



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  
Tuesday 15 December 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.

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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: President – Cr Liz Guidera

Members: Deputy President – Cr Craig McKinley  
Cr Danny McGrath  
Cr Owen Boxall  
Cr Richard Kowald  
Cr Alep Mydie  
Cr Serena Sandwell  
Cr Martin Van Koldenhoven

Council Officers: Julian Murphy, Chief Executive Officer  
Andrew Holden, Deputy Chief Executive Officer  
Uwe Striepe, Director of Engineering & Development Services  
Sam Davis, Executive Manager – Strategic Projects  
Diana Marsh, Manager of Finance  
Taryn Human, PA to the CEO  
Sue Eastcott, PA to Director of Corporate and Community Services

Gallery: Matt Collis  
Isabel Collis  
Josh Watson

Media:

Apologies: Sarah Taylor, Director of Corporate and Community Services

Leave of Absence:

**3. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS**

10.1.2	Cr Serena Sandwell	Disclosure of Financial Interest
10.1.3	Cr Serena Sandwell	Disclosure of Interest Affecting Impartiality

**5. PUBLIC QUESTION/STATEMENT TIME**

Josh Watson from Planning Solutions acting on behalf of the Liberty Oil proposed Shell service station and fuel depot on 24 Cornwall Street – requested that Council support the officer’s recommendation for this item and would like to thank staff and Main Roads for their assessments and assistance with the application. Josh advised he was happy to answer any questions or queries in relation to the proposal and on behalf of his client they are looking forward to commencing construction on this site.

Cr Danny McGrath asked through the chair if the long term proposal for the block was strictly for self-serve fill up or if there was intent for a shop at a later stage.

Josh Watson responded that at this stage it was unmanned and would include a fuel depot component, mountable office and some facilities for truck parking.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

8.1 Ordinary Council Meeting – 24 November 2015  
(SEE ATTACHED MINUTES)

MOVED: CR DANNY MCGRATH

SECONDED: CR CRAIG MCKINLEY

**OC121/15 That the minutes of the Ordinary Council Meeting held on Tuesday 24 November 2015 be confirmed as a true record of proceedings.**

**Voting Requirement:** Simple Majority

CARRIED: 8/0

## 9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Welcome Councillors, firstly can I express my appreciation for those Councillors who contacted me in relation to my mother's illness, I particularly thank Deputy Shire President Craig McKinley for stepping in for me and representing the Shire at a number of Community events, I know it has also been a busy period for you in relocating to your new premises – Thank you Councillor McKinley.

The Shire Christmas Party was held last night at the Country Club – an excellent way to end the year with all staff, councillors and their family invited, the feedback about the change of date away from Christmas Eve was very positive, the venue and catering were excellent a special thank you to Amy Kuchel for organising the event.

Very interesting to receive a presentation at our Forum meeting by the Southern Inland Health Initiative as to the upgrade of the Katanning Hospital over the coming couple of years – the upgrade of health resources will be important to the future of our community.

Both Julian and I separately met with Nicki Polding Principal of the Katanning High School - Nicki has extended an invitation to all Councillors to tour the high school facilities next year, we will arrange a suitable date in February.

Wishing all Councillors, staff and their families a happy and safe Christmas, and look forward to a positive 2016 for Katanning.

## 10. REPORTS OF COMMITTEES AND OFFICERS

Nil.

### 10.1 DIRECTOR OF ENGINEERING & DEVELOPMENT SERVICES REPORTS

#### 10.1.1 Shire of Katanning Local Planning Scheme No. 5 (SEE ATTACHMENT)

**File Ref:** AT/0020 and AT/0015  
**Reporting Officer:** D Baesjou, Consultant Planner  
**Date Report Prepared:** 3 December 2015

**Issue:**

To formally adopt the revised Shire of Katanning Local Planning Scheme No 5 (LPS5) in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations).

**Body/Background:**

The new LPS Regulations came into effect on 19 October 2015. The draft LPS5 had been prepared under the former Regulations and procedures. Department of Planning officers confirmed that draft LPS5 would not be approved for advertising by the WAPC/Minister until it was revised to accord with the new Regulations and a further Resolution of Council had been adopted. Clause 19 of the LPS Regulations deals with Resolution to prepare or adopt a scheme.

