



Shire of Katanning

heart of the great southern

'Together, We're Building Katanning's Future'

MINUTES OF A ORDINARY COUNCIL MEETING

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on Wednesday 26 August 2015, in the Shire of Katanning Council Chambers, 14 Austral Terrace, Katanning, commencing at 6:00pm

DISCLAIMER

The Council of the Shire of Katanning hereby advises that before taking any action on an application or a decision of the Council, any applicant or members of the public should wait for written advice from the Council.

Cr Alan McFarland
SHIRE PRESIDENT

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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS

The Presiding Member declared the meeting open at 6pm.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Shire President - Cr Alan McFarland

Members: Cr Robert Godfrey
Cr Danny McGrath
Cr Craig McKinley
Cr Owen Boxall
Cr Richard Kowald
Cr Leisha Wood
Cr Alep Mydie

Council Officers: Andrew Holden, Acting Chief Executive Officer
Uwe Striepe, Director of Engineering & Development Services
Sam Davis, Executive Manager – Strategic Projects

Council Observer: Andrew Holden, Acting Chief Executive Officer

Gallery: Matt Collis
Christopher Smith
Ron Smith
Liz Guidera
Emma McKinley

Media:

Apologies: Sarah Taylor, Director of Corporate and Community Services
Diana Marsh, Manager of Finance

Leave of Absence: Cr Heather McCarley

3. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

10.1.1	Cr Alan McFarland	Disclosure of Proximity Interest
10.1.1	Cr Craig McKinley	Disclosure of Proximity Interest
10.1.1	Cr Alep Mydie	Disclosure of Proximity Interest
10.1.3	Cr Alep Mydie	Disclosure of Financial Interest
10.3.1	Cr Alan McFarland	Disclosure of Interest Affecting Impartiality
10.3.2	Cr Craig McKinley	Disclosure of Proximity Interest
10.3.2	Cr Leisha Wood	Disclosure of Interest Affecting Impartiality
10.4.1	Cr Alan McFarland	Disclosure of Financial Interest
10.4.1	Cr Robert Godfrey	Disclosure of Financial Interest
10.4.1	Cr Richard Kowald	Disclosure of Proximity & Financial Interest
10.4.1	Cr Craig McKinley	Disclosure of Financial Interest
10.4.1	Cr Alep Mydie	Disclosure of Financial Interest
10.4.1	Cr Leisha Wood	Disclosure of Financial Interest

5. PUBLIC QUESTION/STATEMENT TIME

Matt Collis stated that he spends a lot of time picking up litter and believes that there are not enough bins in town. Why are there 2 in the Town Square and none out at Piesse Lake?

Cr Robert Godfrey responded about bins generally from his experience including involvement with "Keeping Australia Beautiful". He said that litter still occurs immediately next to bins and that littering is a complex issue not solely related to the availability of bins.

Cr Alan McFarland added that the final number of bins for the upgraded streetscape area will not be installed until after completion of the works.

Matt Collis asked when will the work on the railway to Carew streetscape upgrade be completed.

Cr Alan McFarland outlined the remaining schedule of the works and explained that the Clive Street owners and operators had attended an information session at the Katanning Club on Tuesday evening. He explained that the schedule for stage 2 has been framed such that no disruptive work in the street will occur during December. It is expected that the drainage, tree pits and road work will be complete by end of November but that the asphaltting will occur in the New Year. Cr Alan McFarland added that Freemantle Stone had visited yesterday in regard to the pavers laid in the parking areas of stage one and will continue to work with the Shire to address issues.

Matt Collis also asked who signed off the changes to the streetscape design.

Cr Alan McFarland replied that the concept designs for the streetscape and town square were developed in conjunction with consultants and signed off by the SuperTowns Project Advisory Group which has representatives from Landcorp and GSDC as well as Council and that the Group continues to operate.

Ron Smith made a statement about the bus shelter including that it was missing an internal wall.

Cr Alan McFarland stated that some components of the construction, including the installation of an internal wall, are yet to be completed but would be soon.

Ron Smith asked how much did the bus shelter cost and was pleasantly surprised by Councillors McFarlands answer of approximately \$15 000 but with \$7 500 of that being contributed by the Public Transport Authority.

Liz Guidera stated that she felt that the minutes of the Special Council Meeting of the 3 August were inaccurate and not in context in that they did not properly reflect her question regarding local public advertising of the meeting. She said that farmers were excluded by advertising in the Weekender as it distributed to town households and she feels that it is not generally available in the district.

Cr Alan McFarland said that he felt that the advertising in the Weekender did meet the requirements of local public advertising in the absence of being able to get the advertisement placed in the Great Southern Herald.

Emma McKinley spoke about the St Patrick's "Adopt a Spot" item asking Councillors to approve the removal of the fir tree as it is in the way of what they have planned for the area.

Chris Smith stated that the St Patrick's School was trying to build an understanding of the importance of volunteerism in their year 6 class. He also stated that the fir tree is in the way of their plans for a design that will honour the history of the development of Katanning.

Cr Alan McFarland and Cr Robert Godfrey responded by advising of the history of how the fir tree came to be planted there and the decision of the Council of the day to plant the fir tree in the knowledge that it would take 30+ years for it to grow sufficiently to be used as a Christmas Tree.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Ordinary Council Meeting – 22 July 2015 (SEE ATTACHED MINUTES)

MOVED: CR OWEN BOXALL

SECONDED: CR CRAIG MCKINLEY

OC80/15 That the minutes of the Ordinary Council Meeting held on Wednesday 22 July 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED: 8/0

8.2 Special Council Meeting – 3 August 2015
(SEE ATTACHED MINUTES)

MOVED: CR RICHARD KOWALD

SECONDED: CR LEISHA WOOD

OC81/15 That the minutes of the Special Council Meeting held on Monday 3 August 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED: 8/0

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- Firstly congratulations to the organisers of and the public that attended the “Hamburgers for Hamish” at the country Club on the 31st of July. A substantial amount of money was raised by the community to be put to Ronald McDonald house. Along with the Julius Family Fundraising for just a short time before, it does show how generous our community can be when tragedy hits.
- Together with the Deputy CEO Andrew Holden, myself, Crs Godfrey, McKinley and (however briefly), Cr Boxall, all attended Local Government week in the first week of August. We have good chats with state government representatives, director-generals of departments, politicians, other councillors and industry representatives. As always, although there are some great speakers and training, it’s the networking & contacts that keeps us going. I thought this year’s conference was especially productive.
- While at the WALGA conference, various awards were announced. One of them was the Distinguished Officer Awards. Of the 3 recipients, one was our soon to be new CEO Julian Murphy. Congratulations on what is obviously a well deserved award.
- Wednesday the 12th of August saw me attend the KAN network Peter Kenyon workshop. They will have some very good ideas and processes on getting community volunteers in place.
- Wednesday the 19th, Sam & I have a quick meeting with Sophie Clapham from the Herald in regard to the costs of vandalism.
- Thursday the 20th I attended the WA Sheep expo at the Ram Pavilion at the Leisure centre. Dinner speaker was Ric Charlesworth, a very dynamic, vigorous speaker. Over 200 attended the dinner; there was a good crowd during the day. On the following day I presented the trophy for the “Supreme Champion”, which meant they were eligible to get to Dubbo for the National Competition, to Angenup stud of Kojonup.
- Thank you to Richard Kowald for speaking to potential Councillors at the Western Australian Electoral Commission night on the same Thursday. It’s not long till nominations are called so now is the time to get those that you think are capable of doing the job well organised and ready to nominate.
- Last night saw the business meeting in regard to the main street. Work is planned to start next week outside the post office and start working its way up the street.

