

Notice of Meeting



17 Queen Street, Pingelly
Western Australia 6308
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admin@pingelly.wa.gov.au

Dear Elected Member

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

Pumphrey's Bridge CWA will be providing dinner.

Schedule

2pm Council Meeting

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

Gavin Pollock
Chief Executive Officer

12 October 2018

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Pingelly for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Pingelly disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Pingelly during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Pingelly. The Shire of Pingelly warns that anyone who has an application lodged with the Shire of Pingelly must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Pingelly in respect of the application.

AGENDA

Shire of Pingelly
Ordinary Council Meeting
17 October 2018

MISSION STATEMENT

To enhance the quality of life for the people of Pingelly through the provision of leadership, services and infrastructure.

DISCLAIMER

INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

A handwritten signature in black ink, appearing to be 'G. Pollock', written in a cursive style.

**GAVIN POLLOCK
CHIEF EXECUTIVE OFFICER**

COUNCIL MEETING INFORMATION NOTES

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available in the Shire of Pingelly Office, on the website and the Pingelly Library seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).

Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of Pingelly Office and the Shire of Pingelly website within ten (10) working days after the Meeting.

NOTE:

Unopposed Business

Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.

If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.

A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.

If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

PUBLIC QUESTION TIME AND INFORMATION

QUESTIONS FROM THE PUBLIC (PUBLIC QUESTION TIME)

The Shire of Pingelly welcomes community participation during public question time and this document is to be read in conjunction with the *Shire of Pingelly Standing Orders Local Law 2017* and the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

1. A member of the public who raises a question during question time must:
 - a. be in attendance at the meeting;
 - b. first state their name and address;
 - c. direct the question to the Presiding Member;
 - d. ask the question briefly and concisely;
 - e. limit any preamble to matters directly relevant to the question; and
 - f. ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question;
 - g. each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions;
 - h. where a member of the public seeks a written response to their questions to be tabled at a meeting, the member of the public must submit their questions to Council by no later than 12 noon on the day prior to the meeting date of which the response is to be tabled;
 - i. where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member;
 - j. where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting;
 - k. A member of the public may ask questions without notice at a meeting, provided they present a written copy of their questions to Council prior to the commencement of the meeting.

The following is a guide to assist you on the process of Public Question Time. You can submit questions using the form attached, or by e-mail to admin@pingelly.wa.gov.au.

1. **Please Note:** Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the question(s) will be treated as 'normal business correspondence' and the question / response will not appear in the Council Minutes.
2. This is a "question" time only. Orations, explanations or statements of belief will not be accepted or allowed.
3. Questions must relate to a matter affecting the Shire of Pingelly.
4. Questions must be appropriate and made in good faith. Those containing defamatory remarks, offensive language or question the competency or personal affairs of council members or employees may be ruled inappropriate by the Shire President or Presiding Member and therefore not considered.
5. Frame your question so that it is both precise and yet fully understood. Long questions covering a multitude of subjects are easily misunderstood and can result in poor replies being given.
6. Write your question down on the attached form, it helps you to express the question clearly and provides staff with an accurate record of exactly what you want to know.
7. When the Shire President calls for any questions from the public, stand up and wait until you are acknowledged and invited to speak. Please start by giving your name and address first, and then ask the question.
8. Questions to be put to the presiding member and answered by the Council. No questions can be put to individual Councillors.
9. The question time will be very early in the meeting. **There is only 15 minutes available for Question Time.** The extension of public question time beyond 15 minutes would require a Council resolution. Questions not asked may still be submitted to the meeting and will be responded to by mail.
10. When you have put your question, await the reply. If possible, the Shire President will answer directly or invite a staff member with special knowledge to answer in his place. Complex questions that require research, may be Taken on Notice by the Shire President and an answer will be forwarded to you in writing. Please note in NO circumstances, will the question be debated or discussed by Council at that meeting.
11. To maximise public participation only three questions per person with a time limit of 2 minutes per person unless extra time is granted by the presiding person.
12. To fill out the form, just enter your name and address in the appropriate areas together with details of any group you are representing, then write out your question.
13. Please ensure your form is submitted to the meeting secretary by 1.45pm.

If you have difficulty in writing the question, Shire staff are available on request to assist in this task.

We hope this note assists you in the asking of your question and thank you for your interest and participation in the affairs of our Shire.