This matter was previously considered by the Shire of Katanning Council at its meeting held 27 August 2014. The following resolution was adopted:

- 1) *That Council pursuant to the requirements of Part 5 of the Planning and Development Act 2005 and Reg. 13 of the Town Planning Regulations 1967 hereby resolves to adopt the Shire of Katanning Local Planning Scheme No. 5 for all land contained within the district of the Shire of Katanning.*
- 2) *Authorise the Chief Executive Officer to refer the adopted Scheme to the Environmental Protection Authority for assessment under section 48A of the EPA Act.*
- 3) *Authorise the Chief Executive Officer to refer the adopted Scheme to the WA Planning Commission for permission to advertise for public comment.*

Records indicate that LPS5 was emailed to the Office of the Environmental Protection Authority Strategic Policy and Planning Division (OEPA) on 5 February 2015. Correspondence was received from OEPA advising there was 'insufficient information for the Scheme to be assessed in March requesting additional information in regard to salinity, vegetation representation and protection, ecological community representation and Carnaby's Black Cockatoo breeding area buffers. On 21 April 2015, an OEPA representative met with staff and visited key sites. Supplementary information regarding vegetation protection and proposed planning provisions, within the Future Development Areas (FDA) and in particular O'Callaghan Park was provided to OEPA in June. Correspondence was received from OEPA advising scheme does not require formal assessment under Part IV Division 3 of the Environmental Protection Act.

The following table has been updated since the version included in the August 2014 Council report to reflect the latest actions, and provides a summary of the processes and progress for preparing the new scheme:

<b>No</b>	<b>Task</b>	<b>Est Timeframe (@ Aug 2014)</b>	<b>Action Revised Timeframe</b>
1	Initiate the draft LPS5 and refer the resolution and map of scheme area to the DoP/WA Planning Commission with scheme objectives and proposed scheme format	Complete	-
2	WAPC receives document and recommends any adjustments and provides comment on preparing LPS5	Complete	-
3	Council publishes resolution in Government Gazette and local newspaper and forwards copies to: <ul style="list-style-type: none"> <li>• All adjoining Local Governments.</li> <li>• Every State Agency likely to be affected by the new scheme with a request to forward any matters requested to be considered by Council.</li> </ul>	Complete	-

No	Task	Est Timeframe (@ Aug 2014)	Action Revised Timeframe
4	Staff prepare draft LPS5 for Council consideration	August 2014	Complete
5 a. b. c.	Council adopts draft LPS5 for consent to advertise and refers it to the EPA for environmental assessment and DoP/WAPC for comment Delay – due to pending changes to Regulations	August 2014	27/8/14, Item 10.1.5 Resolution <b>OC80/14</b> 5 Feb 2015 Supp Info 12/6/15 Aug 2014, June & July 2015 Aug/Sept 2015
6	Council receives advice from EPA that draft LPS5 does not require formal assessment	September 2014	July 2015
7	WAPC/DoP provide comments and revisions to LPS5	September 2014	Sept-Nov 2015
8	Report to Shire of Katanning, obtain Further Resolution of Council to approve LPS5 for initiation [in accordance with 2015 Regulations]	September 2014	Dec 2015
9	Forward revised LPS5 to DoP/WAPC for approval to advertise	September 2014	Dec 2015
10	WAPC/Minister for Planning grants consent to advertise LPS5 for public comment	September 2014	Jan/Feb 2016
11	Draft LPS5 advertised for public comment for 3 months	October-December 2014	Feb-Apr 2016
12	Council considers submissions and recommends modifications to draft LPS5 as a result of submissions received	February 2015	May/June 2016
13	Council refers LPS5, submissions and recommendations to DoP/WAPC for consideration	February 2015	June 2016
14	DoP/WAPC provides comments and suggested modifications to Council's recommended modifications for final approval of LPS5. Council settles final changes with DoP	March 2015	July 2016
15	Minister for Planning approves new LPS5	April 2015	Aug 2016
16	LPS5 Gazetted and existing Town Planning Scheme No. 4 revoked	May 2015	Sept 2016

**Officer's Comment:**

The 2014 draft LPS5 was prepared in accordance with the format set out in the Model Scheme Text (MST) provided in the *Town Planning Regulations 1967*. The new LPS Regulations introduce an updated MST and standard or 'deemed provisions' that automatically over-ride existing Planning Schemes to bring them into conformity. Schedule 2 of the new Regulations deals with such matters as Development Applications, assessment and approval procedures, advertising, non-conforming uses, Heritage protection, Structure Planning and Enforcement. New Forms are prescribed in Part 3, revised zone names apply and mapping colours have been mandated in Schedule 3. The revised LPS has been rewritten to incorporate the new MST, format, definitions and provisions. DoP staff at both the Bunbury and Albany offices have assisted and advised in this process.

