



Shire of Pingelly

Minutes

Ordinary Council Meeting
21 November 2018

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.03pm.

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 Appointment of Acting Chief Executive Officer

Barry Gibbs, Director Technical Services to be appointed Acting Chief Executive Officer for the duration of the Council Meeting.

12556 Moved Cr Hotham Seconded Cr McBurney

That Barry Gibbs be appointed as Acting Chief Executive Officer for the duration of this meeting.

Carried: 8:0

3.2 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

Apologies from the Chief Executive Officer, Mr Gavin Pollock.

MEMBERS PRESENT

Cr WV Mulroney	President
Cr DI Freebairn	Deputy President
Cr J McBurney	
Cr PJ Wood	
Cr JM Walton-Hassell	
Cr EJ Hodges	
Cr K Hastings	
Cr B Hotham	

STAFF IN ATTENDANCE

Mr S Billingham	Director Corporate Community Services
Mr B Gibbs	Director Technical Services
Mrs L Boddy	Executive Assistant

APOLOGIES

Mr G Pollock	Chief Executive Officer
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OBSERVERS & VISITORS

Nil.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.1 Mr Craig McLennan

1. At the Ordinary Council Meeting of 18 September 2018 I asked for details of the attendance of the CEO at Council Meetings. I wish to clarify my question/s and to request information about another official Council meeting.

Can you please advise:

1. General Electors Meetings (GEM)
 - a) Number of GEM's held thus far in this calendar year?
 - Response: One (1).
 - b) Number of GEM's attended by the CEO in his official role as the CEO? (Not as a visitor.)
 - Response: No attendance as on approved leave.
 - c) Did the CEO attend any of these meetings as a visitor or on invitation?
 - Response: No.
2. Special Council Meetings (SCM)
 - a) Number of SCM's held thus far in this calendar year?
 - Response: Four (4).
 - b) Number of SCM's attended by the CEO in his official role as the CEO? (Not as a visitor.)
 - Response: Three (3).
 - c) Did the CEO attend any of these meetings as a visitor or on invitation?
 - Response: Yes, one (1).
3. Ordinary Council Meetings (OCM)
 - a) Number of OCM's held thus far in this calendar year?
 - Response: Nine (09).
 - b) Number of OCM's attended by the CEO in his official role as the CEO? (Not as a visitor.)
 - Response: Seven (7) as on approved leave for two (2).
 - c) Did the CEO attend any of these meetings as a visitor or on invitation?
 - Response: No.

2. Shire credit card statements being published:

The Shire Councillors are provided a detailed listing of all credit card transactions each month for review and comment. Due to possible fraud and security reasons the full listing of transactions is not published nor is there any requirement to do so.

3. Request for the QS reports used for the Pingelly Recreation and Cultural Centre (PRACC) construction:

This question has been previously answered and as stated during the meeting a copy of the original QS summary page dated the 13th January 2017 that was used as a base document for construction has now been provided.

6. PUBLIC QUESTION TIME

Public question time opened at 2.05pm. As there were no members of the public present public question time closed at 2.05pm.

7. APPLICATIONS FOR LEAVE OF ABSENCE

12557 Moved: Cr Walton-Hassell Seconded: Cr McBurney
That Cr Hotham be granted leave from to 7th to 15th December 2018 inclusive.
That Cr Freebairn be granted leave from 27th to 30th November 2018 inclusive.
That Cr Wood be granted leave from 11th and 12th December 2018 inclusive.

Carried 8:0

8. DISCLOSURES OF INTEREST

Stuart Billingham disclosed an interest in Item 14.2.
Cr Walton-Hassell disclosed an interest in Item 16.1.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 17 October 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

12558 Moved: Cr Hastings Seconded: Cr Hotham

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 17 October 2018 be confirmed.

Carried 8:0

9.2 Special Council Meeting – 7 November 2018

Statutory Environment:

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

Voting Requirements:

Simple Majority

12559 Moved: Cr Hodges Seconded: Cr Hastings

Recommendation and Council Decision:

That the Minutes of the Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 7 November 2018 be confirmed.

