



# Shire of Pingelly

## Minutes

Ordinary Council Meeting  
18 July 2018

Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	3
2.	ACKNOWLEDGEMENT OF COUNTRY .....	3
3.	ANNOUNCEMENTS BY THE PRESIDING MEMBER .....	3
3.1	Council Agenda Reports.....	3
4.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE .....	3
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
6.	PUBLIC QUESTION TIME .....	5
6.1	Mrs Lee Steel .....	5
6.2	Mr Craig McLennan .....	9
7.	APPLICATIONS FOR LEAVE OF ABSENCE .....	11
8.	DISCLOSURES OF INTEREST .....	12
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	12
9.1	Ordinary Meeting – 20 June 2018.....	12
10.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS .....	12
11.	REPORTS OF COMMITTEES OF COUNCIL.....	13
12.	REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES.....	13
13.	REPORTS FROM COUNCILLORS .....	14
14	OFFICE OF THE CHIEF EXECUTIVE OFFICER .....	15
14.1	Policy Manual Annual Review.....	15
14.2	Delegations and Authorised Officer Appointment.....	17
14.3	Council Delegates to Committees.....	19
14.4	Confidential Item - Land Usage of Lots 168 and 169 Taylor Street Pingelly.....	26
14.5	Confidential Item - Tender 01/2018-2019 – Roadside Vegetation Clearing.....	28
14.6	Confidential Item - Tender 02/2018-2019 – Cartage of Materials for Earthworks .....	29
15.	DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES.....	30
15.1	Monthly Statement of Financial Activity – June 2018 .....	30
15.2	Accounts Paid by Authority – June 2018 .....	31
16.	DIRECTORATE OF TECHNICAL SERVICES .....	33
16.1	Proposed Road Widening Bodey Street, Pingelly .....	33
16.2	Proposed Shed.....	35
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
18.1	Ranger Authorisation .....	43
19.	CLOSURE OF MEETING .....	45

**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 and present.

**3. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil.

**3.1 Council Agenda Reports**

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

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

At the Ordinary Council Meeting held on 13 December 2017 the following leave was granted:

***12327 Moved Cr McBurney Seconded Cr Hodges  
That Council approve Cr Freebairn taking leave from 21<sup>st</sup> June to 28<sup>th</sup> July 2018 inclusive.***

***Carried 7:0***

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

***12377 Moved: Cr Walton Hassell Seconded: Cr Hotham  
That Cr McBurney be granted leave from Saturday 30<sup>th</sup> June to Friday 31<sup>st</sup> August 2018.***

***Carried 8:0***

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

***12414 Moved: Cr McBurney Seconded: Cr Hotham  
That Cr Wood be granted leave from Thursday 21<sup>st</sup> June until Tuesday 14<sup>th</sup> August 2018.***

***Carried 7:0***

**MEMBERS PRESENT**

Cr WV Mulroney	President
Cr BW Hotham	
Cr J McBurney	
Cr PJ Wood	
Cr JM Walton-Hassell	
Cr EJ Hodges	
Cr K Hastings	

**STAFF IN ATTENDANCE**

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

**APOLOGIES**

Cr DI Freebairn	Deputy President
-----------------	------------------

**OBSERVERS & VISITORS**

Mrs Lee Steel  
Mr Craig McLennan

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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

*Summary of Question:*

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

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

*Summary of Question:*

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

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

*Summary of Question:*

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

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

*Summary of Question:*

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

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

*Summary of Question:*

The Council is paying for it?

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

*Summary of Question:*

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

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

*Summary of Question:*

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

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

*Summary of Question:*

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

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

*Summary of Question:*

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

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

*Summary of Question:*

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

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

## **6. PUBLIC QUESTION TIME**

Public question time opened at 2.03pm.

### **6.1 Mrs Lee Steel**

Questions submitted prior to the meeting.

Re: Councils "treating" of a section of Shaddick St as last mile access.

The Shire President advised these questions would be taken on notice.

*Summary of Question:*

Are you saying that you cannot answer these questions today?

*Summary of Response:*

The Shire President responded that yes they can be answered today.

1. Will the Shire President please confirm that this was not a decision of Council and was in fact a decision made by the CEO as an operational matter?

The Shire President replied yes it was.

2. Can the Shire President advise what processes and/or policies were or should have been adhered to by the CEO when making operational decision re approval of last mile access to RAV4 vehicles on Shaddick St Pingelly.

The Shire President asked the CEO answer that question.

The Chief Executive Officer added I would like to clarify I think there has been some confusion as to what has been allowed as access to Taylor Street or Shaddick Street for Pingelly Transport compared to the RAV 4 network. We have only allowed semis to access this property. A prime mover and a trailer have no problems as a Shire or with Main Roads. When they have a second trailer is when it falls into the RAV4 network. The Shire applied to Main Roads to get sections of that road assessed and approved as RAV4 and that was not approved. The Shire has not approved RAV4 for Shaddick Street. Anything that has two trailers has been referred to Main Roads and they advised to let the local police know so they can enforce it.

*Summary of Question:*

So to be clear if they have two trailers on they are not allowed on Shaddick Street?

*Summary of Response:*

The Chief Executive Officer answered Correct.

*Summary of Question:*

And you are aware they are doing that?

*Summary of Response:*

The Chief Executive Officer replied the Shire unfortunately can't police it.

*Summary of Question:*

So when the questions were asked in writing to you in regards to company vehicles on that road and you responded that last mile access had been granted you didn't clarify it was for one trailer and did you assume we were asking about one trailer even though it was for two?

*Summary of Response:*

The Chief Executive Officer replied I assumed that it was for any trailer on Shaddick Street.

Question

When you responded to our questions that clearly only has two trailer vehicles on it you responded assuming we were talking about one trailer?

*Summary of Response:*

The Chief Executive Officer responded that the Shire haven't approved the two trailers and have notified Main Roads of the complaints and asked them to look at it and they have said it is up to local police to enforce. We will progress this once again as there has been an issue about two trailers.

*Summary of Question:*

We have been writing to you about a particular business and when you have been responded you have been responding about general stuff?

*Summary of Response:*

The Chief Executive Officer advised we have been replying that it was granted for semi trailers not two trailers we have never approved that.