SHIRE OF PINGELLY QUESTIONS FROM THE PUBLIC

Name: _____

Residential Address: _____

Phone Number: _____ Meeting Date: _____

Signature: _____

Council Agenda Item Number: _____

If applicable-see below*

Name of Organisation Representing: _____

If applicable

QUESTION

Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. 15 Minutes is allotted to Public Question Time at Council Meetings. If submitting questions to the Agenda Forum, they are to relate to the Agenda Item tabled at that meeting.

Please Note: Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the questions(s) will be treated as 'normal business correspondence' and the question / response will not appear in the Council Minutes.

Please see Notes on Public Question Time overleaf

* **Agenda Forums:** Questions can only be addressed where they relate to an Agenda Item.

* **Council Meetings:** Questions are to relate to a matter affecting the Shire of Pingelly.

SHIRE OF PINGELLY

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

17 October 2018

(Print Name)

(Signature)

(Date)

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9887 1066 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM NO	PAGE NO	TYPE	REASON

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Chief Executive Officer, Shire of Pingelly

In accordance with Section 5.60-5.65 of the *Local Government Act* and Regulation 34(B) and 34(C) of the *Local Government (Administration) Regulations* and Regulation 11 of the *Local Government (Rules of Conduct) Regulations*, I advise you that I declare a appropriate box):

financial interest (Section 5.60A)

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —
(a) change to a planning scheme affecting land that adjoins the person's land;
(b) change to the zoning or use of land that adjoins the person's land; or
(c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

interest affecting impartiality (Regulation 11). I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association but does not include a financial or proximity interest as referred to in section 5.60.

SHIRE OF PINGELLY

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 17 October 2018 – commencing at 2.00pm.

Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	11
2.	ACKNOWLEDGEMENT OF COUNTRY	11
3.	ANNOUNCEMENTS BY THE PRESIDING MEMBER	11
3.1	Council Agenda Reports	11
4.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	11
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	11
6.	PUBLIC QUESTION TIME	12
6.1	Mr Craig McLennan	12
7.	APPLICATIONS FOR LEAVE OF ABSENCE	12
8.	DISCLOSURES OF INTEREST	12
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	12
9.1	Ordinary Meeting – 19 September 2018	12
10.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	13
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	Early Payment Rate Incentive Draw 2018.....	15
14.2	Shire of Pingelly Policy - Rostered Days Off	18
14.3	PRACC Inaugural Annual General Meeting (AGM).....	20
14.4	Proposed Memorandum of Understanding (MOU) Somerset Alliance and Shire of Pingelly ...	22
15.	DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES.....	24
15.1	Monthly Statement of Financial Activity – September 2018	24
15.2	Accounts Paid by Authority – September 2018.....	27
16.	DIRECTORATE OF TECHNICAL SERVICES	30
16.1	Proposed Shed Lot 558 – 3 Philip Street	30
16.2	Proposed Dwelling to Replace Existing Second Dwelling	36
17.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	41
18.	NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING.....	41
19.	CLOSURE OF MEETING	41

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Council Agenda Reports

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

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

At the Ordinary Council Meeting held on 19 September 2018 the following leave was granted:

12510 Moved Cr Freebairn Seconded: Cr Hastings
That Cr Hotham be granted leave from 10th October to 31st October 2018

Carried 7:0

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Summary of Question:

Surely it would be a good idea that Council did, for example if I was getting \$5,000 for a club I was involved with and I made a decision on that surely that is a disclosure of interest?

Response:

The definition and requirement for disclosure of interest is covered under the Local Government Act 1995. As stated in the Act the Elected Member has to make the disclosure.

Summary of Question:

With the Ordinary Council Meeting of 18 July and I know the CEO was here - in that meeting he casted dispersions on my character and personal abilities and also defamed me and made statements that he claimed were fact and were obviously wrong. None of this was ever raised while I was employed by and attending the Shire. As you are aware the QS figures were done and assessed and formed the documentation for the business case and the estimate of probably costs done in July.

He went on to claim I was part of that process. I was the Project Manager in charge of the project and in charge of document control for the early stages of the project. The business case and estimate of probable cost was dated July 2015 - how could I have been involved in that when I didn't start until August? I require a retraction of those statements defaming me and also particularly in terms of my professional ability.

Response:

The QS figures for July 2015 have been emailed to you previously as requested and are available on the Shire website. It is noted that QS figures since August have been hard to locate.

At the meeting of 18 July 2018 you asked the Chief Executive Officer the question of obtaining these QS figures and the Chief Executive Officer responded correctly while outlining the situation regarding the QS figures and they formed part of the Business Case that is also on the Shire website.

6. PUBLIC QUESTION TIME

6.1 Mr Craig McLennan

Received via email:

Question:

I refer to the Ordinary Council Meetings for the period 1 January 2018 to 17 October 2018. Specifically: the “Accounts Paid by Authority” in that period.