Carried 8:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil.

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 Mulrone Delegate – Cr Freebairn Deputy – Cr Hodges Deputy – Cr Wood
Pingelly Tourism Group	Delegate – Cr McBurney Deputy – Cr Freebairn
Regional Waste Group	Delegate – Cr Mulrone 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 Mulronev (President)

Meetings attended October

17th Corporate Discussion & Council Meeting

22nd Federal Constitution CRC

25th Signing of MOU with Pingelly Somerset Alliance

29th Meeting with Narrogin Child Care (REED) Re update on continuation of Child Care Services in Pingelly

31st Regional Road Group meeting Brookton

Meetings attended November

1ST PRACC Board Meeting, Tennis Club Rooms

2nd Fervor Function, PRACC building

5th Councillors' Team Development Day, PRACC Building

7th Corporate Discussion and Special Council Meeting (Letting of Tender for Bowling Green surface)

12th Sean Conlan WACHS phone conference regarding the opening of the Pingelly Health centre

13th President and CEO's meeting

15th Master of Ceremonies for the Opening of the Pingelly Health Centre

15th Pingelly Transport, Councillors and Executive Staff

Cr David Freebairn (Deputy President)

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

Meetings attended October

9th Bushfire Meeting

Cr Jackie McBurney

Nil

Cr Kacey Hastings

Nil

Cr Michelle Walton-Hassell

Nil

Cr Peter Wood

Nil

Note: Standing Orders Apply

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1 Youth Support, Pingelly Swimming Pool

File Reference: ADM0336
Location: Shire of Pingelly
Applicant: Chief Executive Officer
Author: Chief Executive Officer
Date: 14 November 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Ordinary Council Meeting 13 December 2017

Summary:

To discuss the upcoming Christmas School holidays entry fees to the Pingelly Swimming Pool over the period of six weeks and the presentation of swimming passes to students at Pingelly Primary School end of year presentation night for the Strive program.

Background:

Shire of Pingelly – Ordinary Meeting of Council Minutes – 13 December 2017

Council to discuss:

- *Confirmation of dates for free entry to the Pingelly Swimming Pool*
- *Passes presented to the children under the Strike Program*

12345 Moved: Cr Steel Seconded: Cr Hotham

That Wednesdays and Sundays are free entry days to the Pingelly Swimming Pool over the Christmas School Holiday period.

Carried 7:0

Note: The correct name of the program is the Strive Program (not Strike).

Comment:

As part of the Shire of Pingelly's ongoing support for our youth, we provided free entry for all children during the Christmas school holidays of 2017/18 on Wednesdays and Sundays. This arrangement worked well and was embraced by the community in a positive manner. The Shire of Pingelly worked in collaboration with Pingelly Primary School on their STRIVE program, which saw the Shire provide pool passes for the six week Christmas school holiday period to two students per grade, selected for their outstanding behaviour throughout the year by teachers. This initiative was well received and supported by students, parents and the wider community. The Shire of Pingelly only waived fees for the in term swimming lessons that took place in term one of the school year for 2018.

Consultation:

Shire of Pingelly Councillors and Executive Team.

Statutory Environment:

N/A

Policy Implications:

Nil

Financial Implications:

Reduced income due to free entry for the periods mentioned in the report. It is expected this loss would be very minor due to the low entry fees charged.

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 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

12560 Moved: Cr Freebairn Seconded: Cr Wood

Recommendation and Council Decision:

That Council endorse:

- the Chief Executive Officer to waive all entry fees to the Pingelly Swimming Pool on only Wednesdays and Sundays throughout the Christmas School Holiday period, Friday 14 December 2018 – Sunday 3 February 2019.
- the Chief Executive Officer providing 2 x Christmas Holiday Swimming Pool Passes (12 in total) for each school grade, Years 1-6 under the Pingelly Primary School STRIVE program.
- the Chief Executive Officer to waive the entry fee to the Pingelly Swimming Pool for only the Pingelly Primary School 2019 in term swimming lessons.