*Summary of Question:*

When you have been responding to us you have responded that last mile access was granted, you did not state it was granted for their vehicle configurations. When did you envisage we would work out that your response did not pertain to the trucks at that business?

*Summary of Response:*

The Chief Executive Officer replied that the letters received are about truck movement and that is what we replied to. We have reported these issues to Main Roads.

*Summary of Question:*

So you have formally done that?

*Summary of Response:*

The Chief Executive Officer replied yes we have.

*Summary of Question:*

We have spoken to them and they have no record of a complaint. You have made complaints about two trailers to main roads?

*Summary of Response:*

The Chief Executive Officer responded that we have made Main Roads aware of these issues.

*Summary of Question:*

Could I ask the Shire President - when you responded to the letters we wrote were you aware that it was a single trailer we were discussing?

*Summary of Response:*

The Shire President responded no he wasn't.

The Chief Executive Officer added he would follow up the correspondence and find the dates of when the complaints have gone to Main Roads.

*Summary of Question:*

Can we get a formal response as to what they have been approved for and clearly define that is it one truck and one trailer? You did formal complaints? How was this done?

*Summary of Response:*

The Chief Executive Officer advised it will be through our regular reporting process.

*Summary of Question:*

Can you tell us when the application was made for last mile access for single trailer and when you formally approved single trailer access on that road?

*Summary of Response:*

The Chief Executive Officer replied that we have written to Pingelly Transport advising them of access and their requirements, they don't need approval for a prime mover and a single trailer.

*Summary of Question:*

They didn't make formal application for last mile access?

*Summary of Response:*

The Chief Executive Officer replied that we granted access as a single trailer.

*Summary of Question:*

So can you advise me when you formally notified them? You will send those replies in writing clearly outlined?

*Summary of Response:*

The Shire President advised yes we would.

Mrs Steel left the meeting at 2.25pm and did not return. Mrs Steel's remaining questions are shown below:

3. How does the Shire allocate approval for last mile access – is Shaddick St approved for any RAV4 vehicle to use the road or is Shire approval to individual vehicles?
4. Can the Shire President advise if the CEO's actions of approving last mile access to the owners of Lots 168 and 169 Taylor Street took into account the main roads report 22/08/2016 clearly stating that Shaddick St and Taylor St requests for RAV4 rating were not approved as they were "deemed unsuitable for RAV Networks 2-4 due to non complainant swept paths..."
  - a) If CEO did not consider the report when granting approval then why not?
  - b) If CEO did take this report into account, what justification did he use for overriding the decision and findings of Main Roads report?
5. When the CEO granted approval to the owners of Lots 168 and 169 Taylor St to allow last mile access what if any requirements did he put on the approval to ensure all users of this road would be safe?
6. As council is aware of the report by main roads that refused RAV4 rating to Shaddick St and received written advise that late last year my daughter and grandson narrowly avoiding a collision with a RAV4 vehicle that entered Shaddick St without stopping, will council be asking the CEO to immediately revoke the approval to owners of Lots 168 and 169 Taylor Street?
  - a) If not how will council ensure the safety of persons using Shaddick Street and how will council mitigate the liability risk to councillors and ratepayer as council will effectively be endorsing the actions of the CEO to allow RAV4 use of Shaddick St.

The Shire President advised that these questions would be taken on notice and a written reply will be sent.



## **6.2 Mr Craig McLennan**

### *Summary of Question:*

The record of the minutes for last question time at the last Ordinary Council Meeting there has been an omission from the questions I asked – regarding the duration of question time I would like to have it recorded that in the discussion the Shire President and I had that the Shire President advised that as Presiding Member it was his prerogative to limit question time to 15 minutes.

### *Summary of Response:*

The Shire President responded that is correct it is the prerogative of the Shire President to limit the length of question time.

### *Summary of Question:*

Why doesn't the Shire publish question time in the Shire News?

### *Summary of Response:*

The Shire President responded that the Shire News is just an overview of what has happened at the Council meeting, the full minutes are available on the website.

### *Summary of Question:*

I notice that Wikipedia has listed the Shire of Pingelly population as per the 2016 census of 809 is this correct? If not can the Shire President please direct the Shire to update this figure.

### *Summary of Response:*

The Shire President responded that we will check that on the ABS website.

### *Summary of Question:*

In the last two community surveys one of the most significant issues raised by the community was the establishment of a heavy vehicle bypass around Pingelly. Please update the community on the progress of that.

### *Summary of Response:*

The Chief Executive Officer advised the survey question was "Would the community support an alternative route around town?" it was only a question.

### *Summary of Question:*

Is the Shire acting on that?

### *Summary of Response:*

The Chief Executive Officer responded not at this stage.

### *Summary of Question:*

The procurement of the PRACC is a complex and expensive exercise and is composed of many stages one of which is the formal documentation by the architects with is mirrored by a quantity surveyor's estimate of probable costs. This is not the estimate I have asked for previously. Can the Council please release the quantity surveyor of estimate of probable cost in full?

### *Summary of Response:*

The Shire President responded that an overview of the report is in the business case. The Chief Executive Officer added that as a previous employee of the Shire we would ask where did you file them? We have found a lot of shortcomings to do with document location from your time employed by the Shire.

*Summary of Question:*

Are you making an accusation against me?

*Summary of Response:*

The Chief Executive Officer replied saying I am purely stating the facts, you have asked a question in a public forum and I am stating the facts there is a lot of documentation during your time that is very hard to locate. The costings were done by the Quantity Surveyor and they were assessed and the documentation has been provided to you, you were part of that process you were the Project Manager responsible for that process and in control of the documentation. You are aware that the documents that were provided to you were part of our assessment when the architects provided their preliminary costings it was based on that documentation.

*Summary of Question:*

I was talking to the policeman the other day and he informed me that his wife had been employed at the Shire to fix my stuff ups. Why would he say that?

*Summary of Response:*

The Chief Executive Officer replied I am not sure, perhaps he heard it somewhere.

*Summary of Question:*

This is a different estimate of probable cost one that was prepared at the same time as the documentation. Given my absence from the office and I note that there is a record of a payment going to that Quantity Surveyor all I am asking is that document is presented and published.

*Summary of Response:*

The Chief Executive Officer replied what would be the nature and benefit to that?

*Summary of Question:*

It doesn't have to have a nature or benefit I am merely asking for it to be done. It is not your prerogative to question is it Mr Pollock?