Can the Council please publish the complete and unaltered statements for the “Bendigo Bank Credit Cards”? (For example: DD9978.1 of 14/08/2018 for \$5,554.19)

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 19 September 2018

Statutory Environment:

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

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 19 September 2018 be confirmed.

Moved: _____ Seconded: _____

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

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

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

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

13. REPORTS FROM COUNCILLORS

Cr William Mulrone (President)

Meetings attended September:

20th PRACC Meeting

21st PRACC tour with representatives from South West Shires and Forest Commission

22nd IGA Opening and welcome to new owners

27th Regional Waste Meeting with Bruce Bowman and CEO in Pingelly and Inspection of Pingelly Waste Site

Meetings attended October:

8th Pingelly Somerset Alliance Meeting

10th Agenda Briefing

11th Local Govt Act Review, Narrogin

11th Regional Waste Meeting, Cuballing

Cr David Freebairn (Deputy President)

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

Nil

Cr Jackie McBurney

Nil

Cr Kacey Hastings

Meetings attended September:

28th Women's Health Night

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

Note: Standing Orders Apply

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Early Payment Rate Incentive Draw 2018

File Reference: ADM0312
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Gavin Pollock, Chief Executive Officer
Date: 9 October 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

To ratify the early rate payment incentive draw process for 2018.

Background:

As part of the rate collection process the Shire of Pingelly makes available to property owners who pay their rates in full by the due date for full payment the opportunity to win prizes provided by sponsoring organisations.

Comment:

In the last few years sponsors of the prize have been Bendigo Bank and Matthews Real Estate. As part of the sponsorship agreement material from the sponsors is enclosed with the rate notice. Staff have confirmed with the Department of Local Government that there is no legislation that prevents this happening and it is common practice in most local governments.

Providing an incentive for early payment of rates can increase the cash flow that comes in during the early part of the year prior to other revenue streams coming in.

It is proposed that rules be set for the prize process, so that there is clarity about eligibility and promotion of sponsors. Rules are detailed below:

- That ineligible ratepayers are:
- Owners of property that is not fully rated (subject to exemptions), Shire of Pingelly Councillors or Staff (or partners of).
- That sponsors materials be included in the envelope sent to ratepayers with the rate notices.
- That mention of the sponsors is made in the newsletter accompanying the rate notices.
- Entry into the Early Payment of Rates competition be offered to eligible ratepayers who have paid in full all rates and charges (including arrears) within 35 days of issue and that the draw be conducted at the Ordinary Council meeting following the close of the competition.
- That the Presiding Person at the meeting conducts the draw.
- The program Random Prize Draw be used to draw the winners.
- Staff to confirm the eligibility of the winners prior to the announcement of the winners.
- Should the assessment drawn be ineligible, then another draw will be done until eligible winners have been selected.
- When a winner is determined the name of the winners will be published in the Shire News via the Pingelly Times as well as an acknowledgement of the provision of prizes by the sponsors.

Consultation:

Director Corporate and Community Services
Department of Local Government

Statutory Environment:

N/A

Policy Implications:

Nil

Financial Implications:

Nil – The prizes are supplied by sponsors and included in the 2018/19 adopted budget.

Strategic Implications:

N/A

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority

Recommendation:

That Council

1. adopt the rules for the Early Payment Rate Incentive Draw:

- That ineligible ratepayers are:
- Owners of property that is not fully rated (subject to exemptions), Shire of Pingelly Councillors or Staff (or partners of)
- That sponsors materials be included in the envelope sent to ratepayers with the rate notices.
- That mention of the sponsors is made in the newsletter accompanying the rate notices.

- **Entry into the Early Payment of Rates competition be offered to eligible ratepayers who have paid in full all rates and charges (including arrears) within 35 days of issue and that the draw be conducted at the Ordinary Council meeting following the close of the competition.**
- **That the Presiding Person at the meeting conducts the draw.**
- **The program Random Prize Draw be used to draw the winners.**
- **Staff to confirm the eligibility of the winners prior to the announcement of the winners.**
- **Should the assessment drawn be ineligible, then another draw will be done until eligible winners have been selected.**
- **When a winner is determined the name of the winners will be published in the Shire News via the Pingelly Times as well as an acknowledgement of the provision of prizes by the sponsors.**

Moved: _____ Seconded: _____

- 2. endorse the Presiding Person at the meeting to conduct the early rate payment incentive draw.**

Moved: _____ Seconded: _____

- 3. endorse _____ as the first drawn eligible winner and _____ as the second drawn eligible winner.**

Moved: _____ Seconded: _____

14.2 Shire of Pingelly Policy - Rostered Days Off

File Reference: ADM0000
Location: Admin
Applicant: Chief Executive Officer
Author: Chief Executive Officer
Date: 10 October 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

Item presented to Council for consideration of adoption regarding a revised Shire of Pingelly Rostered Days Off Policy, for inclusion in the Shire of Pingelly Policy Manual.