- Ad reminder about the play tomorrow night, The Lost Diaries. There are still some tickets left.
- Cr Boxall, myself and the Acting CEO will be attending the WALGA zone conference in Albany on Friday. Minister for Transport Dean Nalder and Minister for Local Government Tony Simpson will be there in attendance.
- Eco week commences on 6th September and finishes on the 6th October.

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 DIRECTOR OF ENGINEERING & DEVELOPMENT SERVICES REPORTS

Cr's Alan McFarland, Craig McKinley, Alep Mydie declared a proximity interest as they own businesses on the main street and left the room at 6:34pm.

Cr Robert Godfrey took the chair at 6:34pm.

10.1.1 Clive Street – Declaration of a time limit parking zone (SEE ATTACHMENT)

File Ref: AM/0023
Reporting Officer: U Striepe, Director of Engineering and Development
Planning
Date Report Prepared: 17 August 2015

Issue:

To consider the declaration of a two hour time limit parking zone along Clive Street, from Carew Street to Taylor Street.

Body/Background:

The transformation of Clive Street into a pedestrian friendly shopping precinct has reduced the number of parking spaces on Clive Street which has been offset by increased spaces created in both Richardson and Daping Streets. Construction of the Town Square has also taken some parking spaces, although plans are being progressed to convert some of the areas behind the shops into public parking that will be accessible via . The combination of these changes has resulted in higher demand for parking spaces that are located along Clive Street.

It has been observed that some road users choose to park in Clive Street CBD on a long-term basis; which is further limiting the available parking bays for people wishing to park in Clive Street for the purpose of visiting the shops. The instances of long-term parking by some has prompted other residents to submit complaint/feedback forms asking for Council to consider parking restrictions.

There are existing limited parking zones in Richardson Street which assists the Post Office clientele access its services. This is functioning well.

Officer's Comment:

Declaring a two hour parking limit along Clive Street, from Carew Street to Taylor Street, would provide more available parking for shoppers. There would be little

inconvenience as road users would still be able to park for longer periods in parking bays provided in Carew Street, Daping Street, Richardson Street and Taylor Street.

It is considered appropriate that a two hour parking limit would be in effect daily from 8AM to 8PM. This would result in vehicles parked at 6PM or later being able to park overnight without infringement.

Signage would need to be erected to clearly demarcate the parking where limitation needs to be enforced. The signage would need to be in terms of the Western Australian Road Traffic Code 2000, regulation 172.

The Shire's Ranger would need to do inspections to ensure compliance with regard to the two hour parking limit. These inspections would focus on peak demand periods. The Ranger has many other duties and will not be able to devote his entire time to parking infringements.

Parking Infringements will require printing of new ticket books. These will be designed to be used for a wide variety of infringements. This will enable the Ranger to carry with him just one ticket book in place of the current five.

A local law which enables Council to declare a two hour parking limitation already exists (Section 6.3 (b) and Section 6.4 (a)). It is therefore not required to post in the Government Gazette or advertise in newspapers. Notification of the two hour parking limitation will be placed in Shire matters if Council approves the declaration.

The parking limitation will initially be limited to the section from Carew Street to Richardson Street as signage needs to be in place before infringements may be issued. Installation of signage from Richardson Street to Taylor Street is not possible until phase 2 of Clive Street revitalization is complete. Once each section of signage is in place, the public will be notified and the Shire will be able to enforce the parking limitation.

Statutory Environment:

Local Laws Division 2 – Standing and Parking of vehicles.

Section 6.3(b) Erection of Signs to Regulate Parking

A discretionary authority is conferred on the Council by resolution to constitute, determine and vary, and also indicate by signs, from time to time regulations and restrictions of parking and standing of vehicles of a specified class or of specified classes in all thoroughfares or specified thoroughfares or in parts of thoroughfares or reserves at all times or specified times, but that discretionary authority shall not be exercised in a manner inconsistent with the provision of these local laws.

Section 6.4(a) Parking Conduct

A person shall not stand or park a vehicle in a thoroughfare or part of a thoroughfare if by such a sign the standing of vehicles is permitted for a specified time, for longer than that time.

Policy Implications:

Nil.

Financial Implications:

Signage would need to be erected at an approximate cost of \$4,000 which can be accommodated within the existing 2015/16 budget allocation for Traffic/Street Signs.

Strategic Implications:

The proposal is consistent with the Leadership and Development objectives as listed in the Katanning Community Plan 2013-2023.

Officer's Recommendation/Council Motion:

MOVED: CR DANNY MCGRATH

SECONDED: CR RICHARD KOWALD

OC82/15 That Council:

**Declare a two hour parking limitation along Clive Street,
from Carew Street to Taylor Street, effective from 8AM to 8PM
daily.**

Voting Requirement: Absolute Majority

CARRIED: 5/0

Cr Danny McGrath spoke for the motion
Cr Richard Kowald spoke for the motion

Cr's Alan McFarland, Craig McKinley, Alep Mydie returned to the room at 6:36pm.

Cr Robert Godfrey vacated the chair at 6.36pm

Cr Alan McFarland took the chair at 6:36pm.

**10.1.2 Planning Approval – Advertising Sign, Cornwall Street
(SEE ATTACHMENT)**

File Ref: A1394
Reporting Officer: D Baesjou, Consultant Planner
Date Report Prepared: 14 August 2015

Issue:

To consider an application for replacement of Advertising Signage at Lot 908 (24) Cornwall St, Katanning, and the applicability of the Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting.

Body/Background:

An application for replacement of the illuminated pylon sign at the Shell Service Station in Cornwall Street was received on 21 July 2015. The proponent has completed and submitted both an Application for Planning Approval (Schedule 7) and Additional Information for Advertisements (Schedule 8). Following preliminary assessment and conferral with the applicant, revised correctly dimensioned plans were received on 5 August 2015.

The property was inspected and the application was assessed, based on the requirements set out in Town Planning Scheme 4, in particular Clause 7.11 'Control of

Advertisements' and Schedule 6 – Exempted Advertisements. A copy of the planning report, recommending conditional approval be granted to the replacement signage, is attached.

Officers Comment:

The Chief Executive Officer has been delegated the authority to approve development applications that meet the requirements of the Town Planning Scheme and are not contentious. In this case, the proposed replacement sign is considered to be compliant with TPS4, however the size and dimensions are inconsistent with the Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting.