Carried 8:0

Prior to consideration of item 14.2 Mr Stuart Billingham disclosed a financial interest in this matter and left the room at 2.30pm.

14.2 Chief Executive Officer Annual Leave and Appointment of Acting Chief Executive Officer

File Reference: 00000 002
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Gavin Pollock, Chief Executive Officer
Date: 14 November 2018
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider the Chief Executive Officer's request for annual leave from 14 December 2018 to 28 January 2019 and the appointment of Mr Stuart Billingham as Acting Chief Executive Officer for this period of leave.

Background:

The Chief Executive Officer has discussed the appointment of an Acting Chief Executive Officer with Mr Stuart Billingham and the Executive Team. Mr Stuart Billingham has agreed to undertake the position of Acting Chief Executive Officer while the Chief Executive Officer is on annual leave.

Comment:

A remuneration salary will be offered to Mr Stuart Billingham within the Band 4 reward package range prescribed by the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act.

Consultation:

Shire President - Cr Mulroney, Director Corporate Community Services – Stuart Billingham and Director Technical Services – Barry Gibbs.

Statutory Environment:

Section 5.36 of the *Local Government Act 1995* provides that:

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the provisions of the proposed employment contract.
- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) Believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement into contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose requirement to advertise a position before the renewal of contract referred to in section 5.39.

Regulation 18 of the Local Government (Administration) Regulations provides that:

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —
 - (a) on a notice board exhibited to the public at the local government’s offices, if the position is —
 - (i) to be filled on a part time basis by a person who is also employed by another local government; or
 - (ii) an acting position for a term not exceeding one year;
 - or
 - (b) otherwise, in a newspaper circulating generally throughout the State.
- (2) An advertisement referred to in sub regulation (1) is to contain —
 - (a) the details of the remuneration and benefits offered;
 - (b) details of the place where applications for the position are to be submitted;
 - (c) the date and time for the closing of applications for the position;
 - (d) the duration of the proposed contract;
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

Policy Implications:

Nil

Financial Implications:

Nil effect on the 2018/19 budget as a provision for high duties has been allowed for in the budget process.

Strategic Implications:

The appointment of an Acting Chief Executive Officer will meet the requirements of the Local Government Act.

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)

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Voting Requirements:

Majority.

12561 Moved: Cr Hodges

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council Endorse:

- 1. The Chief Executive Officer's request for annual leave from 14 December 2018 to 28 January 2019 and the appointment of Mr Stuart Billingham as Acting Chief Executive Officer for this period of annual leave.**
- 2. The Chief Executive Officer offering Mr Stuart Billingham a remuneration salary for the period of stated annual leave within the Band 4 prescribed range of the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act 1975.**

Carried 6:2

Cr Peter Wood left the room at 2.55pm and returned at 2.56pm.
Mr Stuart Billingham returned to the room at 2.56pm.

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – October 2018

File Reference:	ADM0075
Location:	N/A
Applicant:	Director Corporate & Community Services
Author:	Director Corporate & Community Services
Date:	02 November 2018
Disclosure of Interest:	Nil
Attachments:	Monthly Statements of Financial Activity for the period 1 July 2018 to 31 October 2018 (Attachment 1 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 October 2018 is attached for Council consideration and adoption.

Background:

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

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

Consultation:

Chief Executive Officer.

Statutory Environment:

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

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

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

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

Policy Implications:

There are no policy implications.

Financial Implications:

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

Strategic Implications:

There are no known significant strategic implications.

Risk Implications:

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

Risk Matrix

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

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

Voting Requirements:

Simple Majority.

12562 Moved: Cr McBurney

Seconded: Cr Hodges

Recommendation and Council Decision:

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

Carried 8:0

15.2 Accounts Paid by Authority – October 2018

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Director Corporate & Community Services
Author: Finance Officer
Date: 02 November 2018
Disclosure of Interest: Nil
Attachments: List of Accounts
(Attachment 2 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 October 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 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.