Background:

The current Shire of Pingelly Rostered Days Off Policy states:

10.9 Rostered Days Off

Rostered Days Off (RDOs) are to be taken as they fall due. Where for any reason they are accrued, they are not to be accumulated for more than the equivalent of three RDOs.

- 1. No more than two RDOs are to be taken in conjunction at any one time.*
- 2. The taking of RDOs other than those scheduled, is to be negotiated with the Foreman, Manager of Works, Deputy Chief Executive Officer or Chief Executive Officer, as appropriate to the chain of command.*

Comment:

The updated Shire of Pingelly Policy is now presented to Council for consideration of adoption to bring the policy in line with the 2017 Employee Collective Agreement.

10.9 Rostered Days Off

Rostered Days Off (RDOs) are to be taken within the fortnight they fall due. RDOs can only be accrued if approved by the Chief Executive Officer.

- 1. No more than three (3) RDOs can be accrued at any one time once approved by the Chief Executive Officer.*
- 2. Accrued RDOs can only be taken at a time mutually agreed to by the employee and the Director once approved by the Chief Executive Officer.*
- 3. The objective of accrued RDOs is for employees to take these RDOs during the Christmas and New Year period or for other purposes as approved at the Chief Executive Officer's discretion.*

Consultation:

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

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Updated Council Policy for inclusion in the Shire of Pingelly Policy Manual.

Financial Implications:

Nil.

Strategic Implications:

Improved governance and procedures for staff taking Rostered Days Off.

Risk Implications:

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

Risk Matrix

Consequence Likelihood		Insignificant 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)

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

Voting Requirements:

Simple Majority.

Recommendation:

That Council adopts the Shire of Pingelly Rostered Days Off Policy as presented.

Moved: _____ Seconded: _____

14.3 PRACC Inaugural Annual General Meeting (AGM)

File Reference: ADM0416
Location: Shire of Pingelly
Applicant: Pingelly Recreation & Cultural Centre Inc.
Author: Chief Executive Officer
Date: 18 April 2018
Disclosure of Interest: Nil
Attachments: Letter from PRACC Secretary
(Attachment 1 following green sheet in separate attachments booklet)
Previous Reference: Council Item 18.1 – 18 April 2018

Summary:

That Council note the Pingelly Recreation and Cultural Centre Inc new Annual General Meeting (AGM) date.

Background:

At the Ordinary Meeting of Council held on 18 April 2018 the following decision was made:

12407 Moved: Cr McBurney Seconded: Cr Hotham

Recommendation and Council Decision:

That the Council endorses the inaugural Committee Members as listed below:

Sport Representatives

Bruce Sewell (Interim Chair)
Rheannon Turton (Interim Treasurer)
Peter Wood

Community & Cultural Representatives

Michelle Walton-Hassell (Interim Deputy Chair)
Evan Hodges
Lee Steel

Independent Representatives

Anne Goldsmith (Interim Secretary)
Alex Hodges
Kerry Keys

Shire Representative

Bill Mulroney

Carried 7:0

Comment:

The first Annual General Meeting (AGM) for PRACC Inc. to be held before 30 September 2018. Within 28 days of the AGM the new board to hold its first meeting with a separate election for each office holder.

Consultation:

Chief Executive Officer-Shire of Pingelly

Statutory Environment:

PRACC Inc. Constitution.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority.

Recommendation:

That Council endorse the inaugural Committee Members new Annual General Meeting (AGM) date as 2019.

Moved: _____ Seconded: _____

14.4 Proposed Memorandum of Understanding (MOU) Somerset Alliance and Shire of Pingelly

File Reference: ADM0309
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Chief Executive Officer
Authorising Officer: Chief Executive Officer
Date: 10 October 2018
Disclosure of Interest: Nil
Previous Reference: Nil
Attachments: Memorandum of Understanding (MOU) Somerset Alliance and Shire of Pingelly (Attachment 2 following blue sheet in separate attachments booklet)

Summary:

The Shire of Pingelly would like to enter into a Memorandum of Understanding (MOU) with the Pingelly Somerset Alliance (PSA) to manage the Shire of Pingelly (Shire) Age Appropriate Accommodation (PAAA).