*Summary of Response:*

The Chief Executive Officer replied seeking clarification is part of getting the right question across.

*Summary of Question:*

Do you understand which document?

*Summary of Response:*

The Shire President responded I don't understand what the bottom line is.

Mr McLennan replied - you don't have to know what the bottom line is

The Shire President asked why do you want the Quantity Surveyors report? Is there something worrying you?

Mr McLennan replied I just want to see the copy.

*Summary of Question:*

So you will provide that document?

*Summary of Response:*

The Shire President replied we will endeavour to locate it.

*Summary of Question:*

Do you accept this advice from the Minister for Local Government about the limit for public question time?

*Summary of Response:*

The Shire President advised he would take that question on notice.

*Summary of Question:*

If the Minister for Local Government is correct, which you are going to determine, will the Shire President now acknowledge he has been censoring question time by imposing a maximum 15 minute question time?

*Summary of Response:*

The Shire President advised he would take that question on notice.

*Summary of Question:*

You were advised again today about the duration of question time. If the Minister is correct will you acknowledge you have received very poor advice on this issue?

*Summary of Response:*

The Shire President advised he would take that question on notice.

*Summary of Question:*

Do you realise by sticking with this 15 minutes duration you are breaking the law?

*Summary of Response:*

The Shire President advised he would take that question on notice.

As there were no further questions, public question time closed at 2.41pm.

## **7. APPLICATIONS FOR LEAVE OF ABSENCE**

**12457 Moved: Cr Hodges Seconded: Cr Wood**

**Council Decision:**

**That Cr McBurney be granted leave from the 1<sup>st</sup> August to the 30<sup>th</sup> September 2018.**

Carried 7:0

**12458 Moved: Cr McBurney Seconded: Cr Hotham**

**Council Decision:**

**That Cr Walton-Hassell be granted leave from the 6<sup>th</sup> September to 12<sup>th</sup> September 2018.**

Carried 7:0

**12459 Moved: Cr Wood Seconded: Cr Hotham**

**That Cr Mulroneu be granted leave from the 13<sup>th</sup> August to 14<sup>th</sup> August 2018.**

Carried 7:0

**8. DISCLOSURES OF INTEREST**

Cr Hastings declared an interest in item 14.4 Confidential Item - Land Usage of Lots 168 and 169 Taylor Street Pingelly.

Cr Hotham declared an interest in item 14.4 Confidential Item - Land Usage of Lots 168 and 169 Taylor Street Pingelly.

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**9.1 Ordinary Meeting – 20 June 2018**

**Statutory Environment:**

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

**Voting Requirements:**

Simple Majority.

**12460 Moved: Cr Hodges**

**Seconded: Cr Wood**

**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 20 June 2018 be confirmed with the addition of a question asked by Mr McLennan at the meeting regarding the length of public question time.**

Carried 7:0

**10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

## **11. REPORTS OF COMMITTEES OF COUNCIL**

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

## **12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES**

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

### **13. REPORTS FROM COUNCILLORS**

#### **Cr William Mulroney (President)**

##### **Meetings attended June 2018:**

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

##### **Meetings attended July 2018:**

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

#### **Cr David Freebairn (Deputy President)**

Nil

#### **Cr Evan Hodges**

Nil

#### **Cr Bryan Hotham**

Nil

#### **Cr Jackie McBurney**

Nil

#### **Cr Michelle Walton-Hassell**

Nil

#### **Cr Peter Wood**

Nil

#### **Cr Elect Kacey Hastings**

Nil

***Note: Standing Orders Apply***

## **14 OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **14.1 Policy Manual Annual Review**

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

#### **Summary:**

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

#### **Background:**

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

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

#### **Comment:**

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

#### **New or Amendments to Shire Policies**

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

#### **Consultation:**

Executive Staff

#### **Statutory Environment:**

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

#### **Statutory Context**

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

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

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

**Policy Implications:**

Policy 2.1 Shire of Pingelly Policy Manual

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

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

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Pingelly Strategic Community Plan

**Voting Requirements:**

Simple Majority

**12461 Moved: Cr Walton-Hassell**

**Seconded: Cr Hotham**

**Recommendation and Council Decision:**

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

Carried 7:0



## **14.2 Delegations and Authorised Officer Appointment**

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

### **Summary:**

That Council endorse additional authorisations for Mr Russell Dyer, Works Supervisor as an authorised officer under various legislation and approve the delegation of various powers to and from the Chief Executive Officer to enable Shire staff to carry out their role.

### **Background:**

Mr Russell Dyer commenced work with the Shire of Pingelly on 28 January 2015 in the position of Works Supervisor and is required to oversee many regulatory areas as part of the employed position.

A review of approved delegation of various powers from the Chief Executive Officer to Shire staff was completed and it was noticed that a delegation was not included in the original authorisations.

### **Comment:**

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

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

It is recommended that the following delegations be assigned:

Mr Russell Dyer, Works Supervisor

### **Delegations:**

C50: Electronic Funds Transfer (EFT)

### **Consultation:**

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

### **Statutory Environment:**

*Section 5.44(1) of the Local Government Act 1995*  
*5.46(3) of the Local Government Act 1995*  
*Authorised Person under Section 9.10 of the Local Government Act 1995*

**Policy Implications:**

Shire of Pingelly Delegation Register  
Local Government Act 1995

Section 5.44 provides that:

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

Section 5.45 provides that:

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

**Financial Implications:**

Nil

**Strategic Implications:**

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

**Voting Requirements:**

Simple Majority

**12462 Moved: Cr Hodges    Seconded: Cr Hastings**

**Recommendation and Council Decision:  
That Council**

- 1. endorse that the following additional delegation be assigned to Mr Russell Dyer, Works Supervisor:**

**Delegations:**

**C50: Electronic Funds Transfer (EFT)**

Carried 7:0

### **14.3 Council Delegates to Committees**

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

#### **Summary:**

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

#### **Background:**

Council has the following Committees:

- Audit Committee Full Council  
**Charter:**  
To:
  - assist the auditor and ensure that audits are conducted successfully and timely;
  - meet with the auditor at least once a year;
  - examine the auditor's report and ensure appropriate action is taken; and
  - report on actions taken in respect of any issues raised by the auditor to council.
  