Part 5.9.1 of the Signs Local Law sets out the following requirements for Pylon Signs:

- a) no part of the sign to be more than 6m 'above ground level; and
- b) the sign shall not exceed 2.55m in any direction, or greater superficial area than 4sqm.

Non-compliant dimensions of the proposed sign are:

- a) 7m in height (existing and proposed),
- b) 4.3m [top to bottom] and 5.59sqm total area.

Officer level conferral and consultation with the applicant has occurred regarding the size of the proposed replacement sign and the implications of Local Law. The applicant was given the option of revising the proposal to comply with the Local Law, and has advised preference for the sign dimensions, as submitted, consistent with the 'roll-out' across Australia.

The Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting reference the Local Government Act 1995 (as amended) and cite a resolution of 26 February 1987. Since that time, TPS4 has been adopted, and amended to include replacement Schedules 6, 7 and 8 relating to advertising signage definitions and approval procedures. In addition, the structure is required to comply with the Building Code, so is subject to a Building Permit. The licensing requirements prescribed in the Local Law are considered cumbersome and are somewhat redundant. It is acknowledged that the Local law is due for review and following that review may be rescinded. Typically, guidelines for advertising signage would be contained in a Shire Policy and Council has adopted various such Local Planning Scheme Policies since 2014.

Statutory Environment:

Town Planning Scheme No. 4

Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting

Section 2.7 of the Local Government Act includes the determining of the Local Government's policies as a role of the Council.

Policy Implications:

Shire of Katanning Town Planning Scheme No. 4, Clause 9.7 Policy 11
Approval/Refusal of Development Applications

Financial Implications:

An Application Fee of \$1,300 has been paid consistent with the published schedule of Fees and Charges.

Strategic Implications:

The proposed replacement sign is consistent with the Leadership & Development and Facilities & Services objectives of the Katanning Community Plan 2013-2023.

Officer's Recommendation/Council Motion:**MOVED: CR CRAIG MCKINLEY****SECONDED: CR RICHARD KOWALD****OC83/15 That Council:**

Notwithstanding Part 5.14 and the height and area specified in Part 5.9.1 a) and b) of the Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting, Planning Approval be granted for Advertising (Replacement Signage - Illuminated), Lot 908 (24) Cornwall St, Katanning subject to the following conditions:

- 1) Development to be in accordance with the approved plans.**
- 2) No part of the sign is to extend beyond the boundary of the subject land.**
- 3) Signage to be maintained in good repair, at the proponent's cost.**

Voting Requirement: Simple Majority

CARRIED: 8/0

Cr Craig McKinley spoke for the motion

Cr Richard Kowald spoke for the motion

Cr Alep Mydie declared a financial interest as he owns a business on the main street and left the room at 6:38pm.

10.1.3 Application for Planning Approval – Caretakers Accommodation, Café & Fun House and AI Fresco**File Ref:** A958**Reporting Officer:** D Baesjou, Consultant Planner**Date Report Prepared:** 12 August 2015**Issue:**

The proposal is to use a portion of the building at 73 (Lots 1/2) Clive Street for Caretakers Accommodation, associated with the Café (Restaurant and Shop). In addition, the business operators have requested permission for AI Fresco dining on the footpath adjacent to the premises.

Records indicate that the landowner is PDC Eagle Electrical & Refrigeration. The Proponents are Leanne Wake and Charnell Buswell.

Body/Background:

The subject land comprises Lots 1 and 2 (No 73) Clive Street, Katanning. The site is zoned 'Town Centre' under Town Planning Scheme No. 4 (TPS4). Under Draft Local Planning Scheme No. 5, the subject land is shown as Town Centre. The Place is not on the Register of Aboriginal Sites.

An Application for Planning Approval (PA) was submitted in November 2014 (signed 21 September 2014) to use the premises for "Fun House for Kids and Café". The proposal was advertised for comment in the local newspaper on 27 November 2014, with submissions closing on Thursday 11 December 2014, however there is no record of the submission of floor plans or fee payment. That application was not progressed.

A further partially completed PA was submitted on 22 May 2015, together with a completed Food Business Notification/Registration Form. That proposal included a brief letter requesting 'Caretakers Accommodation' and 'Al Fresco Dining'. There is no record of accompanying floor plans or fee payment. Correspondence was sent to proponent on 25 May 2015 setting out the minimum requirements for processing the Applications including the need for floor plans, completed Application Forms and Fee Payment.

The development services team conducted a site visit and met with the proponent with on 17 June 2015 to discuss the range of activities being considered, to outline the statutory Health, Building and Town Planning requirements associated with the nominated landuses, and the need for floor plans, signed documentation and payment of application fees.

On 14 July an email was received from Ms Wake requesting a further visit and seeking permission for two tables and four chairs on footpath at the front of the shop. There were no plans or accompanying detail.

On 17 July further correspondence was sent to the proponent outlining the Shire's requirements including Forms to be signed by both the property owner and applicant, two sets of building plans showing proposed development and activities. That letter also requested confirmation in regard to the installation of a grease trap and mechanical exhaust system.

On 29 July 2015 the Shire of Katanning received a dimensioned floor plan and Schedule 7 Form, signed by PD Ciccotosto/Eagle Electrical & Refrigeration [the registered owner] and LW Wake respectively on 24 July and 15 July.

Officers Comment:

Of the various proposals nominated by the applicant, the activities within private property come under TPS4.

The three rooms at the front of the existing building have previously been used as a Shop and Café. Re-opening of the food premises, in itself, would typically be exempt from requiring Planning Approval, under Clause 8.1.2 b) (i) of TPS4. Compliance with relevant health statutes and registration under the Food Act is necessary.

Conversion of rooms and ablution facilities at the rear of the building to 'Caretakers Accommodation' requires Planning Approval and a Building Permit.

The Café (Shop, Restaurant/Take-Away Food Outlet) is a continuation of a previous 'P' use. The proposed Caretakers Accommodation is considered to fall within the

scope of 'Caretakers Dwelling' of TPS4. It accords with the strategic objectives and is generally consistent with statutory planning requirements; it is unlikely to adversely affect the amenity of the area and should be approved subject to conditions.

Interpretation and determination of the nature and land use of the proposed 'Fun House' is less obvious, particularly in the absence of any plans. The 2014 concept appears to have been advertised as an Amusement Parlour/Facility; however the play equipment and proposed operation are more akin to a crèche ('Day Care), 'Public Amusement' or 'Private Recreation'. As a potential Public Building or Child Care facility, the premises and operation would need to satisfy additional statutory requirements. Given the considerable financial outlay, it is understood the applicant would initially focus on bringing the food outlet and caretakers accommodation up to standard.

The proposal for Al Fresco Dining with tables and chairs on the footpath adjacent to the Café and Bakery requires assessment and determination in under with the Shire of Katanning Policy 5.1 Alfresco Dining. Guideline 5 enables the CEO to approve applications that are not contentions and where the amenity of the locality is not unduly disrupted. In this case, there is limited space available on the section of footpath adjacent to Café. Typically an aisle of between 1.8 and 2.4m between tables, street furniture and other obstructions should be kept clear for pedestrians. Within the Shire's road reserve, the width of the paved area available for pedestrians at the front of the shop is 2.4 m. The wall of the front of the shop is recessed and provides an additional 0.45 m. This is considered too narrow to safely accommodate Alfresco dining without disruption to other footpath users.