12563 Moved: Cr Walton-Hassell

Seconded: Cr Wood

Recommendation and Council Decision:

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

October 2018	
MUNI - 117984856	
EFT 5369 – 5451	\$410,318.06
CHEQUE 24603 – 24615	\$26,437.50
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD10100.1– DD10169.1	\$40,743.60
TRUST FUND – 1935-1937	\$700.00
DIRECT DEBIT -	
DD10073.1 – DD10142.8 & EFT 5366 - 5450 – Pay and Super	\$30,564.76
CREDIT CARD	
DD10160.1	\$353.24
GRAND TOTAL	\$509,117.16

Notification	Explanation
Nil	

Carried 8:0

16. DIRECTORATE OF TECHNICAL SERVICES

Prior to consideration of item 16.1 Cr Michelle Walton-Hassell disclosed a proximity interest in this matter and left the room at 2.57pm.

16.1 Request to Endorse Section 70A Notification

File Reference: A4073
Location: Lot 75 – 2972 Wickepin-Pingelly Road, East Pingelly
Applicant: Lane Buck & Higgins
Author: Administration Officer Technical
Date: 24 October 2018
Disclosure of Interest: Nil
Attachments: 1 – Section 70A Notification Forms
2 – Subdivision Approval
(Attachment 3 following blue sheet in separate attachments booklet)
Previous Reference: Agenda Item 16.4 Ordinary Meeting of Council on 20 September 2017

Summary:

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

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

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

Background:

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

Condition 1 of the approval requires:

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

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

Condition 2 of the approval requires:

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

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

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

Comment:

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

Consultation:

Jacky Jurmann, Consultant Planner.

Statutory Environment:

Local Government Act 1985

9.49A. Execution of documents

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

Policy Implications:

C32: Common Seal

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

Objective: To expedite the approval process.

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

Adopted Date: 20 June 2018

Reviewed / Amended Date: 20 June 2018

Financial Implications:

There are no known financial implications.

Strategic Implications:

There are no known strategic implications.

Risk Implications:

Risk	Low (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 (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:

Absolute Majority.

12564 Moved: Cr Freebairn Seconded: Cr Hodges

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

Carried 7:0

Recommendation:

That Council authorise the Shire President and the Chief Executive Office to affix the Common Seal of the Shire of Pingelly and execute the Section 70A Notification form (attached to this Report) in accordance with condition 4 of the WAPC Subdivision Approval (No.155577) in accordance with section 9.49A of the *Local Government Act 1985*.

Cr Michelle Walton-Hassell re-entered the room at 3pm.

16.2 Ranger Authorisation

File Reference: ADM0306
Location: Shire of Pingelly
Applicant: Mr Matthew Sharpe, WA Contract Ranger Services
Author: Administration Officer Technical
Date: 1 November 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

Council to endorse the appointment of Mr Morné Warren Pfister 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 Pfister 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 Pfister has previously worked for the City of Wanneroo, Justice and Community Safety Directorate, ACT Government Territory and Municipal Services Directorate and possesses all the training and skills to perform the role as a Ranger.

Providing delegations to Mr Pfister 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 Pfister 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:

No known policy implications.

Financial Implications:

Cost of service provision – 2018/19 budget

Strategic Implications:

Shire of Pingelly Workforce Plan

Risk Implications:

Risk	Low (3)
Risk Likelihood (based on history and with existing controls)	Low (3)
Risk Impact / Consequence	Low (3)
Risk Rating (Prior to Treatment or Control)	Low (3)
Principal Risk Theme	Low (3)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

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

12565 Moved: Cr Hodges

Seconded: Cr Wood

Recommendation and Council Decision:

That:

Council endorse the appointment of Mr Morné Warren Pfister 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 8:0

16.3 Withdraw Ranger Authorisation

File Reference: ADM0306
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Administration Officer Technical
Date: 1 November 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Ranger Authorisation, 18 July 2018 Ordinary Meeting of Council

Summary:

Council to withdraw all delegations to act as an authorised officer from Mr Brian Gaudet from WA Contract Ranger Services.