The attached Table summarises the key differences between the current TPS4, the 2014 draft LPS5 and the revised version of LPS5.

Following formal adoption of the revised LPS5, the documents will be forwarded to the Western Australian Planning commission for approval to advertise. The requirements and procedures are set out in Clause 22, Part 4 of the LPS Regulations and Sections 81 and 82 of the Act. The minimum advertising period is 90 days.

**Policy Implications:**

Nil.

**Financial Implications:**

There will be additional costs to the Shire of Katanning as a result of the need to review and rewrite of the draft Scheme text and update the draft Scheme maps.

**Strategic Implications:**

This item assists Council to deliver on objectives in the Shire of Katanning Community Plan 2013 – 2023

**Officer's Recommendation/Council Motion:**

**MOVED: CR CRAIG MCKINLEY**

**SECONDED: CR RICHARD KOWALD**

**OC122/15**      **That Council:**

- 1) Pursuant to section 72 of the *Planning and Development Act 2005* and Regulation 19(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the Shire of Katanning Local Planning Scheme No. 5, as revised to comply with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the entire area within the Shire of Katanning as shown on the Scheme Area Map.**
- 2) Subsequent to submission of the Scheme to the Western Australian Planning Commission for examination and advice in accordance with Regulation 21(4) whether modification of the documents is required and the Commission's confirmation that the local planning scheme is suitable to advertise, Pursuant to Regulation 21(1) proceeds to advertise the Local Planning Scheme No. 5.**



**Voting Requirement:** Simple Majority

CARRIED: 8/0

Cr Craig McKinley spoke for the motion  
Cr Richard Kowald spoke for the motion

Cr Serena Sandwell left the room at 6:07pm as she disclosed a financial interest as she is the Manager of the Caltex Service Station.

**10.1.2 Planning Approval – Service Station and Fuel Depot, Cornwall St  
(SEE ATTACHMENT)**

**File Ref:** A1394  
**Reporting Officer:** D Baesjou, Consultant Planner  
**Date Report Prepared:** 7 December 2015

**Issue:**

To consider a Planning Application for Lot 908 (24) Cornwall St, Katanning to be developed for Service Station (24 hour unmanned fuel stop for light and commercial vehicles) and Fuel Depot (for storage and supply to the region).

**Body/Background:**

An application to upgrade the unmanned fuel stop and develop a fuel depot on the subject site was received on 8 September 2015. The proponent completed and submitted an Application for Planning Approval (Schedule 7). A revised proposal and site plan was submitted on 7 December 2015.

Extracts from the application are attached.

The proposal comprises:

A new 6.65m high canopy with 6 new diesel fuel bowsers;  
3 above ground storage tanks (1 x 29kl unleaded, 2 x 78kl diesel);  
New distribution gantry;  
Removal of existing bowsers and Building;  
New demountable Administration Building;  
7.37m Advertising Signage  
Concrete accessways, fencing, signage and lighting.

Lot 908 is 7191m<sup>2</sup> and has frontage to both Cornwall St and Bays St. The property is zoned 'Light Industrial' under the Shire of Katanning Town Planning Scheme No. 4 (TPS4).

Service Station is listed in the Zoning Table as 'P' (Permitted) within the Light Industrial zone.

Fuel Depot is listed in the Zoning Table as 'AA' (Discretionary) within the Light Industrial zone.