Statutory Environment:

Zoning:

The property is zoned Town Centre under the Shire of Katanning Town Planning Scheme No. 4 (TPS4).

Relevant objectives for the Town Centre zone (Clause 6.3.1) are as follows:

- a) to ensure the town centre remains the principal place for business and administration within the District.
- b) to encourage a high standard of development including buildings, landscaping, and car parking.
- c) to ensure adequate provision is made for car parking to service development in the town centre

As set out in Schedule 1 – Definitions of TPS4

Caretaker's Dwelling: means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

Restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant.

Shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in the Scheme.

Take-Away Food Outlet: means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises.

Restaurant and Shop are both listed as 'P' (permitted) in the Town Centre zone.

Caretakers Dwelling is listed in the Zoning Table as 'AA' (discretionary) within the Town Centre zone.

'AA' means that the use is not permitted unless the Council has granted planning approval.

Officers have visited the property and have been liaising with the applicant, including preparing base plans and providing Planning, Health and Building advice, to assist in progressing the various proposals.

In accordance with the procedure outlined in Clause 9.7 the Chief Executive Officer has been delegated the authority to approve uses that are classified as 'AA', subject to relevant conditions if necessary providing they are not contentious.

Site and Development Requirements:

Site Requirements for the Town Centre zone (Clause 6.3.2) are at the discretion of the Council, which may be guided by the following:

b) setbacks are to comply with the Building Code of Australia and the Council will encourage building to the front boundary where this will be consistent with the existing development on adjoining lots facing the same street.

The existing premises is built up to the front boundary (Clive St) and secondary frontage (Carew St) and has nil side setbacks, consistent with development on adjoining lots.

Development Requirements set out in clause 6.3.3 include:

- 6.3.3.1 Development shall not exceed two storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.
- 6.3.3.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) in the town centre the Council shall have regard to the following:
 - a) the colour and texture of external building materials; the Council may require the building facade and side walls to be constructed in masonry;
 - b) building size, height, bulk, roof pitch;
 - c) setback and location of the building on its lot;
 - d) architectural style and design details of the building;
 - e) function of the building;
 - f) relationship to surrounding development; and
 - g) other characteristics considered by the Council to be relevant.
- 6.3.3.3 Landscaping shall complement the appearance of the proposed development and the town centre.
- 6.3.3.4 The layout of car parking provided in accordance with the provisions of clause 7.1 of the Scheme shall have regard for traffic circulation in

existing car parking areas and shall be integrated with any existing and adjoining car park.

Car parking requirements are set out in Schedule 5 of TPS4.

Use of portion of the existing premises for the purpose of Caretakers Dwelling will not materially affect the appearance of the building. As this is not an intensification of use, provision of additional car parking is not warranted.

Matters to be Considered

Clause 8.5 of TPS4 sets out various matters to be taken into consideration in determining planning. The following Table lists the matters, together with relevance and planning comment.

Matter	Relevance	Comment
(a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;	Yes	<i>Development is consistent with the objectives and provisions of the Town Centre zone under TPS4.</i>
(b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;	Yes	<i>The proposal is consistent with the relevant Objectives set out in draft LPS5.</i>
(c) any approved Statement of Planning Policy of the Commission;	Neutral	<i>n/a</i>
(d) any approved Environmental Protection Policy under the <i>Environmental Protection Act 1986</i> ;	Neutral	<i>n/a</i>
(e) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;	No	<i>n/a</i>
(f) any Local Planning Policy adopted by the Council under clause 9.6, any heritage policy statement for a designated area adopted under clause 5.3.2, and any other plan or guideline adopted by the Council under the Scheme;	No	<i>n/a</i>
(g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;	No	<i>n/a</i>
(h) the conservation of any place that has been entered in the Register within the meaning of the <i>Heritage of Western Australia Act 1990</i> or which is included in the Heritage List under clause 5.2,	No	<i>n/a</i>

and the effect of the proposal on the character or appearance of a heritage area;		
(i) the compatibility of a use or development with its setting;	Yes	<i>Proposed landuses considered compatible and appropriate for the Town Centre/Main Street.</i>
(j) any social issues that have an effect on the amenity of the locality;	Neutral	<i>No significant change in social impact anticipated.</i>
(k) the cultural significance of any place or area affected by the development;	Neutral	<i>n/a</i>
(l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;	Neutral	<i>No significant negative impact on natural environment anticipated from the change of use of this urban site.</i>
(m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire, or any other risk;	Neutral	<i>No known or likely risks than cannot be managed through standard fire safety and Building requirements.</i>
(n) the preservation of the amenity of the locality;	Neutral	<i>No significant negative impact on amenity anticipated.</i>
(o) the relationship of the proposal to develop on adjoining land or on other land in the locality but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;	Neutral	<i>Change of use, therefore effects predominantly internal, however some associated improvements to façade and building appearance.</i>
(p) whether proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring, and parking of vehicles;		<i>The subject land in on the corner lot Clive Street and Carew St, with rear lane way access. Pedestrian access is provided via the shop front. Service and private access/egress is available via the side and rear. Public parking is available in both streets.</i>
(q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;		<i>Use of the premises for Caretakers Accommodation will not, of itself, generate significant additional traffic or parking requirements. The current proposal for café/funhouse is not regarded as more intensive than the former Bakery [anecdotal].</i>
(r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;	No	<i>n/a</i>

(s) whether public utility services are necessary and, if so, whether they are available and adequate for the proposal;	Neutral	<i>Power, water and sewer services are considered adequate; in any case are operational matters for proponent.</i>
(t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);	Neutral	<i>Pedestrian access is provided to the building and cycle parking is available.</i>
u) whether adequate provision has been made for access by disabled persons;	Neutral	<i>At-grade ground floor access is provided, facilities to accord with relevant legislation.</i>
(v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	Neutral	<i>No existing landscaping provided or proposed. Townscape improvements and recent Mainstreet upgrades contribute to amenity.</i>
(w) whether the proposal is likely to cause soil erosion or land degradation;	No	<i>No concerns with erosion or land degradation as a consequence of proposed change of use. Standard stormwater management requirements applicable.</i>
(x) the potential loss of any community service or benefit resulting from the planning approval;	No	<i>n/a</i>
(y) any relevant submission received on the application;	No	<i>n/a</i>
(z) the comments or submissions received from any authority consulted under clause 8.4;	No	<i>n/a</i>
(za) the need to protect Aboriginal sites of significance as required under the <i>Aboriginal Heritage Act 1972</i> ;	Neutral	<i>Subject land not on Register, obligations under Act noted.</i>
(zb) potential impacts of noise, dust light, risk and other pollutants on surrounding land uses; and	Yes	<i>Requirement for grease trap noted to be addressed in consultation with WaterCorp</i>
(zc) any other planning consideration the Council considers relevant.	Yes	<i>Proposal is consistent with Katanning SuperTown Growth and Implementation Plan and the endorsed Local Planning Strategy.</i>

Policy Implications:

Council Policy – Education, Health & Welfare Policy 5.1 Alfresco Dining

Financial Implications:

The figures provided by the applicant indicate that the development is valued at:

\$10,000 - Sept 2015 Fun House and Café;

\$7,000 - May 2015 'Café and Fun House' new iron & guttering;

\$17,000 – July 2015 Toilets and Caretakers rooms

Based on the nominated value of the development, and the published schedule of Fees and Charges fee for this is \$147.00

The Planning Approval Fee has not yet been paid.

