



Shire of Pingelly

Minutes

Ordinary Council Meeting
17 April 2019

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.02pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

3.1 Council Agenda Reports

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

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

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

Mr M Dacombe	Acting Chief Executive Officer
Mr S Billingham	Director Corporate and Community Services
Mr B Gibbs	Director Technical Services
Mrs L Boddy	Executive Assistant

APOLOGIES

Nil

OBSERVERS & VISITORS

Nil

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

No members of the public present.

7. APPLICATIONS FOR LEAVE OF ABSENCE

12661 Moved: Cr Walton-Hassell

Seconded: Cr Hastings

That:

Cr McBurney be granted leave for Wednesday 15th May 2019.

Cr Wood be granted leave from 24th June to 27th July 2019.

Carried 8:0

8. DISCLOSURES OF INTEREST

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 20 March 2019

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

12662 Moved: Cr Wood

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 20 March 2019 be confirmed.

Carried 8:0

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
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

Meetings attended March:

18th March meeting the Higgins Brothers, RSL, Museum and A/CEO regarding Historic and Photos of War veterans and the future of the Town Hall

20th Citizenship ceremony, corporate discussion and Council meeting

22nd Pingelly Somerset Alliance meeting re current project

Meetings attended April:

1st Meeting with A/CEO regarding recruitment of replacement CEO

2nd Regional Waste Group meeting with Cr Wood, A/CEO and DTS re future of the group

3rd Council Team Development Day

4th Council Team Development Day

4th Council short list of applicants for interviews for CEO position

9th Joint Local Emergency Management Committee meeting

10th Pingelly Somerset Alliance Committee meeting and update of future project

11th Blessing of the Roads

12th Interviews for position of CEO for Shire of Pingelly

17th Council Meeting and Corporate Discussion

Cr David Freebairn (Deputy President)

Nil

Cr Evan Hodges

Nil

Cr Bryan Hotham

20th March Pingelly Tourism Group Meeting

Cr Jackie McBurney

11th April Pingelly Tourism Group Meeting

22nd Pingelly Somerset Alliance Meeting

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 Council Meetings and Corporate Discussion

File Reference: 0000
Location: Shire of Pingelly
Applicant: Shire of Pingelly
Author: Mark Dacombe, Acting Chief Executive Officer
Date: 17 April 2019
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

To adopt an amended and streamlined schedule of Corporate Discussions and Ordinary Council meetings.

Background:

The Council has expressed a wish to streamline its monthly schedule of Corporate Discussions and Council Meetings.

Comment:

The Council has been through an extended period of major capital development. To ensure an appropriate level of governance and oversight of the projects the Council has been working to a schedule that has comprised two Corporate Discussion sessions and one Ordinary Council meeting each month.

During the recent *Leadership Team Strategy and Development Days* held on 3rd and 4th April 2019 members indicated they would like to streamline this schedule and encourage a higher level of discussion of items at the formal Council meeting.

To this end the following schedule is proposed:

1. Corporate Discussion 1st Wednesday of the month 2pm to 5 pm
Agenda to comprise:
 - a) Upcoming agenda items (non-routine)
 - b) Council work program (likely non-routine items for the next 3-4 months)
 - c) Action items from previous Corporate Discussions
 - d) Key issues raised by Chief Executive Officer
 - e) Key issues raised by Councillors
2. Council Meeting 3rd Wednesday of the month.
 - a) Lunch 1pm
 - b) Council meeting 2pm commencement (no change from present schedule)
Normal meeting procedures but note that in the event more detailed discussion is required on any item Standing Orders may be suspended by resolution of the Council. Councillors will be encouraged to submit any questions on agenda items in advance to ensure that answers are available at the meeting.
 - c) Following the Council meeting Councillors and the Chief Executive Officer may raise any matter that cannot wait until the next Corporate Discussion.

Consultation:

Councillors at the *Leadership Team Strategy and Development Days* held on 3rd and 4th April 2019

Statutory Environment:

Local Government Act 1995, Part 5

**Division 2 — Council meetings, committees and their meetings and electors' meetings
Subdivision 1 — Council meetings**

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
 - (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,in a notice to the CEO setting out the date and purpose of the proposed meeting;
or
- (b) if so decided by the council.