The land use definitions contained in TPS4 are similar in intent to the following terms set out in the LPS Regulations:

**advertisement** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes —

- (a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and
- (b) any airborne device anchored to any land or building used for the display of advertising; and
- (c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising;

**fuel depot** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle

**service station** means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

The property was inspected on 9 September 2015. The application was assessed, based on the requirements set out in TPS4, and, subsequently, the matters listed in Clause 67 of new Regulations. Following preliminary assessment and conferral with the applicant and representatives from Main Roads WA regarding setbacks, design, access and safety concerns, a revised site plan was received on 25 November 2015. Following further discussion of safety and inadequate turning/swept paths an updated concept access/egress sketch was submitted on 27 November 2015. On 3 December 2015 Main Roads WA advised:

“The design seems to accommodate all the issues that we had concerns with ie:

- One crossover on Bay Street.
- Adequate separation of light and heavy vehicles with good channelization and suitable delineation.
- Some form of control of vehicle ingress and egress and internal movements.

Given these factors, Main Roads provide in principle agreement to the proposed design subject to the final design accommodating swept paths and lane correct turn movements for RAVs.”

Clause 8.5 of TPS4 sets out various matters to be taken into consideration by the Council in determining planning applications. The initial application was assessed the matters listed in TPS4. During the course of processing this application new Planning requirements and procedures have come into force. The Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) came into effect on 19 October 2015 and introduced ‘deemed provisions’ that apply throughout Western

Australia. Clause 67, Schedule 2 of the LPS Regulations supplants Clause 8.5 of TPS4

The following Table lists the various matters, together with planning comments relevant to this application.

<b>Matter</b>	<b>Relevance</b>	<b>Comment</b>
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	Yes	Continued use of the subject land for the purpose of Service Station and development of a Fuel Depot is consistent with the objectives and intent of the zone and TPS4.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	Yes	Although this application represents and intensification of the existing land use, permissible under the current Scheme, both Service Station and Fuel Depot are X (not permitted) within the 'Enterprise' zone in draft Local Planning Scheme 5. Either 'non-conforming' use rights would apply, or draft LPS5 could be amended to rectify this situation.
(c) any approved State planning policy	Neutral	
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	Yes	Subject to separate Statutes, Licences, compliance and Codes.
(e) any policy of the Commission	Neutral	
(f) any policy of the State	Neutral	
(g) any local planning policy for the Scheme area;	No	Not applicable
(h) any structure plan, activity centre plan or local development plan that relates to the development	No	Not applicable
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	No	n/a
(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;	No	n/a

(k) the built heritage conservation of any place that is of cultural significance	No	
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	No	
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	Yes	Plans dated 7 Dec satisfy minimum 7.5m setback requirements. from front [secondary street] Notwithstanding the height relative to other structures in the vicinity, given its position on an access route into town and nature of the other uses in the locality, it is considered the appearance, size and bulk will have no significant negative impact on adjoining land.
(n) the amenity of the locality including the following: (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	Yes	Provision of Buffers and Storage of fuel /Dangerous Goods subject to separate Legislation and Codes.  Operation is presently 24 hour; intensity and scale will increase as a result of upgrade, extension and installation of gantry. This will detract from the amenity of the surrounding area. Development, hours of operation and new signage will impact on or amenity in regard to noise, odour, and lighting however considered acceptable given the setting, function and purpose of the zone.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	Yes	Subject to licensing and compliance with relevant statutes [Minerals and Petroleum, Storage of Dangerous Goods]
(p) 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	Neutral	Very limited on-site landscaping at present; affords some screening of the site. This will be impacted by works; Some loss of vegetation is

should be preserved;;		inevitable. Detailed plans and implementation requires as per TPS4 and LPS Regulations.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	Yes	Katanning is recognised as being at risk of townsite salinity.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	Yes	Storage of dangerous/flammable goods has implications for human health and safety; considered to be appropriately managed through relevant Legislation.
(s) the adequacy of: (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	Yes	Revised layout appears to address safety and design requirements. Redundant crossovers, drainage and footpath to be reinstated.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety		Development will result in increased traffic generation. larger vehicles and intensification of vehicle movements. Clear signage could be considered to improve safety.
(u) the availability and adequacy for the development of the following: (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability	No	Purpose of facility is to re-fuel vehicles, therefore public transport services and access for pedestrians, cyclists and non-motorised transport has limited significance. Water and Power supply for the development is an operational matter for the proponent. Waste water to meet Water Corporation. Management of solid waste and refuse by developer, to Lg specifications. Commercial premises and parking to satisfy relevant standards re: accessibility.
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition	Neutral	