Strategic Implications:

This proposed development assists the Council to deliver on several of its strategic objectives, as set out in the Shire of Katanning *Strategic Plan 2013 – 2023*, Community and Corporate Business Plans, including:

Community Objectives:

- To actively promote Katanning as a regional centre.

Leadership and Development:

- Strengthening our economy through the continued support of existing businesses and by exploring opportunities to expand our business base.

Officer's Recommendation/Council Motion:

MOVED: CR LEISHA WOOD

SECONDED: CR CRAIG MCKINLEY

OC84/15 That Council:

Subject to the payment of the relevant Planning Application Fees and submission of Floor Plans and relevant details as set out in Clause 8.2 of Town Planning Scheme No. 4, grant Planning Approval for a portion of the premises at 73 (Lots 1 and 2) Clive Street, Katanning to be used for Caretakers Dwelling, associated with the Restaurant (Café), subject to the following conditions:

- 1) The development is to be generally in accordance with approved plans;**
- 2) All waste being disposed of to the satisfaction of the Chief Executive Officer;**
- 3) All stormwater should be controlled on-site, with disposal via connection to the district drainage system to the satisfaction of the Director of Engineering Services; and**
- 4) All signage is to conform to clause 7.11 of the Shire of Katanning Town Planning Scheme No. 4.**

Advice Notes

- I. The fit out and operation of the food premises is to comply with the requirements of the Food Act, Food Standards Code and relevant health and hygiene standards, to the satisfaction of the Environmental Health Officer.
- II. Compliance with all relevant statutes, including classification pursuant to the Building Act 2011 and the Building Code of Australia.
- III. This Planning Approval does not constitute a Building Permit, for which a separate application is necessary.

The proponent be advised Council considers the paved footpath adjacent to the premises at 73 Clive Street, Katanning to be insufficient in width to safely accommodate Al Fresco dining without disruption or inconvenience to other users.

Voting Requirement: Simple Majority

CARRIED: 7/0

Cr Leisha Wood spoke for the motion.

Cr Alep Mydie returned to the meeting at 6:40pm.

10.2 DIRECTOR OF CORPORATE AND COMMUNITY SERVICES REPORTS

10.2.1 Receipt of Financial Reports (SEE ATTACHED FINANCIAL REPORTS)

RECOMMENDATION

MOVED: CR LEISHA WOOD

SECONDED: CR DANNY MCGRATH

OC85/15 That Council:

- 1. Receive the Schedule of Accounts for July 2015.**

Voting Requirement: Simple Majority

CARRIED: 8/0

10.3 EXECUTIVE MANAGER – STRATEGIC PROJECTS

Cr Alan McFarland declared an affecting impartiality interest as his son is a member of the St Patricks Grade 6 class.

10.3.1 St Patrick's School Katanning – Adopt A Spot (SEE ATTACHMENT)

File Ref: CS/12/0002

Reporting Officer: S E Davis, Executive Manager of Strategic Projects

Date Report Prepared: 8 August 2015

Issue:

For Council to consider granting permission for the removal of the Fir Tree located on the corner of Clive Street and Taylor Street [railway side] at the request of the St Patricks School - Adopt-A-Spot Initiative.

Body/Background:

In March 2015 early plans for an Adopt-A-Stop initiative were put forward by St Patricks Primary School (School) and the Katanning Action Network. The initiative proposed that the students [Year Six Class] and staff of the School would adopt the area located at the corner of Clive and Taylor Streets with the intention to undertake low maintenance improvement and enhancement to the site's gardens and associated areas.

A Memorandum of Understanding (MOU) agreement was signed by the Shire of Katanning and the School on 18 May 2015. Under the MOU the School is required to present detailed plans to the Shire for initial assessment by Senior Shire Officers, and for general information circulation to Councillors. Provided there are no issues identified by the relevant Shire Officers, the School will be granted permission to undertake implementation of its plans.

After discussion among Councillors, the Shire formally requested that the School hold off on enacting any plans to remove the Fir Tree [also referred to as the pine tree] due to its history [outline below provided by Cr Godfrey] until Council had an opportunity to discuss the matter in an appropriate Council Forum.

"The fir tree was planted in 1994/1995 as part of the first townscape plan to replace the old pine tree that was used as the Christmas tree, the old pine tree had a string of party lights that were hung in it. The Christmas tree was removed as it was dying and was becoming unsafe and had many dead/dying branches in it. Due to the fact it was close to a hundred years old, it was not able to be returned to health or have the dying wood removed and thus it was removed along with four very large sugar gums opposite the town hall (where the heritage garden is now). These trees were cut down in February/March 1995 either side of Cyclone Bobby passing through (how do I know, I cut them down, with my work colleagues).

The decision to plant the fir was taken, knowing it would take 30/40 years to grow to a height that would be suitable to be used as a Christmas Tree, the site was chosen as it was close to the main intersection of town and a prominent location, also it was not in the same ground/soil where the other tree/s had been removed from" – Cr Robert Godfrey, May 2015.

Officer's Comment:

The St Patrick's School has finalised its proposed development plans for the Adopt-A-Spot area. After careful consideration and planning the School is now requesting Council's permission to remove the Fir Tree to enable what it considers to be the most effective option to develop the area.

Existing features at the site include a railway carriage, water salinity system, Fir tree and two flag poles. The School is seeking Council's permission to remove the Fir tree to create more space for feature totem poles and to assist in maintaining a theme for the overall space. Subject to Council Officer permission, the School also wishes to remove the two flag poles currently situated on site.

The School intends to enhance this location in the Main Street of Katanning by planting native plants, improving ground quality with mulch in garden areas and creating a paved pathway to welcome residents and visitors into the location. A seating feature has been incorporated into the area's design, inviting residents and visitors of Clive Street to sit, meet, eat and enjoy the space.

With advice from Mr. Steve Blyth from Blyth's Tree Farm, a range of plants have been selected to be planted in this area. These plants were selected based upon their growth size, relation to the geographical area and suitability to the climate and incorporating features of the three existing landscaped areas adjacent to this location. To assist Council in reaching a decision regarding the Fir Tree an outline of the School's plans/vision for the area is provided below.

The plants will include:

-*Melaleuca Suberosa*: a purple flowering shrub growing to 1 m in height, will be planted along the existing white picket fence that borders the location.

-*Juncus Subsecundus*:

-*Kangaroo Paw*: the distinctive plant has been chosen for two reasons. 1. To match and tie in with existing planting around town [currently in Clive Street roundabout]. 2. To protect and to remove from sight, the existing water supply cage, whilst still allowing access.