- Recreation and Cultural Committee  
**Charter:**
  - To provide recommendations to the Shire of Pingelly on sport and recreation matters
  
- Bushfire Advisory Committee  
**Charter:**  
To advise Council on all matters relating to:
  - the prevention, controlling and extinguishing of bush fires;
  - prosecutions for breaches of the Bush Fire Act;
  - the formation and de-formation of bush fire brigades;
  - the co-ordination of the efforts and activities of the bush fire brigades; and
  - any other matter relating to bush fire control
  
- Medical and Aged Care Services Committee  
**Charter:** To investigate health issues relevant to Pingelly
  
- Chief Executive Officer Performance Review Committee  
**Charter:** To complete the Annual Performance Review of the Chief Executive Officer

Current committees and their members/delegates are detailed below:

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

Council has previously appointed delegates to the following external committees:

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

**Comment:**

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

**Consultation:**

Chief Executive Officer and Councillors.

**Statutory Environment:**

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

- \*Absolute majority required.

Section 5.9 (Types of committees) provides that:

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

Section 5.10 (Appointment of committee members) provides that:

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

Section 5.11A (Deputy committee members) provides:

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

Section 5.11 (Tenure of committee membership)

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

Section 5.12 (Election of presiding members and deputies)

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

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

- *\*Absolute majority required.*

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

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

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

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

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

Section 7.1A (Audit committee) provides that:

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

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

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

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

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

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

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

N/A

**Voting Requirements:**

Absolute Majority

**12463 Moved: Cr Wood**

**Seconded: Cr Hotham**

**Recommendation 1:**

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

- |   |  |
|---|--|
| • <b>Audit Committee</b>                                      | <b>Full Council</b>  |
| • <b>Recreation &amp; Cultural Committee</b>                  | <b>Member – Shire President<br/>Deputy – Deputy President</b>                        |
| • <b>Bushfire Advisory Committee</b>                          | <b>Member – Cr Freebairn<br/>Deputy – Cr Hotham</b>                                  |
| • <b>Chief Executive Officer Performance Review Committee</b> | <b>Member – Shire President<br/>Member – Deputy President<br/>Member – Cr Hodges</b> |



**That delegates and general deputies be appointed for:**

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

Carried 7:0

**12464 Moved: Cr McBurney                      Seconded: Cr Hotham**

**Recommendation 2:**

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

Carried 7:0

**12465 Moved: Cr Hodges                      Seconded: Cr McBurney**

**Recommendation and Council Decision:**

**That as per section 5.23(2) of the *Local Government Act 1995* the meeting be closed to members of the public to allow Council to discuss three confidential items.**

Moved 7:0

Mr McLennan left the room at 2.58pm and did not return.

Mr Barry Gibbs left the room at 2.58pm and returned at 2.59pm.

Prior to consideration of item 14.4, Cr Hotham disclosed an impartial interest in this matter due to his ex wife being a neighbour of the property.

Prior to consideration of item 14.4, Cr Hastings disclosed an impartial interest in this matter due to a family member living next door.

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

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

**12469    Moved: Cr Hodges                      Seconded: Cr McBurney**

**Council Decision**

**That Council:**

- 1. Receive the report provided by Kings Park Legal dated 30 May 2018 regarding the land use history of Lots 168 and 169 Taylor Street Pingelly.**
- 2. Request the Chief Executive Officer to investigate and pursue options that can progress the release and development of Light Industrial land in Pingelly suitable for a trucking depot as per the Shire of Pingelly Local Planning Scheme No. 3 as amended.**
- 3. Request the Chief Executive Officer to contact the land user of Lots 168 and 169 Taylor Street Pingelly to provide notification of the advice received from Kings Park Legal dated 30 May 2018 within seven (7) days of the Council meeting date.**
- 4. Direct the Chief Executive Officer to commence actions of Item 8.1 as per advice received from Kings Park Legal dated 30 May 2018. The Chief Executive Officer shall commence actions on or before 19 September 2018.**
- 5. Request the Chief Executive Officer when commencing actions as per advice received from Kings Park Legal dated 30 May 2018 to also assist the land user in pursuing relocation options.**
- 6. Request the Chief Executive Officer to further investigate and pursue options that can progress the release and development of Light Industrial land within Reserve 45121 being lots 879 and 880 Review Street Pingelly suitable for a trucking depot as per the Shire of Pingelly Local Planning Scheme No. 3 as amended.**

- 7. Request the Chief Executive Officer to provide a report back to Council at the Ordinary Meeting of Council to be held on 19 September 2018 outlining the status and investigation of relocation options with agreed timelines as per the advice in Item 8.1 of the letter received from Kings Park Legal dated 30 May 2018.**

Carried 7:0

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

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

**12470 Moved: Cr Hodges                      Seconded: Cr Hotham**

**Recommendation and Council Decision:**

**That Council:**

**Award the Tender to Twinkarri Pty Ltd for the 2018/19 financial year subject to the specification and conditions of Tender RFT01 – 2018/19 being fully adhered to by both the Shire of Pingelly and Twinkarri Pty Ltd.**

Carried 7:0

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

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

**12471 Moved: Cr Wood                      Seconded: Cr Hodges**

**Recommendation and Council Decision:**

**That Council:**

**Award the Tender to Brian Williams Cartage commencing August 2018 to June 2019 subject to the specification and conditions of Tender RFT02 – 2018/19 being fully adhered to by both the Shire of Pingelly and Brian Williams Cartage.**

Carried 7:0

**12472 Moved: Cr Walton-Hassell                      Seconded: Cr Hotham**

**Recommendation and Council Decision:**

**That the meeting be again open to the public**

Carried 7:0

## **15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES**

### **15.1 Monthly Statement of Financial Activity – June 2018**

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

**Summary:**

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

## **15.2 Accounts Paid by Authority – June 2018**

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

### **Summary:**

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

### **Comment:**

Unless otherwise identified, all payments have been made in accordance with Council's 2017/18 Budget.

### **Consultation:**

Nil

### **Statutory Environment:**

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

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

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

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

**Policy Implications:**

There are no policy implications arising from this amendment.

**Financial Implications:**

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

**Strategic Implications:**

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

**Voting Requirements:**

Simple Majority.