5.5. Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

Policy Implications:

4.1 Ordinary Meetings of Council

Ordinary meetings of Council shall be held on the third Wednesday of each month, except for January and December. The Ordinary Meeting of the Council in December shall be held on the second Wednesday of the month.

The Policy also currently provides:

“Corporate Discussion to commence at 12:00 noon and followed by the Ordinary Meeting of the Council commencing at 2:00 pm”.

This will need to be amended to provide for the new schedule as set out in the comment above.

Financial Implications:

The proposed change should be cost neutral and may in fact result in some minor savings in catering costs.

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 (3)

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**

12663 Moved: Cr Hastings Seconded: Cr Walton-Hassell

Recommendation and Council Decision:

That Council amend Policy 4.1 “Ordinary Meetings of the Council” to provide:

“Ordinary Meetings of the Council and Corporate Discussion”

- 1. Ordinary meetings of Council shall be held on the third Wednesday of each month, except for January and December. The Ordinary Meeting of the Council in December shall be held on the second Wednesday of the month.**
- 2. Corporate Discussion first Wednesday of the month 2pm to 5 pm
Agenda to comprise:**
 - a) Upcoming agenda items (non-routine)**
 - b) Council work program (likely non-routine items for the next 3-4 months)**
 - c) Action items from previous Corporate Discussions**
 - d) Key issues raised by Chief Executive Officer**
 - e) Key issues raised by Councillors**

- 3. Council Meeting 3rd Wednesday of the month.**
 - a) Lunch 12.30pm**
 - b) Council meeting 2pm commencement (no change from present schedule)**
Normal meeting procedures but note that in the event more detailed discussion is required on any item Standing Orders may be suspended by resolution of the Council. Councillors will be encouraged to submit any questions on agenda items in advance to ensure that answers are available at the meeting.
 - c) Following the Council meeting Councillors and the Chief Executive Officer may raise any matter that cannot wait until the next Corporate Discussion”.**

Carried 8:0

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity March 2019

File Reference:	ADM0075
Location:	N/A
Applicant:	Stuart Billingham, Director Corporate & Community Services
Author:	Stuart Billingham, Director Corporate & Community Services
Date:	5 April 2019
Disclosure of Interest:	Nil
Attachments:	Monthly Statements of Financial Activity for the period 1 July 2018 to 31 March 2019 (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 March 2019 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:

Acting 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 2 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

12664 Moved: Cr McBurney

Seconded: Cr Hotham

Recommendation and Council Decision:

That with respect to the Monthly Statements of Financial Activity for the month ending 31 March 2019 be accepted and material variances be noted.

Carried 8:0

15.2 Accounts Paid by Authority – March 2019

File Reference: ADM0066
Location: Shire of Pingelly
Applicant: Stuart Billingham, Director Corporate & Community Services
Author: Rebecca Billingham, Senior Finance Officer
Date: 5 April 2019
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 March 2019.

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

12665 Moved: Cr Wood

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council endorse the Accounts for Payments for March 2019 as presented:

MARCH 2019	
MUNI - 117984856	
EFT 5794 - 5916	\$341,805.75
CHEQUE 24649 - 24659	\$36,381.61
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD10424.1 – DD10477.1	\$44,267.15
TRUST FUND – 1954 - 1954	\$430.00
DIRECT DEBIT -	
DD10418.1 – 10435.7 & EFT 5829 – EFT 5872 – Pay and Super	\$18,739.90
CREDIT CARD	
NIL	NIL

GRAND TOTAL	\$441,624.41
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Notification	Explanation
Nil	

Carried 8:0

16. DIRECTORATE OF TECHNICAL SERVICES

16.1 Proposed Boundary Realignment Subdivision - Lots 6358, 7394, 7484 & 7485 Bullaring Road, East Pingelly

File Reference: A21268/A22701
Location: Lots 6358, 7394, 7484 & 7485 Bullaring Road, East Pingelly
Applicant: Western Australian Planning Commission
Author: Sheryl Squiers – Administration Officer Technical
Date: 20 March 2019
Disclosure of Interest: Nil
Attachments: Proposed Boundary Realignment Report, Development Control Policy 1.1
(Attachment 3 following yellow sheet in separate attachments booklet)

Previous Reference:

Summary:

The Western Australian Planning Commission have received an application for a proposed boundary realignment subdivision of Lots 6358, 7394, 7484 & 7485 Bullaring Road, East Pingelly, from Harley Dykstra Planning & Survey Solutions on behalf of the owners.