-*Jam Tree*: As a host for Sandalwood Tree. These trees will provide shade and protection from the sun for visitors who wish to sit at the proposed picnic bench.

-*Sandalwood Tree*: This tree draws distinct connection to the sandalwood Carriage which is the feature of this garden area.

-*St Patrick's Roses*: these roses are to connect this site to the other adjacent locations and to recognize the connection of St Patrick to this site.

-*Totem Poles*: these poles will have information carved into them that tells the story of our school. The poles will have interpretive information about the history of St Patrick's School, particularly the foundation of the Nuns who travelled from England.

St Patrick's School has no intention to make any modification or alterations to the railway cart situated on site.

Endorsement of the School's planting plan is not required by Council as this request is able to be facilitated through the MOU. Council is requested to determine whether it will allow or deny the School's request to remove the Fir Tree located on the site.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Financial Implications:

The proposed plans for the development of the Adopt-A-Spot site present no implications to Council's budget.

Strategic Implications:

Council Officers have assessed the schools plans for the site and have only identified the Fir Tree as having potential strategic implications due to the history and original reasons for planting.

PROCEDURAL MOTION

MOVED: CR ROBERT GODFREY

SECONDED: CR DANNY MCGRATH

OC86/15 **That Council suspend standing orders and close the meeting to the public.**

Voting Requirement: Simple Majority

CARRIED: 8/0

PROCEDURAL MOTION

MOVED: CR LEISHA WOOD

SECONDED: CR ROBERT GODFREY

OC87/15 **That Council resume standing orders and reopen the meeting to the public.**

Voting Requirement: Simple Majority

CARRIED: 8/0

Officer's Recommendation/Council Motion:

MOVED: CR ROBERT GODFREY

SECONDED: CR RICHARD KOWALD

OC88/15 **That Council:**

- 1) Acknowledges the work of its project partners, the St Patrick's School Katanning and the Katanning Action Network in developing the initiative and positively anticipates the project's fruition.**
- 2) Further discussion to take place with St Patrick's School as to the removal or transplanting of the Fir Tree**

Voting Requirement: Simple Majority.

CARRIED: 8/0

Cr Robert Godfrey spoke for the motion.

Cr Richard Kowald spoke for the motion.

Cr Leisha Wood declared an affecting impartiality interest.

Cr Craig McKinley declared a proximity interest and left the room at 6:57pm.

10.3.2 **Katanning Action Network – 'Fly My Flag' Project**
(SEE ATTACHMENT)

File Ref: CS/12/0002

Reporting Officer: S E Davis, Executive Manager of Strategic Projects

Date Report Prepared: 18 August 2015

Issue:

The Katanning Action Network is seeking Council endorsement to proceed to undertake its proposed 'Fly Your Flag' Project at the Katanning Lion's Park. The KAN also seeks Councils consideration to make a cash or in-kind contribution to the project.

Body/Background:

The Katanning Action Network (KAN) is seeking the support of the Shire of Katanning to secure a site and progress the 'Fly Your Flag' project. This project involves the display of national and cultural flags, celebrating our town's multiculturalism and creating a unique and colourful display for locals and visitors to Katanning.

The idea for a display of flags representing the diversity of the Katanning community came out of the John Stanley workshop, and the need to identify and develop a point of difference in the town.

The Flag project was identified by the KAN as a priority through its planning process to;

- 1) Be a visual representation of Katanning's point of difference: multiculturalism.
- 2) Create a colourful and interesting feature for visitors to the town.
- 3) Allow locals to share their culture and origins, and celebrate coming together in Katanning.

To date KAN has successfully sourced 12 flags through donations and financial contributions by individuals, community groups, and businesses in Katanning. These flag have been temporarily housed in the window of the old Carpet Court shop on Dore Street while the KAN and Shire work together to identify a site for permanent display of the flags on flag poles. The eventual goal is to obtain 50 flags to be displayed on a rotational system.

Initially, the concept was to use existing banner poles down Clive Street in the CBD to hang the flags. Erecting flagpoles at Katanning's yet to be developed 'Welcome Precinct' has also been discussed. In collaboration with The Lions Club, there is an option of displaying the flags on flagpoles at Lion's Park along Clive Street. This ties in with identifying a 'point of difference', capitalising on our status as a multicultural town and refugee welcome zone, and creating a unique and colourful feature for visitors to the town.

Officer's Comment:

KAN has secured a grant of \$5,536 through the Great Southern Development Commission's (GSDC) Community Chest Fund for the project. In allocating this funding the GSDC has requested that KAN attempt to securing a \$5,000 ex GST cash and/or tangible in-kind [materials etc] contribution to the project from the Shire of Katanning.

KAN presented their concept at the July Council Forum, which canvassed two options for the installation of the flags; 1) The Lions Park, and 2) The proposed Welcome Precinct.

KAN's preference is to progress to undertaking the project at the Lion's Park location. A site plan and maintenance plan is attached.

The initial suggestion to explore the Lions Park as a site came from Mr Doug Cherry, Lions Katanning President. Mr Cherry is working closely with Carly Vartesi on this project and has provided input to the plan. Mr Cherry also attended the Council Forum meeting with Ms Vartesi.

On 19 August 2015, KAN formally wrote to the Shire to seek:

- Consideration from the Shire of Katanning to make a contribution towards the project in line with the GSDC funding condition; and
- To seeking Council endorsement to proceed with the implementation of the project at the Lion's Park Site in collaboration with Shire staff and the Katanning Community.

When the KAN's grant application was being assessed by the GSDC, the GSDC Chief Executive Officer, Bruce Manning and the Shire of Katanning Chief Executive Officer reached indicative verbal agreement that the Shire would pay serious consideration to providing funding to the 'Fly Your Flag' project if the GSDC were to approve funding.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Financial Implications:

If Council chooses to support KAN's request, a tangible in-kind contribution could be made by way of flag pole material supply/construction and installation that can be accommodated within Councils 2015/16 operating budget. If these tangible costs don't amount to a \$5,000 ex GST contribution, a cash contribution to make up the difference will need to be accommodated within Council 2015/16 operating budget.

Strategic Implications:

This project aligns with Council's Strategic Community Plan under its Community & Culture Vision: Improving our lifestyle and well-being through increased recreational and cultural opportunities, more options for young people and seniors and a focus on safety and security.

The initiative is also supported in the Shire of Katanning Strategic Community Plan in the following areas:

Development and Leadership > Community Development > Tourism and Promotion:

- Pursue opportunities to install sculptural iconic elements and an interpretive trail.
- Create roundabouts, entry statements and enhance the tree lined avenue on Great Southern Highway.

Development and Leadership > Community Development > Image and Esteem:

- Create visual landscape linkages from the Main Street to Great Southern Highway and Piesse.