**12473 Moved: Cr Walton-Hassell**

**Seconded: Cr Wood**

**Recommendation and Council Decision:**

**That Council endorse the Accounts for Payments for June 2018 as presented:**

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

<b>Notification</b>	<b>Explanation</b>
Nil	

Carried 7:0



## **16. DIRECTORATE OF TECHNICAL SERVICES**

### **16.1 Proposed Road Widening Bodey Street, Pingelly**

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

#### **Summary:**

Council to request the Minister for Planning, Lands and Heritage to dedicate 355 m<sup>2</sup> of land from Crown Land vested for Residential / Light Industry for use as a Road Reserve.

#### **Background:**

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

#### **Comment:**

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

#### **Consultation:**

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

#### **Statutory Environment:**

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

#### **Policy Implications:**

Nil

#### **Financial Implications:**

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

#### **Strategic Implications:**

Outcome 2.6: Safe and reliable transport infrastructure  
Strategy 2.6.1: Maintain and further develop roads and footpaths at appropriate standards within financial constraints  
Strategy 2.6.2: Explore alternative heavy haulage routes and funding options  
Strategy 2.6.3: Investigate and respond to transport infrastructure safety issues

#### **Voting Requirements:**

Absolute Majority

**12474 Moved: Cr Wood Seconded: Cr Hastings**

**Recommendation and Council Decision:**

**Council agree to the following:**

- **Request the Minister of Planning, Lands and Heritage for Lot 3003 be created from a section of Lot 3002 on DPS50195 as per Deposited Plan 414147;**
- **The land use for Lot 3003 on DPS414147 be dedication as a Road Reserve vested in the Shire of Pingelly; and**
- **indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.**

Carried 7:0

## **16.2 Proposed Shed**

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

### **Summary:**

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

### **Background:**

Mr R & Mrs J Hay have submitted an application for planning consent for a proposed shed with an area of 150m<sup>2</sup> at Lot 678 – 58 Pitt Street.

### **Comment:**

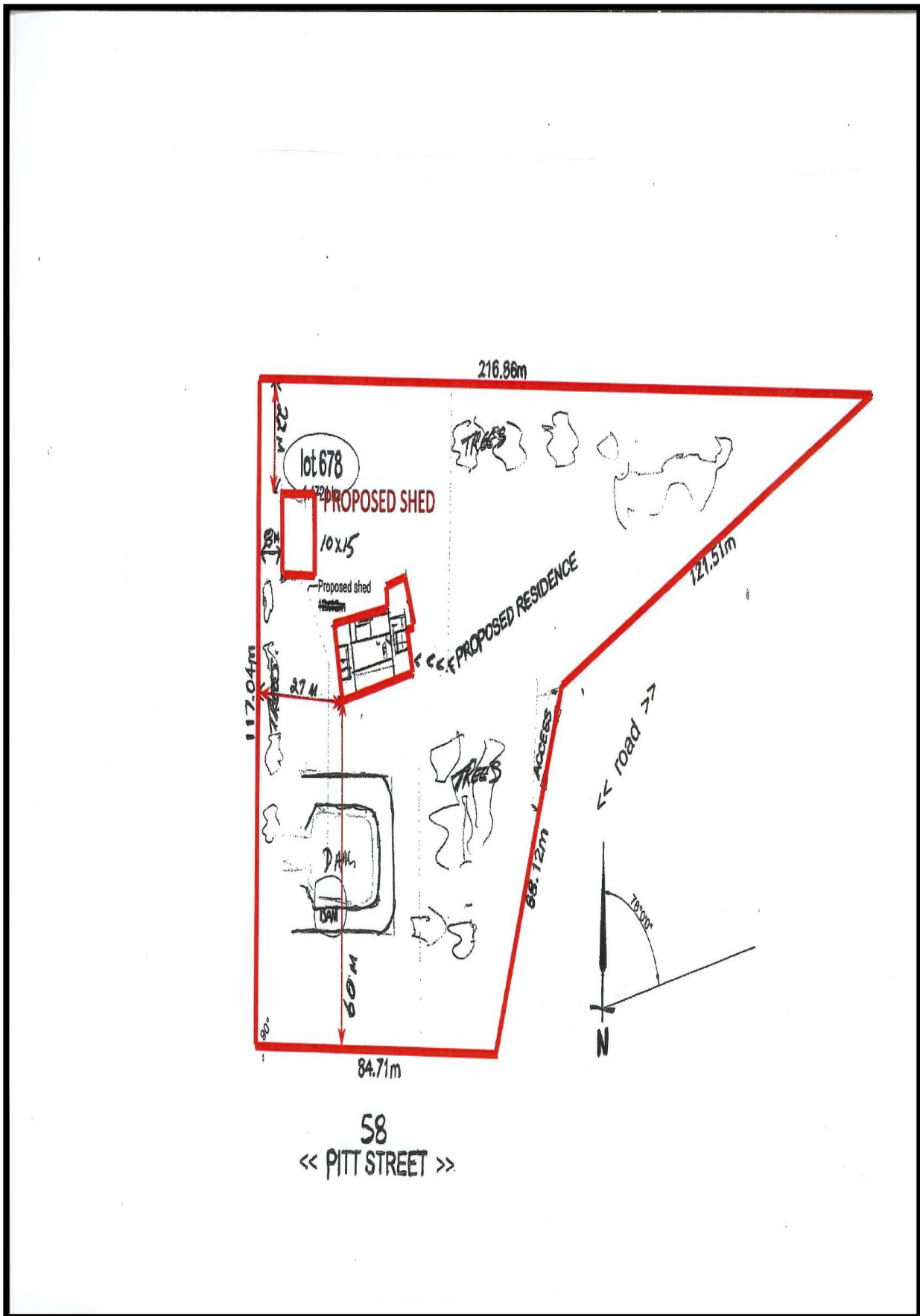
The proposed shed will be located at Lot 678 – 58 Pitt Street, Pingelly, which is zoned residential with an R10/R20 code and a total lot area of 14721m<sup>2</sup>.

The proposed shed will be located 8m from the western boundary 22m from the northern boundary. The proposed shed will have a total area of 150m<sup>2</sup>, with a wall height of 4m and gable height of 4.972m. The proposed shed is oversized for outbuilding area of Lot 678 – 58 Pitt Street under *Shire of Pingelly's Policy 13.2 Outbuildings* residential zone R10 code or above.

