandry - Intensive) at Lots 2826, 3150, 3493 and 27736 Yenellin Road, Pingelly, approved 8 December 2021.
4. The use hereby permitted shall not:
 - a. cause injury to or prejudicially affect the amenity of the locality by reason of the emission of dust, odour, noise, waste product or other impact;
 - b. employ more than 5 people not members of the occupier's household;
 - c. result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the

- presence, use or calling of more than 3 vehicles of more than 3.5 tonnes tare weight; and
- d. involve the use of an essential service of greater capacity than normally required in the zone.
5. The transportable building shown as 'portable storage unit' shown on the approved plans must be removed:
 - a. prior to the sale of the subject lot or the lots the subject of the approval dated 8 December 2021 for the Pastured Egg Farm (Animal Husbandry - Intensive) at Lots 2826, 3150, 3493 and 27736 Yenellin Road, Pingelly; or
 - b. before 6 months of the cessation of the use of the Pastured Egg Farm (Animal Husbandry - Intensive) at Lots 2826, 3150, 3493 and 27736 Yenellin Road, Pingelly.
 6. The external appearance of the transportable building shown as 'portable storage unit' on the approved plans is to be suitably constructed and maintained to the satisfaction of the local government including suitable screening and/or cladding of the building.
 7. The use of Pastured Egg Farm (Animal Husbandry - Intensive) must not occur on the subject site at any time.
 8. The transportable building shown as 'portable storage unit' shown on the approved plans must not be used for habitable purposes.

Carried 6/0

Cr Narducci rejoined the meeting at 2:19

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

Nil

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

Nil

Mr Holt left the meeting at 2:21pm.

19. CONFIDENTIAL ITEMS

19.1 Confidential Item - Appointment of a Senior Employee

13120 Moved: Cr Camilleri Seconded: Cr Wood

Recommendation and Council Decision:

That pursuant to Section 5.23 of the Local Government Act 1995 these items be dealt with, with the public excluded as the item deals with a matter affecting an employee.

Carried 7/0

13121 Moved: Cr Narducci Seconded: Cr McBurney

Recommendation and Council Decision:

That Council accept the recommendation from the Chief Executive Officer to appoint Ms. Zoe MacDonald to the position of Executive Manager Corporate Services in accordance with section 5.37 of the Local Government Act 1995.

Carried 7/0

13122 Moved: Cr Camilleri Seconded: Cr Oliveri

Recommendation and Council Decision:

That the meeting be re-opened to the public.

Carried 7/0

20. CLOSURE OF MEETING

The Chairman declared the meeting closed at 2:29.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 20 April 2022

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