Background:

On 3 October 2018, the Shire of Pingelly officially opened the new PAAA. The Shire has been working with PSA to develop a MOU for the PSA to manage the new PAAA.

Comment:

PSA is the new name for the existing Pingelly Cottage Homes (PCH). The purpose of the MOU for the PAAA is to consolidate the management and maintenance of age appropriate accommodation within Pingelly. This will realise efficiencies by reducing the duplication of administrative activities and associated time and financial costs.

The Shire currently has seven (7) names on the waiting list seeking to enter a tenancy agreement to live in the PAAA. The Shire would make these names available to the PSA once a MOU is signed and will work with the PSA to assist in securing five (5) new tenants for the PAAA.

Consultation:

The Shire of Pingelly's Chief Executive Officer has spoken with the board members and Chair from PSA to determine their interest in entering into a MOU for the management and maintenance responsibilities for the five (5) PAAA in Community Place.

Statutory Environment:

Nil

Policy Implications:

Shire of Pingelly Policy 5.13 Asset Management states:

"The Shire of Pingelly will undertake to provide the appropriate service levels for its assets, in a whole-of-life and economically, environmentally and socially sustainable manner. In providing and managing assets, the Shire will take into account an appropriate balance between service delivery, risk, reliability, safety and cost.

Budgeting priority will be given to the operation, maintenance and renewal of existing assets and services, and adequate resources will be provided to manage them in a cost effective manner."

Financial Implications:

No Rental Operating Revenue, Operating and Minor Capital Expenses. The Shire need to budget within the Building Reserve to allow for any future Major Capital Expenditure.

Strategic Implications:

The management of these assets will reduce the administrative burden on the Shire and will consolidate the management and maintenance of age appropriate accommodation within Pingelly.

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority

Recommendation:

That Council:

1. endorse the Chief Executive Officer entering a Memorandum of Understanding (MOU) with the Pingelly Somerset Alliance (PSA) as presented;
2. endorse the Memorandum of Understanding (MOU) being signed by the Shire President and Chief Executive Officer with the Shire of Pingelly common seal being executed.

Moved: _____ Seconded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – September 2018

File Reference: ADM0075
Location: N/A
Applicant: Director Corporate & Community Services
Author: Director Corporate & Community Services
Date: 09 October 2018
Disclosure of Interest: Nil
Attachments: Monthly Statements of Financial Activity for the period 1 July 2018 to 30 September 2018
(Attachment 3 following red sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

In Accordance with the *Local Government Act 1995* Section 5.25 (1) and *Local Government (Financial Management) Regulations 1996*, Monthly Financial Statements are required to be presented to Council, in order to ensure that income and expenditure is in keeping with budget forecasts.

The Monthly Statements of Financial Activity for the month of September 2018 is attached for Council consideration and adoption.

Background:

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

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

Consultation:

Chief Executive Officer.

Statutory Environment:

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

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

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

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

Policy Implications:

There are no policy implications.

Financial Implications:

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

Strategic Implications:

There are no known significant strategic implications.

Risk Implications:

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

Risk Matrix

Consequence Likelihood		Risk Matrix				
		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)

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

Voting Requirements:

Simple Majority.

Recommendation:

That with respect to the Monthly Statements of Financial Activity for the month ending 30 September 2018 be accepted and material variances be noted.

Moved: _____ Seconded: _____

15.2 Accounts Paid by Authority – September 2018

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Director Corporate & Community Services
Author: Finance Officer
Date: 09 October 2018
Disclosure of Interest: Nil
Attachments: List of Accounts
(Attachment 4 following orange sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

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

Comment:

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

Consultation:

Nil

Statutory Environment:

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

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the 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.

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority.

Recommendation:

That Council endorse:

1. the Accounts for Payments for September 2018 as presented:

September 2018	
MUNI - 117984856	
EFT 5279 – 5365	\$574,418.20
CHEQUE 24590 – 24602	\$31,148.28
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD10024.1– DD10092.1	\$25,006.20
TRUST FUND – 1934	\$200.00
DIRECT DEBIT -	
DD10022.1 – DD10052.9 & EFT 5299 - 5331 – Pay and Super	\$20,191.52
CREDIT CARD	
DD10050.1	\$172.95
GRAND TOTAL	\$651,137.15

Notification	Explanation
Nil	

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Proposed Shed Lot 558 – 3 Philip Street

File Reference:	A5310
Location:	Lot 558 – 3 Philip Street, Pingelly.
Applicant:	Mr C & Mrs R Turton
Author:	Administration Officer Technical
Date:	26 September 2018
Disclosure of Interest:	Nil
Attachments:	Copy of Minutes Item 8.2 – 19 April 2006 (Attachment 5 following yellow sheet in separate attachments booklet)
Previous Reference:	Council Resolution 9467 - Moved Cr WV Mulrone, Seconded Cr D Watts

Summary:

Council to consider an application for planning consent for a proposed shed at Lot 558 – 3 Philip Street that will increase the total outbuilding area for the property to 160.87m² in area which exceeds the total outbuilding area for non-masonry construction of 150m².