Background:

Mr Brain Gaudet was endorsed by Council as an authorised officer while employed by WA Contract Ranger Services.

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

Comment:

Mr Gaudet no longer works for or is employed by WA Contract Ranger Services.

Consultation:

WA Contract Ranger Services
Director Technical Services

Statutory Environment:

Section 39 of the Local Government Act 1995.

Policy Implications:

No known policy implications.

Financial Implications:

No known financial implications.

Strategic Implications:

No known 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 (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

12566 Moved: Cr Hodges

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council:

Endorse Mr Brain Gaudet being withdrawn as an Authorised Officer for the Shire of Pingelly relating 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 8:0

16.4 Bush Fire Advisory Committee Minutes

File Reference: ADM0057
Location: Shire of Pingelly
Applicant: Chief Bush Fire Control Officer
Author: Administration Officer Technical
Date: 1 November 2018
Disclosure of Interest: Nil
Attachments: Bush Fire Advisory Committee Minutes 9 October 2018.
(Attachment 4 following green sheet in separate attachments booklet)

Summary:

Council is requested to adopt the recommendations from the Bush Fire Advisory Committee Meeting held on 9 October 2018.

Background:

A meeting of the Bush Fire Advisory Committee was held on Tuesday 9 October 2018 in the Council Chambers.

Comment:

The purpose of the meeting was to discuss the up and coming bush fire season and to go over any issues that may need to be dealt with.

There was one motion passed at the meeting which is as follows:

Recommendation:

That the Pingelly Rifle Range programmed control burn to be deferred to Autumn due to the increase fire risk to the community if burnt in Spring.

11348 – Moved Peter Narducci,

Seconded David Freebairn

That the Pingelly Rifle Range programmed control burn to be deferred to Autumn due to the increase fire risk to the community if burnt in Spring.

CARRIED 11 / 0

Consultation:

Chief Bush Fire Control Officer Rodney Shaddick

Financial Implications:

No known financial implications.

Strategic Implications:

No known strategic implications.

Risk Implications:

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

12567 Moved: Cr Freebairn Seconded: Cr Hastings

**Recommendation and Council Decision:
That Council**

- 1. receive the Minutes of the Bushfire Advisory Committee Meeting of the Shire of Pingelly held in the Council Chambers on 9 October 2018;**
- 2. endorse Bushfire Advisory Committee recommendation that the Pingelly Rifle Range programmed control burn to be deferred to autumn due to the increase fire risk to the community if burnt in spring.**

Carried 8:0

16.5 Proposed Lot Amalgamation

File Reference: A20383
Location: Lot 65 & 66 – 24 Park Street, Pingelly
Applicant: Western Australian Planning Commission
Author: Administration Officer Technical
Date: 1 November 2018
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

Council to consider an application for a proposed lot amalgamation of Lot 65 & Lot 66 Park Street, Pingelly.

Background:

WAPC have received an application for a lot amalgamation of Lot 65 & Lot 66 Park Street, Pingelly from Horizon Surveys on behalf of the owner and are requesting any information, comment or recommended conditions pertinent to the application by the 28 November 2018.

Comment:

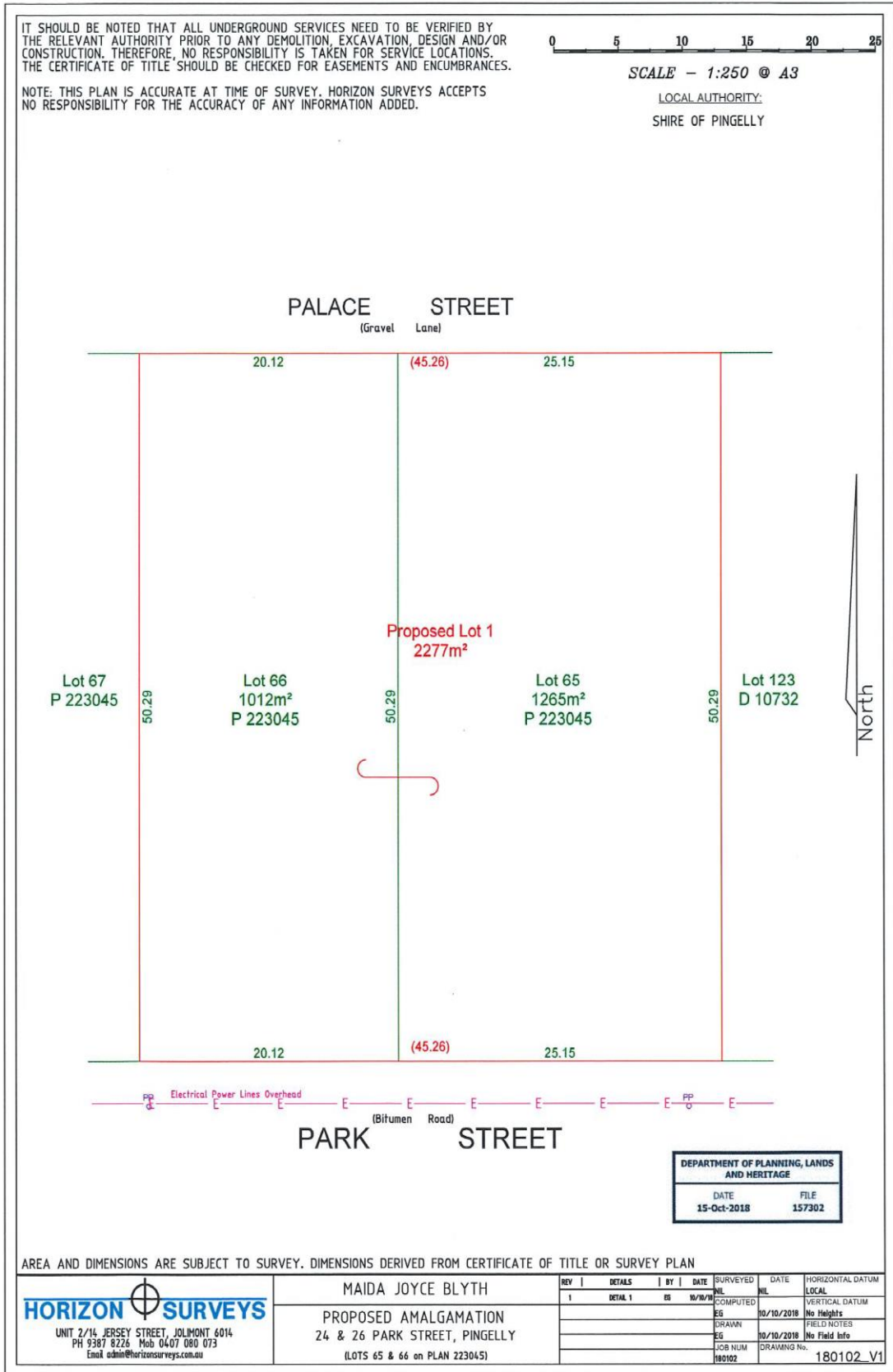
The applicant has applied to the WAPC for planning approval for the lot amalgamation of Lots 65 & 66. The lots are zoned residential, and outbuildings on the lots are located across the boundary between the two lots.