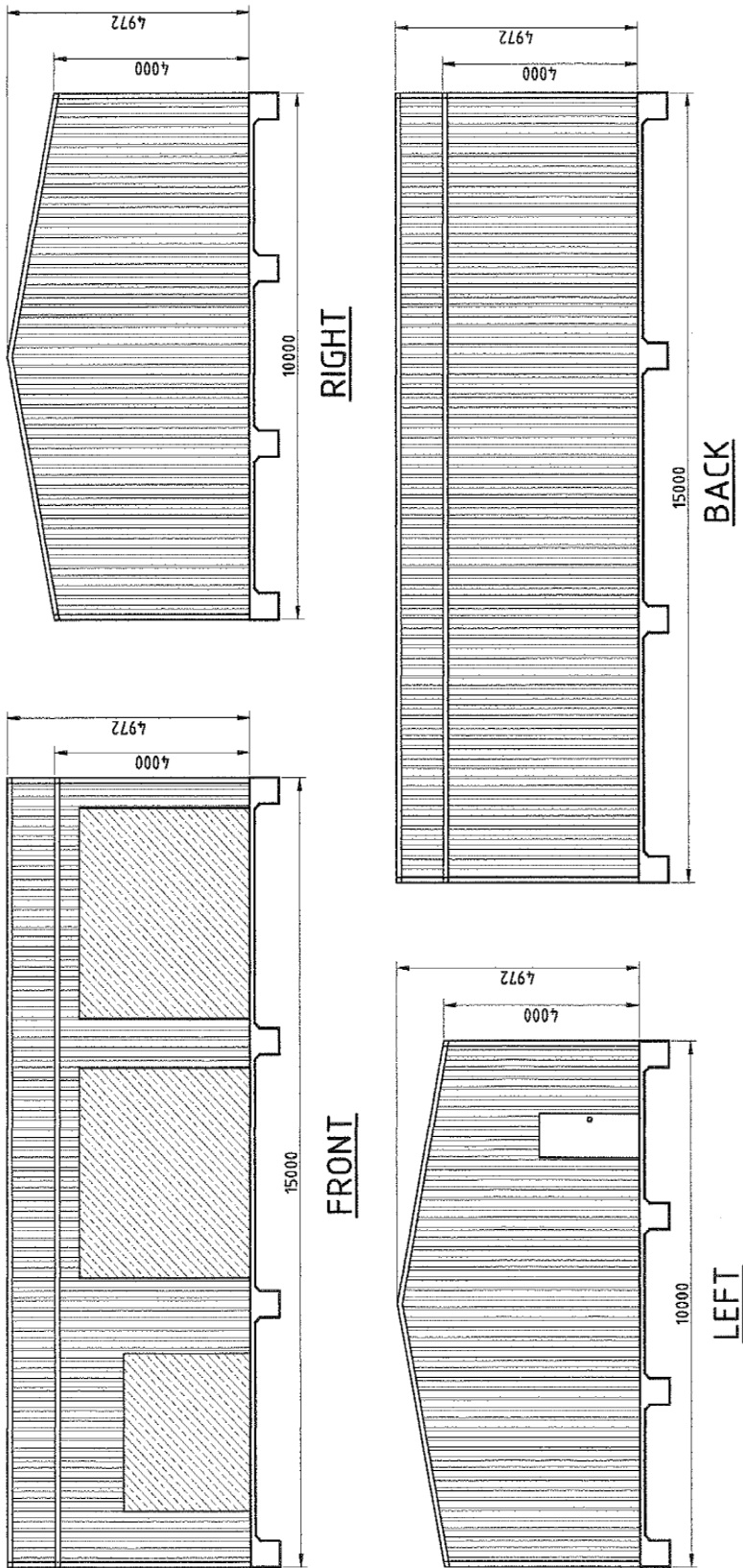
Lot 678 – 58 Pitt Street is currently vacant land and the applicants are in the process of preparing a building application to be submitted for a proposed dwelling, location indicated on the site plan.

The shed will be constructed in colorbond materials.

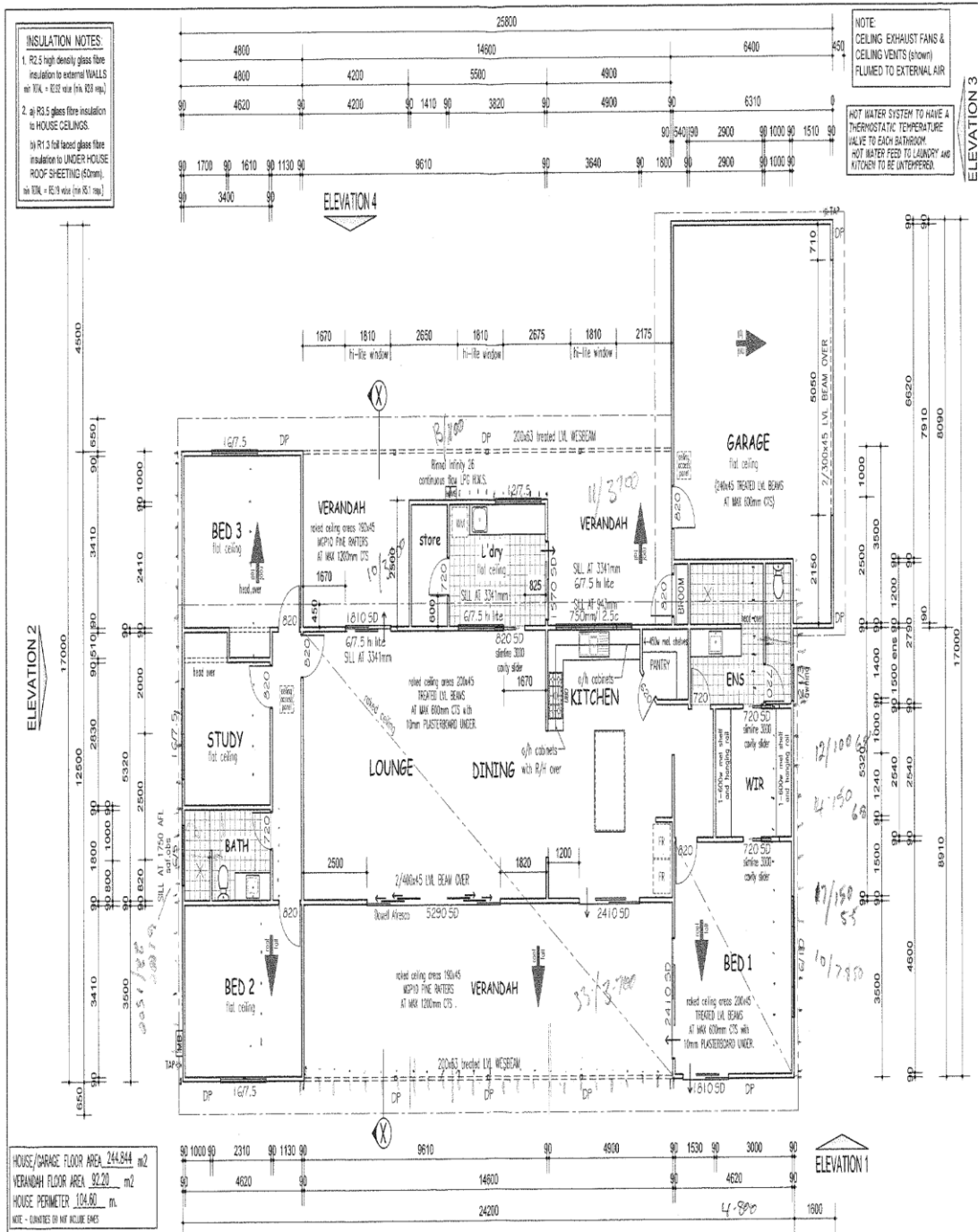
There will be no over shadowing issues with neighbouring properties because of the area size of Lot 378 – 58 Pitt Street and the shed is setback back in the rear north western corner some distance from the adjoining properties. The northern boundary abounds properties on Prestige Street, but Lot 678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