between new and existing businesses		
(w) the history of the site where the development is to be located;	Yes	The subject land has previously been used for the purpose of Service Station. It is classified as 'possibly contaminated' site under relevant Statutes, with a Memorial to this effect on the Title of Lot 908.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Neutral	Upgrade and extension represents and intensification of an existing activity.
(y) any submissions received on the application;	No	Permissible Uses under TPS4, no formal advertising required.
(za) the comments or submissions received from any authority consulted under clause 66;	No	Inter-agency referral was undertaken. Submission from Main Roads taken into consideration.
(zb) any other planning consideration the local government considers appropriate.	Neutral	The proposal is considered to be consistent with the Katanning SuperTown Growth and Implementation Plan.
	Yes	Illuminated advertising signage will emit light, however low intensity is not regarded as pollution

**Officers Comment:**

Site Requirements for the Light Industry zone are set out in Clause 6.5.2 of TPS4

The following minimum building setbacks apply:

Front : 7.5m

Rear : 7.5m

Side : 5m (on one side)

Development Requirements set out in clause 6.5.3 include:

The first five metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

Clause 7.1 and Schedule 5 of TPS4 deal with car parking requirements, including minimum number of spaces, dimensions, layout, access, manoeuvring, screening and landscaping.

Clause 7.11 of TPS5 deals with the control of Advertisements. It is to be read in conjunction with Schedule 6 of TPS4

Clause 8.4.1 of TPS4 sets out that in determining any application for planning approval the Council may consult with any other statutory, public or planning authority and with any other party it considers appropriate. Furthermore, Clause 66 of the LPS regulations - Consultation with other authorities sets out:

(1) When, in the opinion of the local government, an application for development approval may affect any other statutory, public or planning authority, the local government is to provide a copy of the application to the authority for objections and recommendations.

On this basis, the proposal was referred to Main Roads WA; subsequent conferral at officer level resulted in revisions to the site layout to address safety and design issuers.

Detailed landscaping plans are yet to be provided, as specified in Clause 63 Accompanying material of the LPS Regulations:

- (1) An application for development approval must be accompanied by: (a) a plan or plans in a form approved by the local government showing the following;
  - (x) the nature and extent of any open space and landscaping proposed for the site.

Similarly, information relating to on-site stormwater management is yet to be provided. Given the extensive area of hardstand/impervious surface proposed for this development, the soil types, depth to ground water, risk of salinity and the age and capacity of drainage infrastructure it is considered essential that this information is submitted as a pre-requisite to issuing a Building Permit.

The plans submitted on 7 December 2015 show a proposed 7.37m high double sided illuminated advertising sign at the corner of Bay and Cornwall streets. Other signage and advertising comprises a new illuminated Shell 'Pecten' and yellow & red facias, including illuminated 'red bars' on three sides of the canopy. This is in addition to the recently approved advertising sign [refer Item 10.1.2 26 August 2015]. Elements of the proposed signage might be regarded as compliant with TPS4, however the size and dimensions are inconsistent with the Shire of Katanning (LGA) Local Laws Part XIV – Signs, Hoardings and Bill Posting.

The Chief Executive Officer has been delegated the authority to approve development applications that meet that meet the requirements of the Town Planning Scheme and are not contentious. In this case, given the nature and extent of the proposed development, the requirement for additional information combined with the oversize advertising signage, determination by the Council is considered appropriate.

Supplementary information and technical details can be provided subsequent to Council's determination of this Development Application. Clause 74 - Approval subject to later approval of details of the LPS regulations sets out:

- 1) The local government may grant development approval subject to a condition that further details of any works or use specified in the condition must be submitted to, and approved by, the local government before the developer commences the development.
- 2) The local government may only impose a condition referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not substantially change the development approved.

Utilising this process will enable the proposal to be assessed and finalised at officer level without the need for a further report to the Council.

**Statutory Environment:**

Shire of Katanning Town Planning Scheme No. 4

The Planning and Development (Local Planning Schemes) Regulations 2015

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

**Policy Implications:**

Nil.

**Financial Implications:**

An Application Fee of \$2,856.50 has been paid, based on GL Code 150910 of the published schedule of Fees and Charges.