Background:

9467 - Moved Cr WV Mulrone

Seconded Cr D Watts

That Council resolves to approve Planning Consent for the location of a shed/garage at Lot 501 Stone Street, Pingelly. This approval would be conditional on the following:

- 1. A building licence being obtained for the proposed shed/garage.*
- 2. The shed/garage being sited in accordance with the approved site plan*
- 3. Adequate provision is made for the proper management of storm water.*
- 4. Building Plans for the dwelling to be submitted to Council within two years of the approval being granted for the shed.*

CARRIED 8/0

An application for a proposed shed at Lot 558 – 3 Philip Street, Pingelly has been submitted by Mr C & Mrs R Turton. This proposed shed will take the total outbuilding area for the lot over the permitted area of 150m² for the rural residential zone under 2ha.

Comment:

The proposed shed will be located at Lot 558 – 3 Philip Street which is zoned rural residential. The total lot area is 1.4240ha with all existing buildings located on the western side of the lot.

The proposed shed will be of colorbond walls and zincalume roof with an open front facing east. The area of the proposed shed will be 91.87m², with a wall height of 2.85m and gable height of 3.512m which are under the maximum requirements of the Policy 13.2 - Outbuildings. The proposed shed will be located south and butted against the existing shed.

The area of the existing shed is 69m² which will give a total of outbuilding area of the lot to 160.87m² in area which just exceeds the total outbuilding area for non-masonry construction of 150m².

There will be no overshadowing issues with neighbouring properties on the eastern and southern boundaries as the proposed location of the shed is at the rear of Lot 558 – 3 Philip Street on the western boundary. There is a reserve on the eastern boundary and the neighbouring property on southern boundary has no developments in this area that would be affected.

The existing shed had a reduced boundary setback on the western boundary from 10m to 5m on 19 April 2006 approved by Council (minutes item attached). The applicant wishes to keep this same reduced setback to keep a clean line with the sheds on the property.

A letter was sent to the neighbouring property owner on the western boundary for comment on the reduced setback. The neighbour responded to this letter verbally indicating he has no problems with the proposed shed being erected.



Consultation:

Barry Gibbs, Director of Technical Services

Neighbour Consultation

Shire of Pingelly Policy 13.2 Outbuildings

19 April 2006 Minutes Item 8.2 Proposed Shed – Lot 558 – 3 Philip Street

Statutory Environment:

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

Policy Implications:

Shire of Pingelly's Policy 13.2 Outbuildings

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

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

Policy Intention

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

Policy Definitions:

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

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

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

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

1. In any residential zone with an R10 code or above in the Shire:
 - a. Non-masonry construction, where the total non-masonry outbuilding area does not exceed 60m² and the total outbuilding area does not exceed 75m²;
 - b. Masonry or other approved construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 75m² and no parapet wall is greater in length than 8m;
 - c. Wall height of any outbuildings not to exceed 3m. This height limitation also applies to parapet walls. In the case of gable roof construction, the maximum building height is not to exceed 4.2m;
 - d. Prior to considering a parapet wall construction over 8m in length, the applicant will present Council with written agreement to the same by any affected adjoining landowner;
 - e. No planning consent or building licence approval will be granted or issued for any outbuildings, on any Residential zoned lot, which does not contain a residence;
 - f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Shire's operative Local Planning Scheme;
 - g. Any development application which does not comply with the above, shall be referred to Council for consideration.

2. In any residential zone with an R code below R10, the rural residential zone of the Shire and on farming zoned lots which have an area of 2ha or less
 - a. Non-masonry zincalume construction, where the total zincalume outbuilding area does not exceed 75m² and the total outbuilding area does not exceed 200m², or
 - b. Non-masonry colorbond construction, where the total colorbond outbuilding area does not exceed 150m² and the total outbuilding area does not exceed ²
 - c. Masonry or other approved construction, where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 200m²,
 - d. Wall height of any outbuilding not to exceed 4m. In the case of a gable roof construction, the maximum building height is not to exceed 5m;
 - e. No planning consent or building licence approval will be granted or issued, for any outbuildings on a residential or rural residential zoned lot where a building licence has not been issued for a residence and / or where an outbuilding is not located at least 4m from any boundary of the lot;
 - f. The applicant providing the Shire with a written undertaking that the outbuilding constructed, will only be used for purposes permitted within the zone in which it is located under the provisions of the Shire's operative Local Planning Scheme;
 - g. Any development application which does not comply with the above shall be referred to Council for consideration.