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



HOUSE/GARAGE FLOOR AREA 244.844 m<sup>2</sup>  
 VERANDAH FLOOR AREA 82.20 m<sup>2</sup>  
 HOUSE PERIMETER 104.60 m  
 NOTE - DIMENSIONS IN NOT INCLUDE FINES

DATE	AMENDMENTS	PAGE No	SCALES	AS SHOWN	PROPOSED RESIDENCE FOR	<b>MICHAEL HAY</b> TRADING AS MICHAEL HAY'S CARPENTRY SERVICE PH: 0417962009 Email: michaelhomes@bigpond.com reg. # 13712	OWNER	WITNESS
	<b>FLOOR PLAN</b>	3.			MR HAY		OWNER	WITNESS
	SCALE 1:100				TO BE CONSTRUCTED ON: Lot 678 (#58) PITT STREET PINGELLY		BUILDER	WITNESS
CAUTION - DO NOT SCALE FROM DRAWING AS DIMENSIONS CAN OCCUR DURING COPYING								COPYRIGHT

Proposed Residence

## Shire of Pingelly's Policy 13.2 Outbuildings

**Objective** This policy provides direction and guidance on the area and height of outbuildings and the like that Council will permit within the Shire boundaries.

Outbuildings and structures that comply with the following requirements may be approved by Council's Building Surveyor without having the need to be submitted to an Ordinary Meeting of Council.

### Policy Intention

- To provide some flexibility in the requirements for outbuildings and the like in residential areas.
- To ensure that the provisions of the current *Residential Design Codes* are appropriately addressed.
- To improve customer service standards through the timely processing of planning and building applications for outbuildings.

### Policy

#### Definitions:

- **Outbuilding** is an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.
- **Carport** is a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side and being without a door.
- **Garage** is any enclosed and roofed structure, other than a carport, designed to accommodate one or more motor vehicles.
- **Patio** is a roofed shade structure either attached to a dwelling or free standing is required to be open on fifty percent of its sides.
- **Pergola** is a light weight shade structure that does not have a solid roof. It may be attached to a dwelling or can be free standing.
- **Statutory Powers:** This policy has been prepared in conjunction with the requirements of the *Residential Design Codes of Western Australia*, i.e. The performance criteria relative to outbuildings (Clause 5.4.3) states:  
*"Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties."*

Buildings are to comply with any local planning policy made under the Scheme in respect of the design of carports and garages, including the colour, scale, materials and roof pitch of buildings. This policy provides design requirements for carports and garages, however it does not interfere with any other requirement of the Residential Design Codes relating to carports and garages.

This policy does not alter or change in any way the acceptable development criteria of the *Residential Design Codes currently in force*.

Within all "Residential" and "Rural Residential" zoned areas of the Shire and on Farming zoned lots with an area of 2ha or less except as otherwise stated, planning consent for all outbuildings is required. If planning consent is granted, building approval will be issued for outbuildings which are appurtenant to a dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any residence on-site and provided the proposed development complies with the following:

1. In any residential zone with an R10 code or above in the Shire:
  - a. Non-masonry construction, where the total non-masonry outbuilding area does not exceed 60m<sup>2</sup> and the total outbuilding area does not exceed 75m<sup>2</sup>;
  - 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 75m<sup>2</sup> and no parapet wall is greater in length than 8m;
  - c. Wall height of any outbuildings not to exceed 3m. This height limitation also applies to parapet walls. In the case of gable roof construction, the maximum building height is not to exceed 4.2m;