**Strategic Implications:**

***Shire of Katanning Strategic Plan 2013 – 2023***

*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 RICHARD KOWALD**

**SECONDED: CR CRAIG MCKINLEY**

**OC123/15 That Council:**

**Subject to the submission of all relevant accompanying material as specified in Clause 63, Part 8 Schedule 2 of the the Planning and Development (Local Planning Schemes) Regulations 2015, delegated authority to the Chief Executive Officer to grant Development Approval for Lot 908 (24) Cornwall St, Katanning to be used for the purpose of Service Station (upgrade and addition) and Fuel Depot subject to conditions including, but not limited to the following:**

- 1) The development is to be generally in accordance with approved plans.**
- 2) Submission of detailed parking and access plan for approval by the Shire prior to issue of Building Permit.**
- 3) Construction of the crossover, accessways and parking areas in accordance with the approved plan.**
- 4) Submission of detailed landscaping plan for approval by the Shire prior to issue of Building Permit**
- 5) Installation and maintenance of landscaping in accordance with the approved plan.**
- 6) Submission of detailed stormwater drainage design and management plan for approval by the Shire prior to commencement of site works**
- 7) Closure and reinstatement of redundant crossovers to the satisfaction of the director of Engineering Services.**



- 8) **Maintenance of parking, manoeuvring and accessways is the responsibility of the developer.**
- 9) **Lighting devices to be controlled to minimise 'spill' and of site impact**
- 10) **All signage is to comply with Clause 7.11 of the Shire of Katanning Town Planning Scheme No. 4 and relevant requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.**

#### **Advice Notes**

- I. **All stormwater runoff from the new structure and associated hardstand to be adequately contained on-site, with disposal via connection to the district drainage system to the satisfaction of the Director of Engineering Services.**
- II. **Stormwater should be contained on-site and disposed of by connection to the drainage network, in accordance with Engineering requirements and design guidelines.**
- III. **Future development is required to comply with the requirements of Main Roads WA, relevant Health and Mining and Petroleum statutes, the Dangerous Goods Safety Act 2004 and the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 (the Storage and Handling Regulations).**

**And**

2. **Subject to submission of a revised Application Form, in accordance with Clause 62 (3) – Additional information for development approval for advertisements, Part 8 Schedule 2 of the the Planning and Development (Local Planning Schemes) Regulations 2015, and 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 Signage - Illuminated), Lot 908 (24) Cornwall St, Katanning subject to conditions as determined by the Chief Executive Officer**

**Voting Requirement:** Simple Majority

CARRIED: 8/0

Cr Richard Kowald spoke for the motion

Cr Serena Sandwell returned to the meeting at 6:09pm.

### 10.1.3 Application for Planning Approval – Take-Away Food Outlet, Lot 88 Clive Street, Katanning

**File Ref:** A2614  
**Reporting Officer:** D Baesjou, Contract Planner  
**Date Report Prepared:** 4 December 2015

**Issue:**

To consider amending the conditions of planning approval for the Take-Away Food Outlet on Lot 88 (172) Clive Street, Katanning to allow an extension of hours of operation.

The recommendation is to issue an amended development approval for the Take-Away Food Outlet to include lunch times (11.30am – 2.00pm) Thursday - Sunday.

**Body/Background:**

The subject land is used intermittently as a Take-Away Food Outlet and for informal parking associated with the units and New Lodge Motel and Function Centre on the adjoining properties. Shire records show the registered property owner to be Kimlee Investments Pty Ltd. Through agreement with the landowners, Rob & Debra Evans, of 32-34 Beaufort Street, Katanning, have operated from an approved food van parked semi-permanently on Lot 88 Clive St.



***Aerial Image of Lot 88 (172) Clive Street and surrounds***

A report on this matter was considered by the Council at its meeting held 22 July 2015. At that time it was acknowledged that the business was previously regarded as incidental land use because of the limited hours of operation. The increase in operating hours to 4 evenings per week and the potential traffic and landuse impact warranted consideration and determination under Town Planning Scheme No. 4.

The following Resolution was adopted:

OC79/15: Subject to payment of applicable Shire of Katanning Fees and Charges, grant conditional planning approval for the proposal that Lot 88 Clive Street may be used as a Take-Away Food Outlet compliant with Clause 6.7.4 of Town Planning Scheme No.4.