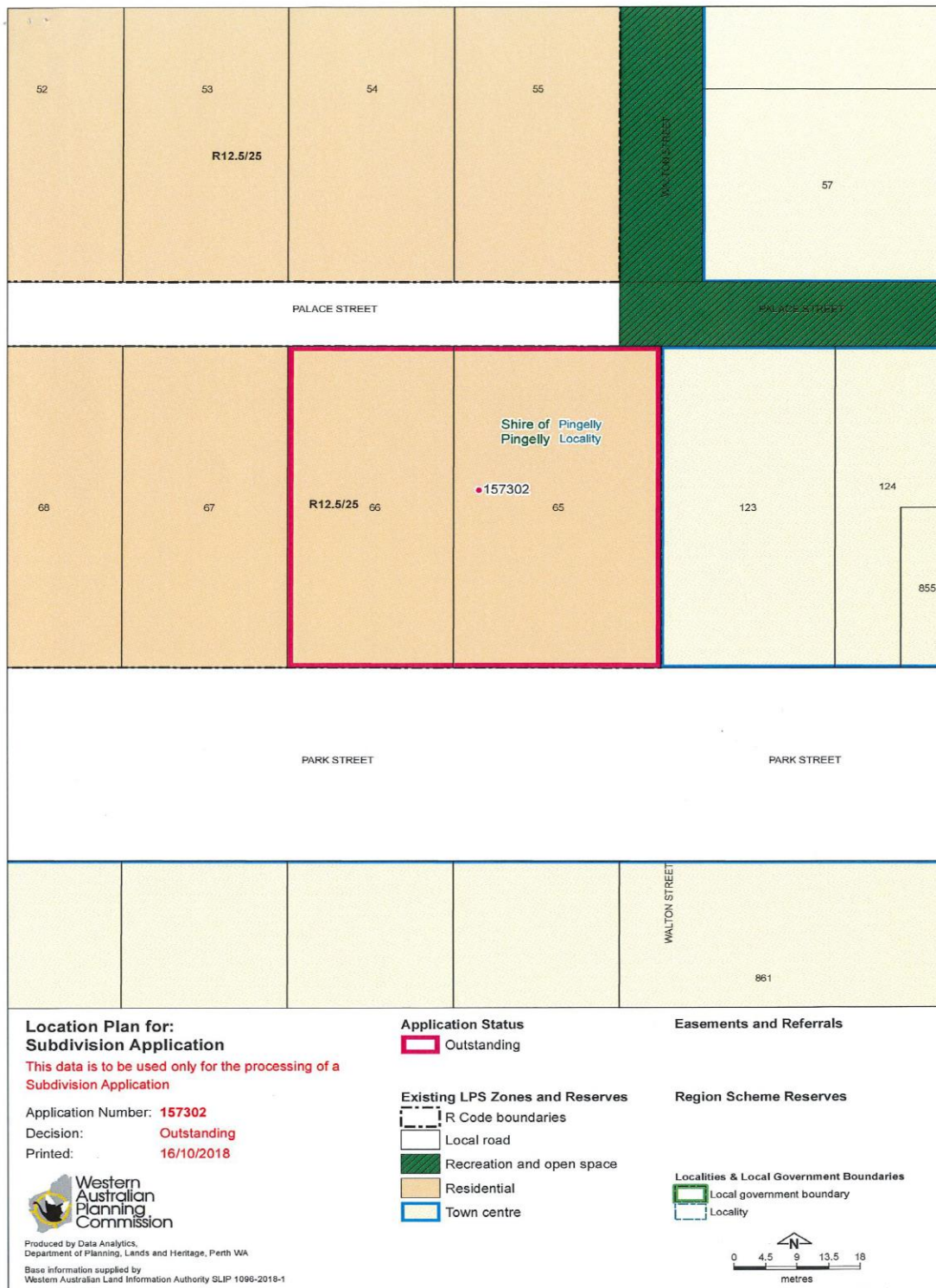
As a general rule no building shall be constructed within a distance of 7.5m from the front boundary. Minimum side boundaries are set by the *Residential Design Codes* however generally no building shall be erected within 1.5m of any other lot boundary. These setbacks may be reduced by a decision of Council on written application.

The existing dwelling and structures will be retained.

The area of lot 65 is 1265m² and Lot 66 is 1012m² which will create a total lot area of 2277m².







Consultation:

Jacky Jurmann - Consultant Planner
 Tim Jurmann – Building Surveyor
 Western Australian Planning Commission

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3.

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

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:

No known financial implications.

Strategic Implications:

No known strategic implications.

Risk Implications:

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

12568 Moved: Cr McBurney

Seconded: Cr Hotham

Recommendation and Council Decision:

That the WAPC be advised that the Shire of Pingelly does not object to the proposed amalgamation of Lot 65 and Lot 66 Park Street.