- d. Prior to considering a parapet wall construction over 8m in length, the applicant will present Council with written agreement to the same by any affected adjoining landowner;
  - e. No planning consent or building licence approval will be granted or issued for any outbuildings, on any Residential zoned lot, which does not contain a residence;
  - f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Shire's operative Local Planning Scheme;
  - g. Any development application which does not comply with the above, shall be referred to Council for consideration.
2. In any residential zone with an R code below R10, the rural residential zone of the Shire and on farming zoned lots which have an area of 2ha or less
- a. Non-masonry zincalume construction, where the total zincalume outbuilding area does not exceed 75m<sup>2</sup> and the total outbuilding area does not exceed 200m<sup>2</sup>, or
  - b. Non-masonry colorbond construction, where the total colorbond outbuilding area does not exceed 150m<sup>2</sup> and the total outbuilding area does not exceed 2
  - c. Masonry or other approved construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 200m<sup>2</sup>,
  - d. Wall height of any outbuilding not to exceed 4m. In the case of a gable roof construction, the maximum building height is not to exceed 5m;
  - e. No planning consent or building licence approval will be granted or issued, for any outbuildings on a residential or rural residential zoned lot where a building licence has not been issued for a residence and / or where an outbuilding is not located at least 4m from any boundary of the lot;
  - f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for purposes permitted within the zone in which it is located under the provisions of the Shire's operative Local Planning Scheme;
  - g. Any development application which does not comply with the above shall be referred to Council for consideration.
3. Distance from boundaries on any residential zoned lot with an R code of 10 or above:
- a. Garages, shed, pergolas and patios - brick construction
    - i. Attached to house - 1m from side boundaries. Eaves not closer than 750mm measured from the outer edge of the gutter.
    - ii. Detached from house - Must be 1.8m clear of house with either parapet wall on boundary or walls 1m from boundary with eaves 750mm clear of boundary.
  - b. Garages, sheds, pergolas, and patios - steel framed construction - Detached from house only - Must be at the rear of the residence 1.8m clear of the residence, leach drains and septic tanks and 1.2m clear of side and rear boundaries.
  - c. Carports - Columns of brick (350mm x 350mm) or steel may be erected on a boundary provided no more than 4 columns are used and roofing including guttering is at least 750mm clear of the boundary. Beams must be of steel within 750mm of a boundary and a dividing fence forming a side wall of the carport must not be higher than 1.8m. Timber framed carports must be sited 1.2m clear of boundaries.
  - d. On corner lots - Where an outbuilding is constructed in brick or clad in colorbond, Council will permit a setback of 3.75m to the minor street. Where an outbuilding is clad in zincalume a setback of 7.5m to the minor street will apply.
4. Distance from boundaries in any residential zone with an R code below R10 and the rural residential zone of the Shire and on farming zoned lots which have an area of 2 hectares or less
- a. Detached outbuildings - To be at the rear or the residence on-site, at least 1.8m clear of the residence, leach drains and septic tanks. All boundary setbacks to be as laid down in the Shire of Pingelly's operative Local Planning Scheme.

- b. On corner lots - The setback to the minor street to be the same as the frontage setback laid down in the Shire of Pingelly's operative Local Planning Scheme.
- c. Garden sheds - Under this policy, Council will without the need for planning consent or building permit approval, permit the erection of one only garden shed per lot which has a maximum area of up to 10m<sup>2</sup>. The garden shed is to be located on the lot in a position and in a manner agreed to in writing by the Shire's Building Surveyor and such shed is in addition to any other shed permitted under this "Policy".

**Consultation:**

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

**Statutory Environment:**

*Shire of Pingelly's Local Planning Scheme No.3*

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Voting Requirements:**

Simple Majority

**12475 Moved: Cr Hodges Seconded: Cr McBurney**

**Recommendation and Council Decision:**

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

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).

**12476 Moved: Cr Walton-Hassell Seconded: Cr Hotham  
That late item 18.1 be introduced as new business.**

Carried 7:0

**18.1 Ranger Authorisation**

**File Reference: ADM0306**  
**Location: Shire of Pingelly**  
**Applicant: Mr Matthew Sharpe, WA Contract Ranger Services**  
**Author: Administration Officer Technical**  
**Date: 17 July 2018**  
**Disclosure of Interest: Nil**  
**Attachments: Nil**  
**Previous Reference: N/A**

**Summary:**

Council to endorse the appointment of Mr Brian Gaudet of WA Contract Ranger Services to be authorised to act under the following legislation on behalf of the Shire of Pingelly.

**Background:**

Local Government is bound to enforce certain legislation and as a result is required that officers be authorised to undertake various roles and responsibilities in relation to the legislation. As existing officers roles change and new officers are employed, it is essential that these officers are properly authorised under the appropriate legislation to undertake their duties.

**Comment:**

Mr Gaudet has been employed by WA Contract Ranger Services to provide support for Shire of Pingelly Ranger Mr Matthew Sharpe who has been conducting ranger services on behalf of the Shire of Pingelly since January 2014.

Mr Gaudet been working for WA Contract Ranger Services for the last four months and has just completed a three month contract in Carnarvon. Mr Gaudet will be assisting with Ranger Services in the Shire of Pingelly whilst Hayley Goodwin is on leave.

Mr Gaudet has previously worked for the City of Armadale, City of Perth and the City of Swan and possesses all the training and skills to perform the role as a Ranger.

Providing delegations to Mr Gaudet will enable Mr Sharpe to carry out his role under the relevant legislation on behalf of the Shire of Pingelly. Council will need to appoint Mr Gaudet to enforce the following legislation:

- Dog Act 1976
- Cat Act 2011
- Bush Fire Act 1954
- Litter Act 1979
- Caravan and Camping Act 1995
- Control of Vehicles (Off Road Areas) Act 1978
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Animal Welfare Act 2002

**Consultation:**

Gavin Pollock – Chief Executive Officer

Barry Gibbs – Director Technical Services

Matthew Sharpe – WA Contract Ranger Services

**Statutory Environment:**

Dog Act 1976

Cat Act 2011

Bush Fire Act 1954

Litter Act 1979

Caravan and Camping Act 1995

Control of Vehicles (Off Road Areas) Act 1978

Local Government Act 1995

Local Government (Miscellaneous Provisions) Act 1960

Animal Welfare Act 2002

**Policy Implications:**

Nil

**Financial Implications:**

Cost of service provision – 2017/18 budget

**Strategic Implications:**

Shire of Pingelly Workforce Plan

**Voting Requirements:**

Simple Majority

**Recommendation and Council Decision**

**12477 Moved: Cr Wood Seconded: Cr Hodges**

**That:**

**Council endorse the appointment of Mr Brian Gaudet as an Authorised Officer for the Shire of Pingelly pursuant to the following Acts:**

- **Dog Act 1976**
- **Cat Act 2011**
- **Bush Fire Act 1954**
- **Litter Act 1979**
- **Caravan and Camping Act 1995**
- **Control of Vehicles (Off Road Areas) Act 1978**
- **Local Government Act 1995**
- **Local Government (Miscellaneous Provisions) Act 1960**
- **Animal Welfare Act 2002**

Carried 7:0

**19. CLOSURE OF MEETING**

The Chairman declared the meeting closed at 4.31pm

These minutes were confirmed by Council at the Ordinary Council Meeting held on 15 August 2018.

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