Background:

Harley Dykstra Planning & Survey Solutions on behalf of the property owners has submitted an application to the Western Australian Planning Commission for a proposed boundary realignment subdivision of Lots 6358, 7394, 7484 & 7485 Bullaring Road, East Pingelly.

The boundary realignment proposal aims to achieve a number of outcomes:

1. One new title combining part Lot 6358 (32.1ha and part Lot 7394 (82.2ha) to a total of 117.3ha along the northern side of Bullaring Road.
2. A second title part being the balance of Lot 6358 to the south (170.2ha).
3. The third title, being part Lot 7394 (52.3ha) and part Lot 7485 (52.2ha) to a total of 104.5ha.
4. Finally, a fourth title joining part of Lot 7485 (9.6ha) with Lot 7484 (59.6ha).

The boundary realignment on the attached Plan of Subdivision and the proposal outlined in more detail is attached.

Comment:

The property is zoned 'General Agriculture' under the *Shire of Pingelly's Local Planning Scheme No.3*.

The property is located approximately 37km east of the Pingelly townsite.

The property is situated in a rural area with all adjoining land being similar zoned 'General Agriculture'. The surrounding land uses are all for the purposes of broad acre farming typically found within the general agriculture zone.

The proposed boundary realignment allows for the existing general agriculture land uses to continue.

It is noted that the Local Planning Scheme No.3 clause 5.20.1 sets out the following matters which the Shire are to consider when assessing a subdivision application within the general agriculture zone. These include:

1. *The ability of services required to support the proposed development or subdivision and the economic impact of the provision of/extension or upgrading of those services.*
2. *The adequacy of the roads, existing or proposed in the area which may be needed to support the amount of road traffic expected to be generated by the development or subdivision.*
3. *The need to enforce such conditions as Council deems appropriate in order to minimize any adverse effects the development or subdivision may have on the general environment of the area.*

No additional servicing of infrastructure is required to support this boundary realignment. No roads are proposed to be constructed as part of this subdivision application. Existing roads provide adequate legal road frontage for each of the proposed lots.

Since the subdivision seeks to keep all existing vegetation with no charges to the current land use, it is requested that the Shire support this application to be approved unconditionally.

Western Australian Planning Commission Development Control Policy 3.4 'Subdivision of Rural Land'

WAPC Development Control Policy 3.4 Subdivision of Rural Land and its parent State Planning Policy No.2.5 provide guidance on the subdivision of rural land. Section 6.3 of the Policy relates to boundary realignments.

The Policy allows for multiple lots in one ownership to be rationalised in order to achieve better land management or create access to landlocked lots. The proposed boundary realignment meets the requirements of the Policy in that:

- No additional lots are proposed to be created;
- The new boundaries are logical and allow for safer and improved land management; and
- No new roads are proposed to be created and the property does not front any State roads.

The proposed boundary realignment therefore meets the requirements of the *WAPC DC Policy 3.4*. It is also noted that the *WAPC DC Policy 3.4* states that,

"In instances where a subdivision only proposes to realign existing lot boundaries, where no change to the land use and/or landform is proposed, and no additional development is proposed, applications for property rationalisation may be unconditionally approved".

Western Australian State Planning Policy 3.7 'Planning in Bushfire Prone Areas'

The subject land is located within a bushfire prone area, as designated by the Department of Fire and Emergency Commissioner. However no detailed fire assessment is required as outlined below.

Planning Bulletin 111/2016 states that *State Planning Policy 3.7* applies to applications for subdivision except for amalgamations or boundary realignments. Since this proposed boundary realignment will not result in an increased bushfire risk, no detailed fire assessment is required at this stage. Any potential future development on the site will require assessment at that time.