Carried 8:0

16.6 Surplus Equipment Tender

File Reference: ADM0570
Location: Lot 201 – 16 Somerset Street and Reserve 5004 – 21 Park Street
Applicant: Barry Gibbs, Director Technical Service
Author: Barry Gibbs, Director Technical Services
Date: 14 November 2018
Disclosure of Interest: Nil
Attachments: List of Assets for Sale
(Attachment 5 following yellow sheet in separate attachments booklet)

Summary:

Council to approve the sale and disposal of surplus items through a notice of expression of interest.

Background:

The Shire had accumulated an assortment of surplus items from the old Medical Centre and construction of the new Pingelly Recreation and Culture Centre.

Comment:

Any items not sold will be assessed for either readvertising for sale, sold as scrap or disposal at the Pingelly Refuse site.

Consultation:

Chief Executive Officer – Gavin Pollock
Director Community and Corporate Services - Stuart Billingham

Statutory Environment:

Local Government Act 1995 - 3.58. Disposing of property

Local Government (Functions & General) Regulations 1996 Reg 30

30. *Dispositions of property excluded from Act s. 3.58*

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
 - or
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
 - or

- (c) *the land is disposed of to —*

 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*

or

 - (d) *it is the leasing of land to an employee of the local government for use as the employee’s residence; or*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
 - (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
- (2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —*

 - (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or*
 - (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
 - (c) *the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*

 - (i) *the names of all other parties concerned; and*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) *Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.*
- (3) *A disposition of property other than land is an exempt disposition if —*

 - (a) *its market value is less than \$20 000; or*
 - (b) *the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6; 27 Sep 2011 p. 3846; 18 Sep 2015 p. 3812.]

Policy Implications:

Nil

Financial Implications:

Income from the sale of surplus plant and equipment will be placed in the General Ledger Account 1476 – Sale of Sundry Items.

Strategic Implications:

Nil

Risk Implications:

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

Absolute Majority

12569 Moved: Cr Hotham

Seconded: Cr Freebairn

Recommendation and Council Decision:

Council to endorse the sale of surplus items by expression of interest from the old Medical Centre and Pingelly Recreation and Cultural Centre as listed in attached papers.

Carried 8:0

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

Council at its 17 October 2018 Ordinary Council Meeting resolved

12546 Cr McBurney Seconded Cr Hastings

To introduce new business - Notice of Motion to Revoke Demolition Order on 18 Eliot Street, Pingelly.

Carried 7:0

12547 Moved: Cr Freebairn Seconded: Cr Hodges Third Councillor: Cr Walton-Hassell

Motion to Revoke Demolition Order on 18 Eliot Street Pingelly to be presented at the Ordinary Meeting of Council in November 2018.

12570 Moved: Cr Wood Seconded: Cr McBurney

Council Recommendation and Decision::

That as per section 5.23(2) of the *Local Government Act 1995* the meeting be closed to members of the public at 3.04pm to allow Council to discuss a confidential matter relating to a rescission of a motion.

Carried 8:0

17.1 Notice of Motion – Rescission Motion Demolition order 18 Eliot St

File Reference: A2660
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Stuart Billingham, Director Corporate & Community Services
Date: 02 November 2018
Disclosure of Interest: Nil
Attachments: Letter from Mr Keith Burgham

See confidential item 17.1 under a separate cover.

12572 Moved: Cr McBurney Seconded: Cr Hotham

To reopen the meeting to the public.

12573 Moved: Cr Freebairn Seconded: Cr Hodges

Recommendation and Council Decision:

That Council revoke part of Council Motion 12171 by amending and removing dot point:

- ***The property is to be sold with a demolition order.***

The reason for the change to the motion is to remove the demolition order requirement for 18 Eliot Street to permit Mr Burgham to rebuild the existing dwelling to building codes and the satisfaction of the Shire of Pingelly.

Carried 7:1

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 declared the meeting closed at 3.09pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 12 December 2018.

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