3. Distance from boundaries on any residential zoned lot with an R code of 10 or above:
 - a. Garages, shed, pergolas and patios - brick construction
 - i. Attached to house - 1m from side boundaries. Eaves not closer than 750mm measured from the outer edge of the gutter.
 - ii. Detached from house - Must be 1.8m clear of house with either parapet wall on boundary or walls 1m from boundary with eaves 750mm clear of boundary.

 - b. Garages, sheds, pergolas, and patios - steel framed construction - Detached from house only - Must be at the rear of the residence 1.8m clear of the residence, leach drains and septic tanks and 1.2m clear of side and rear boundaries.

- c. Carports - Columns of brick (350mm x 350mm) or steel may be erected on a boundary provided no more than 4 columns are used and roofing including guttering is at least 750mm clear of the boundary. Beams must be of steel within 750mm of a boundary and a dividing fence forming a side wall of the carport must not be higher than 1.8m. Timber framed carports must be sited 1.2m clear of boundaries.
 - d. On corner lots - Where an outbuilding is constructed in brick or clad in colorbond, Council will permit a setback of 3.75m to the minor street. Where an outbuilding is clad in zincalume a setback of 7.5m to the minor street will apply.
4. Distance from boundaries in any residential zone with an R code below R10 and the rural residential zone of the Shire and on farming zoned lots which have an area of 2 hectares or less
- a. Detached outbuildings - To be at the rear or the residence on-site, at least 1.8m clear of the residence, leach drains and septic tanks. All boundary setbacks to be as laid down in the Shire of Pingelly’s operative Local Planning Scheme.
 - b. On corner lots - The setback to the minor street to be the same as the frontage setback laid down in the Shire of Pingelly’s operative Local Planning Scheme.
 - c. Garden sheds - Under this policy, Council will without the need for planning consent or building permit approval, permit the erection of one only garden shed per lot which has a maximum area of up to 10m². The garden shed is to be located on the lot in a position and in a manner agreed to in writing by the Shire’s Building Surveyor and such shed is in addition to any other shed permitted under this “Policy”.

Financial Implications:

There are no known significant financial implications.

Strategic Implications:

There are no known significant strategic implications.

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority

Recommendation:

Council to grant planning approval for the erection of the proposed shed at Lot 558 – 3 Philip Street, Pingelly for the increased outbuilding area and to maintain the 5m reduced boundary setback as the existing shed. The shed to be used ancillary to the dwelling and not for commercial purposes.

Moved: _____ Seconded: _____

16.2 Proposed Dwelling to Replace Existing Second Dwelling

File Reference: A836
Location: Lot 20 – 1673 Walwalling Road, West Pingelly
Applicant: Rural Building Company on Behalf of Bensfield Nominees Pty Ltd
Author: Administration Officer Technical
Date: 5 October 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

Council to consider an application for planning consent for the proposed location of a new dwelling to replace the existing second dwelling at Lot 20 – 1673 Walwalling Road, West Pingelly.

Background:

An application for planning consent has been received from Rural Building Company on behalf of Bensfield Nominees Pty Ltd, for the proposed location of a new dwelling to replace the existing second dwelling at Lot 20 – 1673 Walwalling Road, West Pingelly.

The subject property is owned by the Bensfield Nominees Pty Ltd and the proposed new dwelling is to replace the existing second dwelling which is currently used for workers incorporated as part of the farming management.

Comment:

There are currently two existing dwellings located on the property, one occupied by the property owners and second smaller dwelling occupied by the farm workers.