Western Australian Planning Commission Development Control Policy 1.1 'Subdivision of Land – General Subdivision Principles'

The subdivision as proposed meets the general subdivision principals as outlined in *Development Control Policy 1.1*. It is noted that in particular, the subdivision meets:

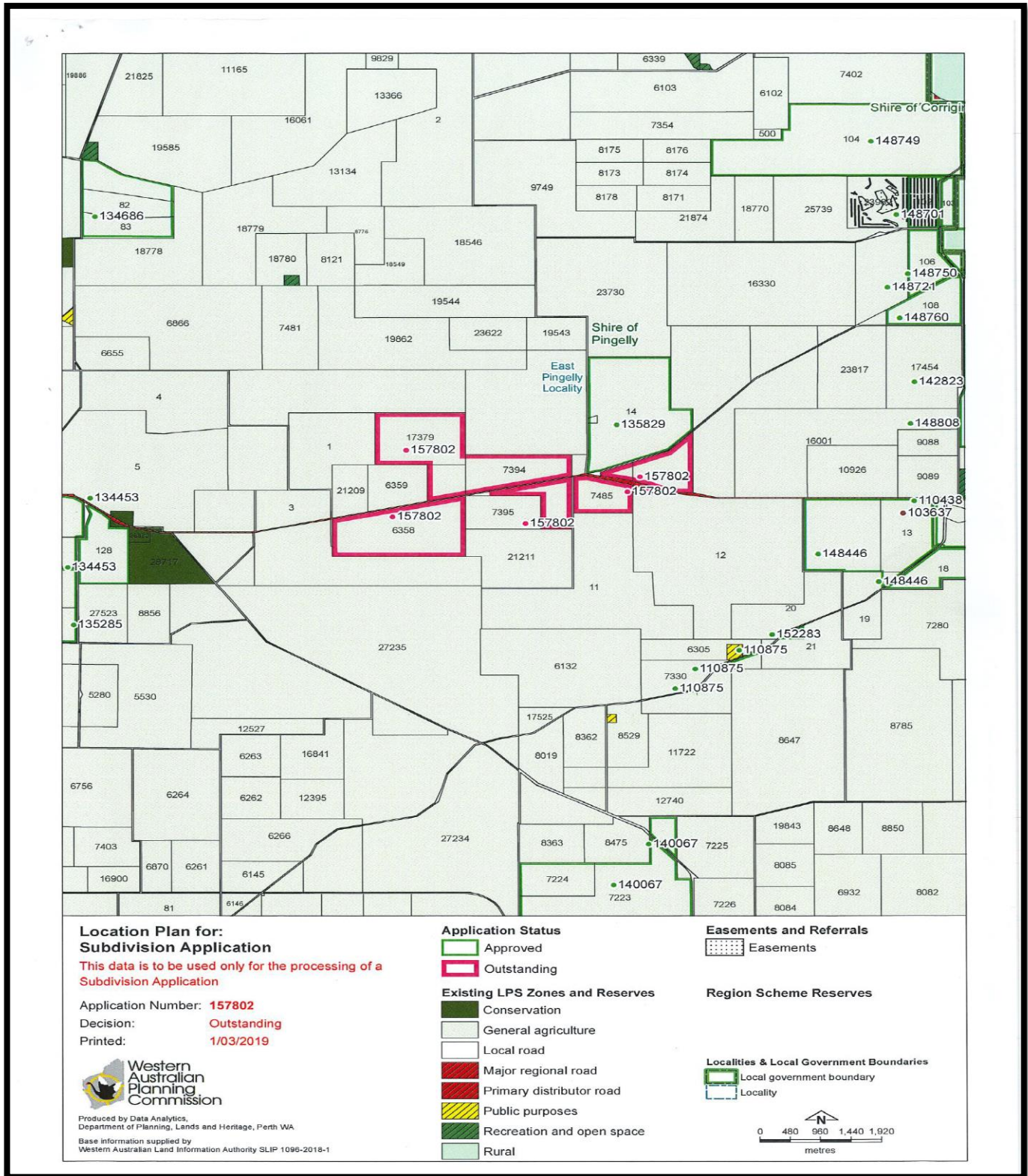
- Section 3.2 as this report sets out the site context:
- Section 3.5 as it is lawful development: and
- Section 3.7 as the proposed new lots will front constructed public roads.