Officer's Recommendation:

MOVED: CR ROBERT GODFREY

SECONDED: CR LEISHA WOOD

OC89/15 That Council:

- 1) **Agrees to make a cash and/or tangible in-kind contribution totalling \$5,000 ex GST towards the Katanning Action Network's 'Fly Your Flag' Project; and**

- 2) **Endorses the Lion's Park location for the implementation of the Katanning Action Network's 'Fly Your Flag' Project.**
- 3) **Require further discussions to take place to formulate a design and maintenance schedule acceptable to Council prior to any commencement of works.**

Voting Requirement: Simple Majority.

CARRIED: 7/0

Cr Robert Godfrey spoke for the motion.

Cr Craig McKinley returned to the meeting at 7:00pm.

10.4 ACTING/DEPUTY CHIEF EXECUTIVE OFFICER

Cr's Alan McFarland, Robert Godfrey, Richard Kowald, Craig McKinley and Alep Mydie declared a financial interest.

A letter from the Department of Local Government and Communities approving the above Councillors remaining and participating in the meeting regardless of their declaration of interest was read at the meeting and will form part of these minutes (see attached).

Cr Leisha Wood declared a financial interest and left the room at 7:01pm.

10.4.1 Extended Retail Trading Hours Christmas 2015 (SEE ATTACHMENT)

File Ref: AD/09/0033
Reporting Officer: A Holden, Acting Chief Executive Officer
Date Report Prepared: 19 August 2015

Issue:

To consider Christmas/New Year trading hours for 2015/16.

Body/Background:

In the past, each year the Minister for Commerce would announce a package of standard trading hour extensions for the Christmas/New Year period. This package usually included extended weekday and Saturday trading until 9pm & trading from 10am-5pm on Sundays during December.

The Christmas trading package was, in previous years, automatically available to regional localities without the need for further action by each Local Government. This year, as a consequence of the commencement of Sunday and Public Holiday Trading in the Perth metropolitan area there is no need for a metropolitan package of Christmas trading hour extensions and thus no package that can be offered to regional Local Government Authorities.

Consequently, if Council wishes to extend trading hours over the forthcoming Christmas/New Year period a Temporary/Short Term Adjustment application form will need to be completed and forwarded to the Department of Commerce.

Normal trading hours within the Shire of Katanning are:

Monday, Tuesday, Wednesday & Friday	8:00am to 6:00pm
Thursday	8:00am to 9:00pm
Saturday	8:00am to 5:00pm
Sunday	Closed

Officer's Comment:

Historically the Shire of Katanning has requested advice from the Katanning Regional Business Association (KRBA) regarding the extended trading hours to be implemented locally.

The KRBA considered the issue of extended Christmas trading hours at its AGM on 18 August 2015 and agreed that approval for the following additional hours be sought:

Sunday 6 December 2015	10:00am to 4:00pm
Sunday 13 December 2015	10:00am to 4:00pm
Sunday 20 December 2015	10:00am to 4:00pm

In addition, the KRBA is holding the annual 'Christmas on Clive' event on Saturday 12 December 2015; and thus require the normal Saturday trading hours to be varied as follows:

Saturday 12 December 2015	8.00am to 9.00pm
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Statutory Environment:

If the Shire wishes to extend trading hours the Department of Commerce must be notified using the appropriate application form to obtain Ministerial consent.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Support for extended Christmas trading hours is consistent with the Leadership and Development objectives of the Katanning Community Plan 2013 – 2023.

Officer's Recommendation/Council Motion:

MOVED: CR DANNY MCGRATH

SECONDED: CR OWEN BOXALL

OC90/15 That Council:

Advise the Department of Commerce that the Shire of Katanning wishes to vary Christmas/New Year trading hours to extend as follows;

Sunday 6 December 2015	10:00am to 4:00pm
Saturday 12 December 2015	8.00am to 9.00pm

Sunday 13 December 2015 10:00am to 4:00pm

Sunday 20 December 2015 10:00am to 4:00pm

Voting Requirement: Simple Majority

CARRIED: 7/0

Cr Danny McGrath spoke for the motion.

Cr Wood returned to the meeting at 7:04pm.

10.4.2 Tender 02/15 Conservation and Pre-Works Katanning Roller Flour Mill

(SEE ATTACHMENT)

File No: A2842

Reporting Officer: A Holden, Acting Chief Executive Officer

Date Report Prepared: 20 August 2015

Issue:

To consider the tenders to complete the conservation and pre-works required on the Katanning Roller Flour Mill prior to its transfer to, and re-purposing by, Dome Coffees Australia Pty Ltd.

Body/Background:

The Shire of Katanning acquired the Katanning Roller Flour Mill in 1982 in order to save it from potential demolition to allow for re-development of the site. Council has for many years sought a proposer of a viable and sustainable re-purposing of the building as Council does not have the means required to restore and maintain the building in the long term.

Dome Coffees Australia Pty Ltd (Dome) was attracted to the opportunity the building offered and have invested a significant amount of time and money in developing their concept of a Dome Inn; incorporating boutique accommodation rooms in addition to one of their iconic cafes.

At the Special Council Meeting of 23 July 2013 Council agreed to sell the Mill to Dome for \$1 conditional on Dome sympathetically re-purposing the building. Council also agreed to commit \$500,000 of Council funds toward the work necessary to make the building "watertight" prior to the major renovation work being undertaken by Dome. The following motion was passed at that meeting:

Council Motion

Moved: CR MCFARLAND

Seconded: CR WOOD

SC79/13 That Council;

- (1) Agree that the development proposed by Dome Coffee Australia for the redevelopment and reuse of the Katanning Flour Mill is to be supported by council and is in keeping with the aspirations in the Katanning Growth Plan and the development of a Heritage Precinct.

- (2) Agree in principle to sell the Katanning Roller Flour Mill to Dome Coffee Australia in accordance with the advertised conditions of sale, including that;
- (a) The purchaser is to enter into a Heritage Agreement with the Heritage Council of Western Australia (HCWA) for the proposed development of the building as outlined in the Dome Inn Concept plan.
 - (b) The purchaser agrees to complete the development as detailed within the Expression of Interest and Concept Plans dated 11 July 2013 within a period of (3) three years from the approval of a formal Planning Consent.
 - (c) Council agrees to consider requests for reduced numbers of car parking during the formal request for Development Planning Approval; acknowledging that the Katanning Roller Flour Mill is contained on the State Heritage Office's list of Heritage Places and there is limited opportunity to provide car parking on site.
- (3) Undertake the emergency conservation works as detailed in the "Katanning Flour Mill – Feasibility and Conservation Works" report July 2012 required to make the Mill watertight to a total value of \$500,000 in accordance with the SuperTowns Heritage Project.
- (4) Authorise the Chief Executive Officer to negotiate a cessation of lease with the Olde Mill Deli

CARRIED: 6/1

Voting Requirement: Simple Majority

For the Motion: Crs Rees, Wood, Kowald, Potter, McCarley, McFarland
Against the Motion: Cr Evans

Following that decision Dome proceeded with developing plans for the building working closely with the State Heritage Office and State Heritage Council to ensure those plans met their requirements. Plans were submitted in July 2014 and Council granted conditional planning approval passing the following motion at the Ordinary Council Meeting of 27 August 2014.