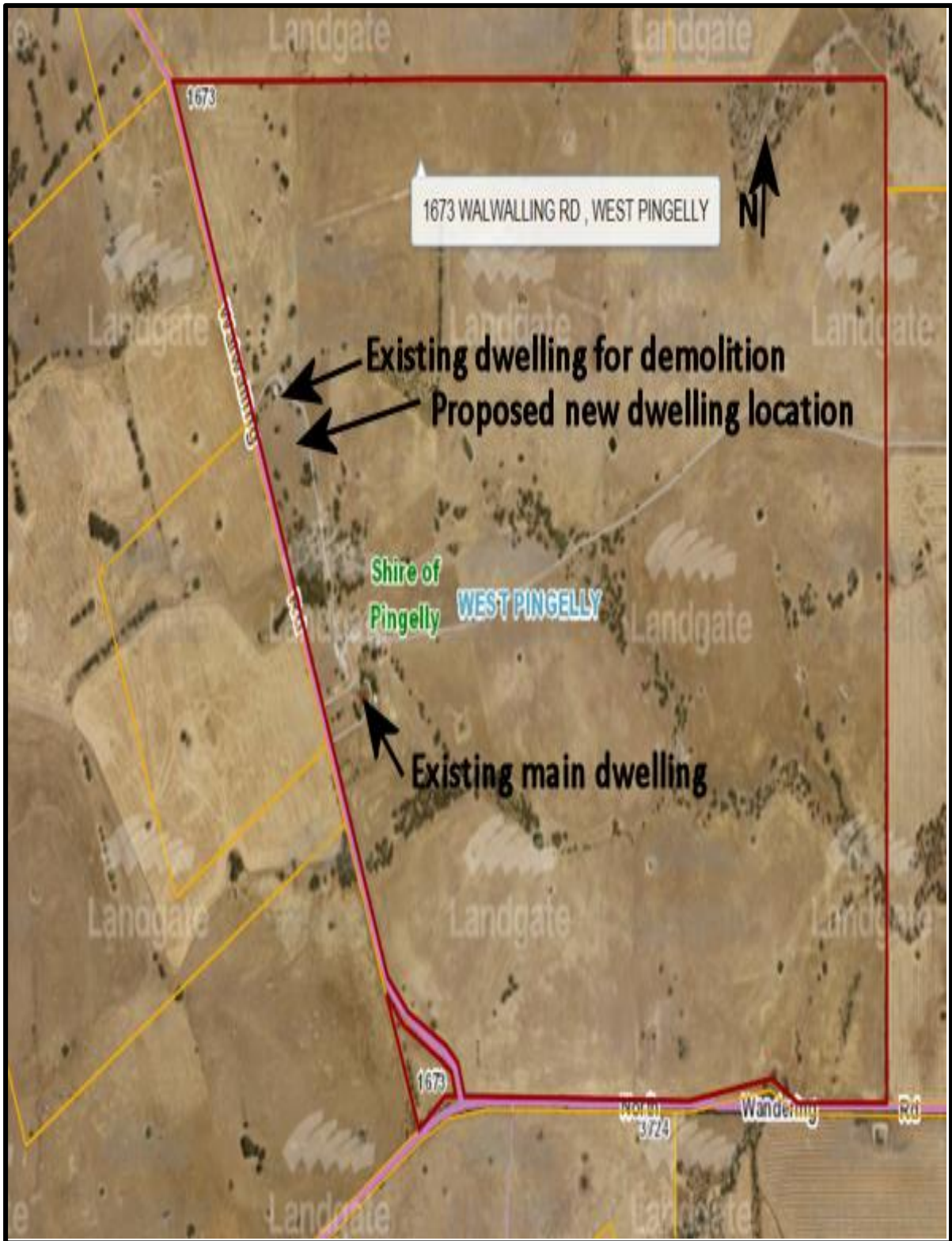
The existing dwelling is located 180 metres off Walwalling Road to the north of the main dwelling and outbuildings. The proposed dwelling will be located to the south of the second existing dwelling as shown on the inserted site plan.

The land is zoned General Agriculture and under the *Shire of Pingelly's Local Planning Scheme No.3* Development in the General Agriculture Zone:

5.20.2 Council may grant approval of up to two dwellings on any lot, provided the lot exceeds 40ha in area, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.

The area of Lot 20 is 402.56ha, which complies with the above extract from the Local Planning Scheme No.3, in that the lot exceeds 40ha.

The existing second dwelling will be demolished once the new proposed dwelling has been completed.



Consultation:

Barry Gibbs – Director of Technical Services.

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3.

Policy Implications:

There are no policy implications.

Financial Implications:

There are no known significant financial implications.

Strategic Implications:

There are no known significant strategic implications.

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority

Recommendation:

That Council grant planning approval for a proposed new dwelling on Lot 20 - 1673 Walwalling Road, subject to the dwelling being used for accommodation of persons involved in the management of the farm and that the existing second dwelling be demolished.

Moved: _____ Seconded: _____

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

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

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

19. CLOSURE OF MEETING

The Chairman to declare the meeting closed.