A Hawkers Licence has been issued.

An application was received on 13 November 2015 from R & D Evans, trading as Smokey Bay Seafood to increase the hours of operation to:

- 11.30am – 2.00pm (lunch time), and
- 5.00pm – 8.00pm (evening),
- Thursday Friday, Saturday and Sunday.

**Officer's Comment:**

The subject land is zoned `Commercial` under the Shire of Katanning Town Planning Scheme No. 4 (TPS4).

Take-Away Food Outlet is defined under TPS4 as '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'.

Take-Away Food Outlet is listed as an 'AA' (discretionary) use in the 'Commercial' zone which means it is not permitted unless the Council has granted planning approval.

The new Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) came into effect on 19 October 2015. Clause 77, Part 9, Schedule 2 of the new Regulations relates to amending a development approval and is applicable in this instance. The relevant Clause is cited below:

**77. Amending or cancelling development approval**

*(1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —*

- (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
- (b) to amend or delete any condition to which the approval is subject;*
- (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
- (d) to cancel the approval.*

*(2) An application under subclause (1) —*

- (a) is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and*
- (b) may be made during or after the period within which the development approved must be substantially commenced.*

*(3) Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.*

*(4) The local government may determine an application made under subclause (1) by*

- (a) approving the application without conditions; or*
- (b) approving the application with conditions; or*
- (c) refusing the application.*

The proposal is considered to meet the Objectives and relevant development standards for the Commercial zone set out in TPS4 and the draft Local Planning

Scheme 5. It is considered that the increase in hours of operation to include lunch times will not detract from the amenity of the surrounding area. It is also considered to be consistent with the intent of the Katanning Local Planning Strategy. Conditional development approval is recommended.

**Statutory Environment:**

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Katanning Town Planning Scheme No. 4

**Policy Implications:**

There are no policy implications.

**Financial Implications:**

The Planning Application Fee of \$147, as set out in Council's Schedule of Fees and Charges, has been paid.

**Strategic Implications:**

This item assists the Council to deliver on several of its strategic objectives as follows:

***Shire of Katanning Strategic Plan 2013 – 2023***

*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 CRAIG MCKINLEY**

**SECONDED: CR OWEN BOXALL**

**OC124/15 That Council:**

**Grants development approval for Lot 88 (172) Clive Street Katanning to be used for the purpose of Take-Away Food Outlet (Smokey Bay Seafood Van) subject to the following conditions:**

- 1) Hours of operation shall not exceed 11.30am – 2.00pm and 5.00pm – 8.00pm Thursday, Friday, Saturday & Sunday**
- 2) Development to be generally in accordance with the approved plans.**
- 3) On-site parking for vehicles associated with the Business is to be provided and maintained at the applicant's expense.**
- 4) Advertising signage to have regard for the character and amenity of the locality and shall conform to clause 7.11 of the Shire of Katanning Town Planning Scheme No. 4 and relevant requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.**
- 5) All solid waste is to be disposed of to the satisfaction of the Director of Engineering Services.**

**Advice Notes:**

- 1) **The fit out and operation of the food van 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.**
- 2) **The operator is to be aware of the requirements and obligations under the Food Act 2008 and Food Regulations 2009.**
- 3) **This approval is valid for a period of twelve months and subject to Annual Renewal thereafter.**

**Voting Requirement:** Simple Majority

CARRIED: 8/0

Cr Craig McKinley spoke for the motion

**10.1.4 Clive Street revitalization phase 2-location of planter boxes  
(SEE ATTACHMENT)**

**File Ref:** TM/08/0022  
**Reporting Officer:** U Striepe, Director of Engineering and Development Services  
**Date Report Prepared:** 9 December 2015

**Issue:**

To consider the location of two planter boxes within the Clive St phase 2 revitalization project.

**Body/Background:**

The original concept design prepared by RPS Consulting indicated planter boxes along a section of Clive St. As part of the first phase, eleven planter boxes were installed from Carew St to Richardson St. The concept design showed a further four planter boxes to be installed between Richardson St and Taylor St. The four planter boxes were reduced to two with the detailed design for phase 2 Clive St revitalization, (see attachment). This was required to ensure easy heavy vehicle access to Clive St from Richardson St to facilitate Post Office deliveries.