Development Control Policy 1.1 is attached.

The proposed boundary realignment represents a logical subdivision for the purposes of lot rationalisation and is justified on the following grounds:

1. The proposal is for the existing four lots to be modified. No additional lots are proposed;
2. The proposal's new boundaries allow for safer and improved land management;
3. The proposal is consistent with the Shire of Pingelly's Local Planning Scheme No.3 and the WAPC Development Control Policies 1.1 and 3.4 and State Planning Policy 3.7: and
4. The proposed subdivision will not result in any loss of agricultural land but will allow existing rural uses to continue.

All existing dwellings (1) and structures (5 outbuildings) onsite are to be retained as part of this subdivision as shown on attached plan.



**Location Plan for:
Subdivision Application**

This data is to be used only for the processing of a
Subdivision Application

Application Number: **157802**
Decision: **Outstanding**
Printed: **1/03/2019**



Produced by Data Analytics,
Department of Planning, Lands and Heritage, Perth WA
Base information supplied by
Western Australian Land Information Authority SLIP 1096-2018-1

Application Status

- Approved
- Outstanding

Existing LPS Zones and Reserves

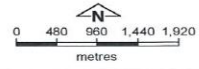
- Conservation
- General agriculture
- Local road
- Major regional road
- Primary distributor road
- Public purposes
- Recreation and open space
- Rural

Easements and Referrals

- Easements

Region Scheme Reserves

- Localities & Local Government Boundaries**
- Local government boundary
 - Locality



Consultation:

Director Technical Services
The Western Australian Planning Commission
Harley Dykstra Planning & Survey Services

Statutory Environment:

Shire of Pingelly Local Planning Scheme No.3.

Policy Implications:

There are no known policy implications.

Financial Implications:

There are no known financial implications.

Strategic Implications:

There are no known strategic implications.

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

12666 Moved: Cr Wood

Seconded: Cr Hastings

Recommendation and Council Decision:

That Council give unconditional approval of the proposed boundary realignment of Lots 6358, 7394, 7484 & 7485 Bullaring Road, East Pingelly.

Carried 8:0

16.2 Proposed Oversized Shed

File Reference: A5978
Location: Lot 8/504 – 3 Parker Street, Pingelly
Applicant: Mr K Tomlinson & Mrs A Tomlinson
Author: Sheryl Squiers – Administration Officer Technical
Date: 26 March 2019
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: N/A

Summary:

Council to consider an application for a proposed oversized shed at Lot 8/504 – 3 Parker Street, Pingelly.

Background:

Mr K Tomlinson & Mrs A Tomlinson have submitted an application for planning consent for a proposed shed with an area of 90.25m² at Lot 8/504 – 3 Parker Street.

Comment:

The proposed shed will be located at Lot 8/504 – 3 Parker Street, Pingelly, which is zoned residential with an R12.5/R25 code and a total lot area of 2375m².