Officer's Recommendation/Council Motion:

MOVED: CR LEISHA WOOD

SECONDED: CR DANNY MCGRATH

OC79/14 That Council:

1. Grant planning approval for the proposed Restaurant (Coffee Shop) and Lodging House (Holiday Accommodation) at the Katanning Roller Flour Mill (fmr) Lot 7 cnr. Austral Terrace/Clive Street, Katanning subject to the following conditions:
2. Receipt of formal approval from the State Heritage Office; and
3. The development being consistent with plans that have been submitted and date stamped 1st July 2014.

Voting Requirement: Simple Majority

CARRIED: 9/0

Footnote:

A building licence is required to be obtained prior to the commencement of construction on the property

Cr's Leisha Wood, Robert Godfrey and Alan McFarland spoke for the motion

Dome then continued to work with the State Heritage Office in further refining their plans for the Mill before compiling the specifications necessary for a Request for Tender for the Conservation and Pre-Works required. The tender specifications were compiled by Dome Coffees Australia Pty Ltd as the works need to complement the further works that Dome will undertake in re-purposing the Mill into a Dome Inn that will house both the iconic Dome Café and boutique accommodation rooms.

The tender for the Work was advertised in the West Australian on 18 April 2015 and Great Southern Herald on 23 April 2015 with a closing time/date of 4pm on Monday 18 May 2015. At the request of Dome the closing date for tenders was first re-scheduled to 29 June 2015 and then finally to 27 July 2015. The request for tender attracted enquiries from 9 parties. All prospective tenderers were directly advised of the extension to the closing date. Ultimately two tenders were received.

Officer's Comment:

Tenders are a competitive process and each submission provided were generally of a very high quality and represents a considerable time allocation and input to complete the tenders responses. It is therefore important that in rejecting any tender, the efforts of the individual unsuccessful tenderers are recognised in responding to their submission.

Two tenders were received prior to the closing time/date, from:
 COUNTRYSIDE HOMES (Countryside)
 MASTERBUILT CONSTRUCTION PTY LTD (Masterbuilt)

The evaluation criteria in the tender documents specified:

Criteria	Weight
Relevant Experience and Reputation	30%
Price	60%
Tenderer's Resources and Availability	10%

Based on the evaluation criteria established in the Tender Documents, the submission from Masterbuilt provides the most suitable consultant to complete the task.

Relevant Experience and Reputation

Countryside has submitted evidence of a range of work successfully completed for a number of local governments and the Department of Treasury and Finance along with testimonial letters from some clients. The projects they have delivered have included the Woodanilling Recreation Centre, Newdegate Medical Centre, Bencubbin Primary School and a number of Shire residences. While the submission supports experience

and reputational claims it provides no significant relevant experience with conducting works on older heritage registered buildings such as the Mill.

Masterbuilt has submitted evidence of extensive experience in the conversion, restoration and fit-out of a number of older heritage buildings including Woodson Warehouse in Fremantle, The Stables Bar and Restaurant and WA Club in Perth. Masterbuilt has also had a long history of converting similar buildings into Dome Cafes having completed over 40 project for Dome.

Both tenderers are considered suitable for this criterion but it is considered Masterbuilt better satisfies this criterion due to much broader experience of renovating older buildings.

Price

The tendered prices are listed below:

Consultant	Price excl GST
MASTERBUILT CONSTRUCTION PTY LTD	\$731,135
COUNTRYSIDE HOMES	\$1,922,000

Both tenders are in excess of the amount Council has budgeted for the Work with the most competitive price still exceeding the budget by \$231,135. However, the Managing Director of Dome, Nigel Oakey, remains very keen to proceed with the project and has expressed that Dome may be willing to increase its commitment to ensure that necessary work is completed within Council's budget.

Tenderer's Resources and Availability

Countryside has submitted evidence of a range of work successfully completed for a number of local governments in recent years within both budget and timeframes and the tender includes a timeframe that indicates resources are available for an immediate start and a forecast 6 month work schedule including preliminaries.

Masterbuilt has also submitted evidence of a range of work successfully completed within budget and timeframes and has provided a forecast work schedule of 17 weeks following completion of preliminaries.

It is considered that both tenderers have the resources to carry out the Work within an acceptable timeframe.

It is therefore assessed that Masterbuilt would be the preferred tenderer with the much lower tendered price but as that price still significantly exceeds Council budget it is recommended that Council not accept either tender but rather authorise the Chief Executive Officer to negotiate with Masterbuilt and Dome and agree on terms wherein the required work is completed but with a Council contribution that is "capped" at \$500,000.

Statutory Environment:

In accordance with tender regulations and the Local Government Act.

Heritage of Western Australia Act (1990)

The Heritage Act now places onus on owners of heritage listed properties to preserve and prevent the deterioration of Heritage places.

Local Government Act (1996)

In order to dispose of property by private treaty council must follow the requirements of section 3.58 of the Act.

Disposal of Property Section 3.58

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives State wide public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3) (a) (ii) include
- (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

Prior to completing the sale of the property to Dome it will be necessary to obtain a valuation of the property prior to advertising council's intention to dispose of the property.

Policy Implications:

Nil.

Financial Implications:

Council has made an allocation within the 2015/16 budget as the contribution for the Work. Neither tendered price is within the allocated budget. It is anticipated that a negotiated position can be achieved between the Shire, Masterbuilt and Dome such that the Work is done without an increase in Council budget.

Strategic Implications:

The pre-conservation works are an integral pre-sale component of the 2013 Council motion regarding the sale of the Mill to Dome. The sale and repurpose of the Katanning Roller Flour Mill as a Dome Inn aligns directly with the Katanning Local Planning Strategy and is complementary to the intent of the Heritage Precinct and will adaptively reuse the iconic Mill whilst preserving its heritage. It will also minimize any potential ongoing financial liability of Council whilst reactivating the Central Business District, creating potentially 30 -35 new jobs in Katanning and ensuring this important historic building is conserved for future generations.

Officer Recommendation/Council Motion:**MOVED: CR LEISHA WOOD****SECONDED: CR CRAIG MCKINLEY****OC91/15 That Council:**

- 1) Agree that Dome's current plans for the Mill remain generally consistent with the development proposal for the Mill supported by Council at the Special Council Meeting of 23 July 2013;
- 2) Re-affirm Council's commitment to the sale of the Mill as determined in the Special Council Meeting of 23 July 2013;
- 3) Not accept either tender submitted associated with 02/15 Conservation and Pre-Works Katanning Roller Flour Mill; and
- 4) Authorise the CEO to negotiate with Masterbuilt and Dome to seek an agreement where the necessary scope of work is completed but still within Council's budget for that work.

Voting Requirement: Simple Majority

CARRIED: 8/0

Cr Leisha Wood spoke for the motion.

Cr Alan McFarland spoke for the motion.

10.5 CHIEF EXECUTIVE OFFICER'S REPORTS

Nil.

10.6 ADVISORY COMMITTEE MEETING

Nil.

11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

13. CONFIDENTIAL ITEM

Nil.

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7:07pm