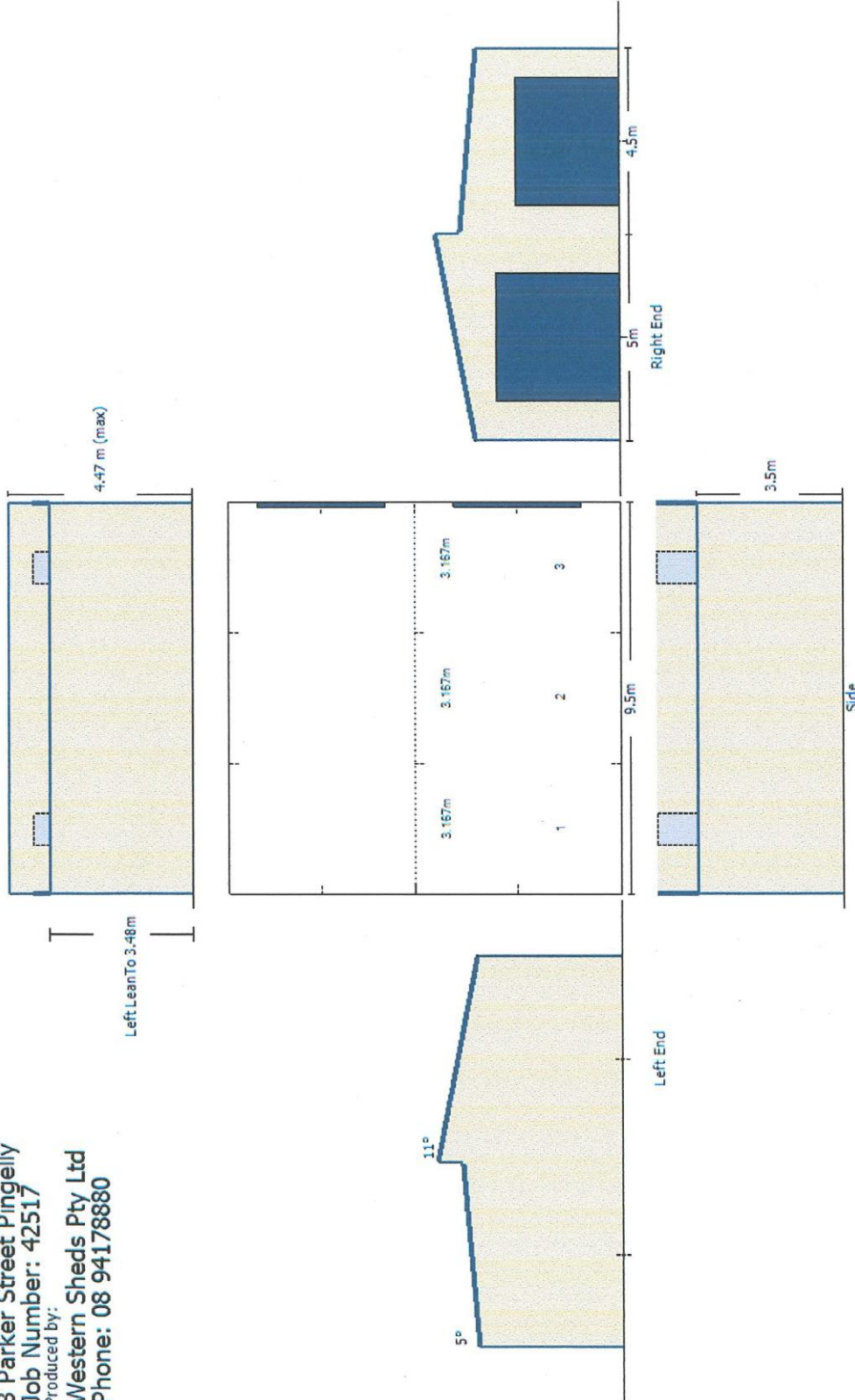
The proposed shed will be located on the northern boundary of the property to replace an existing smaller existing shed. The shed will be located 25m from front of property on Parker Street 2.5m from northern boundary and 18.420m from eastern boundary. The shed will have a total area of 90.25m² which is over the total outbuilding area of 75m² for the zoning of the property. The wall height of the proposed shed will be 3.5m and gable height 4.47m. The proposed shed is oversized for outbuilding area of Lot 8/504 – 3 Parker Street under *Shire of Pingelly's Policy 13.2 Outbuildings* residential zone R10 code or above. There is an existing shed that will be demolished and the new proposed shed on the same location.

There will be limited overshadowing issues with neighbouring properties as the proposed location of the shed joins the northern boundary of the property to the north with a rear driveway along this boundary. There is would be limited overshadowing issues with the adjoining property to the east being the proposed shed will be located 18.442m from the north eastern corner of the boundary.

The shed will be constructed in colorbond materials.

This application to Council is required as the new shed will create a larger than existing outbuilding area bringing it over the requirements of 75m² for zoning area of R10/R20 as referenced in the Shire of Pingelly's Policy 13.2 Outbuildings.

Building For:
Keith Tomlinson
3 Parker Street Pingelly
Job Number: 42517
Produced by:
Western Sheds Pty Ltd
Phone: 08 94178880



The local distributor you are dealing with is an authorised independent distributor of Fair Dinkum Sheds products and enters into agreements with its customers on its own behalf and not as an agent of Fair Dinkum Sheds.



11/03/2019

HD Earth Satellite Maps(Earth Maps street view)



SITE FOR PROPOSED NEW SHED. FOR 3 PARKER ST, PINGELLY 6308
SHED IS 9.5 X 9.5MTS AND IS 2.5MTS OF NORTHERN BOUNDARY
AND SET BACK 25MTS FROM WESTERN BOUNDARY.

([https://www.bing.com/maps?](https://www.bing.com/maps?cp=-32.533754337799975~117.09438694229829&lvl=20&style=a&FORM=BMLOGO)
25 feet 10 m
HERE, © 2019 Microsoft Corporation)

Consultation:

Director Technical Services
Shire of Pingelly Outbuildings Policy 13.2

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 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.
- c. 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
- c. 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 financial implications.

Strategic Implications:

There are no known strategic implications.

Risk Implications:

Risk	
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

12667 Moved: Cr Freebairn

Seconded: Cr Wood

Recommendation and Council Decision:

That Council grant planning approval for the erection of the proposed oversized shed at Lot 8/504 – 3 Parker Street, Pingelly which is to be used ancillary to the dwelling and not for commercial purposes.

Carried 8:0

16.3 Proposed Excision of Land – Reserve 9675

File Reference: A9030 & ADM0169
Location: Reserve 9675, Lot 3001 Bodey Street, Pingelly
Applicant: Department of Planning Lands and Heritage
Author: Barry Gibbs – Director Technical Services
Date: 9 April 2019
Disclosure of Interest: Nil
Attachments: Deposited Plan 414147 (Attachment 4 following green sheet in separate attachments booklet)
Previous Reference: N/A

Summary:

The Department of Planning Lands and Heritage have requested that the Shire of Pingelly indemnify the State of Western Australia for any liabilities that may arise from the dedication of a portion of Lot 3001 on Deposited Plan 50195.

Background:

The Shire of Pingelly has been working to resolve an outstanding road safety issue on the intersection of Harper Street and Bodey Street in Pingelly for over two (2) years. This intersection is currently a “Y” junction with poor sight distances for vehicles heading south on Harper Street. The Shire has been successful in obtaining State Black Spot funding to realign the intersection to a “T” junction which will resolve the safety issue and enable this section of road to be added to the RAV network.

Prior to work commencing a small parcel (355 m²) of land from Lot 3001 needs to be transferred to the Bodey Street Road Reserve which is currently a gravel reserve that is vested with the Department of Planning Lands and Heritage (DPLH). Without this transfer of land to the road reserve which is vested in the Shire of Pingelly the Department of Water and Environmental Regulation (DWER) will not issue a Clearing Permit, so the reconstruction of the intersection can proceed.

Comment:

The State Black Spot project is currently on hold until the 355m² from Reserve 9675 is transferred to the Bodey Street Road Reserve and a Clearing Permit can be obtained. The request for indemnify the State Government for this type of land transfer due to the *Native Title Act 1993* is a standard requirement from the DPLH.

Consultation:

Acting Chief Executive Officer
Department of Planning Lands and Heritage

Statutory Environment:

Native Title Act 1993.

Policy Implications:

2.7 Risk Management

Financial Implications:

Cost to transfer land will be included in the Black Spot for this road realignment.

Strategic Implications:

Strategy 2.64 Investigate and respond to road safety issues.

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 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

12668 Moved: Cr Walton-Hassell

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council agrees to indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitations, compensation payable to any party under the Native Title Act 1993 (Cth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the dedication of a portion of Lot 3001 on Deposited Plan 50195."

Carried 8:0

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

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

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

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 2.34pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 15 May 2019.

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