The design was approved by the Great Southern Development Commission.

The planter boxes are aesthetically pleasing, help create a pedestrian friendly environment and aid traffic calming.

**Officer's Comment:**

The scope of the Clive St phase 2 project included the construction of two planter boxes.

The Shire will install additional lights to make them more visible at night and enhance their appearance.

A decision is now required with regard to their installation as they are an important element of the project plan.

**Statutory Environment:**

Nil

**Policy Implications:**

Nil.

**Financial Implications:**

The cost estimate for Clive St phase 2 included the construction of two planter boxes.

**Strategic Implications:**

Nil.

**Officer's Recommendation/Council Motion:**

**MOVED: CR RICHARD KOWALD**

**SECONDED: CR DANNY MCGRATH**

**OC125/15 That Council approve the location of two planter boxes as part of the Clive St phase 2 revitalization project, between Richardson St and Taylor St.**

**Voting Requirement:** Simple Majority

LOST: 4/5

Cr Richard Kowald spoke for the motion  
Cr Martin Van Koldenhoven spoke against the motion  
Cr Craig McKinley spoke for the motion  
Cr Serena Sandwell spoke against the motion  
Cr Liz Guidera spoke against the motion  
Cr Richard Kowald exercised the right to reply

The Presiding Member cast a second vote in accordance with section 5.21(3) of the Local Government Act 1995.

Cr Martin Van Koldenhoven requested that it be recorded in the minutes that he voted against the motion.

**10.2 DIRECTOR OF CORPORATE AND COMMUNITY SERVICES REPORTS****10.2.1 Monthly Financial Reports  
(SEE ATTACHED FINANCIAL REPORTS)**

**File Ref:** FS/0021  
**Reporting Officer:** D Marsh, Manager Finance  
**Report Prepared:** 9 December 2015

**Body/Background:**

The Local Government (Financial Management) Regulation 34 states that a local

government must prepare a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget for the month.

Variances between budgeted and actual expenditure including the required Material Variances (10% with a minimum value of \$10,000 are included in the variance report.

**Officer's Comment:**

A variance report is included with the monthly financial statements.

**Statutory Environment:**

Local Government (Financial Management) Regulations 1996.

**Policy Implications:**

There are no direct policy implications in relation to this item.

**Financial Implications:**

Monthly Statement of Financial Activity.

**Strategic Implications:**

Shire of Katanning Strategic Plan 2013 – 2023  
Development and Leadership

- Governance

**Officer's Recommendation/Council Motion:**

**MOVED: CR CRAIG MCKINELY**

**SECONDED: CR SERENA SANDWELL**

**OC126/15 That Council:**

**Adopts the Statement of Financial Activity for the month ending 30 November 2015, as presented, and notes any material variances.**

**Voting Requirement:** Simple Majority

CARRIED: 8/0

**10.2.2 Schedule of Accounts  
(SEE ATTACHED)**

**File Ref:** FS/0021  
**Reporting Officer:** D Marsh, Manager Finance  
**Report Prepared:** 9 December 2015

**Body/Background:**

This information is provided to Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for, which money or other benefits may be obtained.

**Officer's Comment:**

The schedule of accounts for month of November 2015 is attached.

**Statutory Environment:**

Local Government (Financial Management) Regulations

**Policy Implications:**

There are no direct policy implications in relation to this item.

**Financial Implications:**

Expenditure in accordance with the 2015/2016 Annual Budget.

**Strategic Implications:**

Shire of Katanning Strategic Plan 2013 – 2023  
Development and Leadership

- Governance

**Officer's Recommendation/Council Motion:**

**MOVED: CR SERENA SANDWELL**

**SECONDED: CR CRAIG MCKINLEY**

**OC127/15 That Council:**

**Endorses the Schedule of Accounts for November 2015, as presented.**

**Voting Requirement:** Simple Majority

CARRIED: 8/0

**10.3 EXECUTIVE MANAGER – STRATEGIC PROJECTS**

Nil.

**10.4 DEPUTY CHIEF EXECUTIVE OFFICER****10.4.1 Croquet Club Lease Thompson Park  
(SEE ATTACHMENT)**

**File Ref:** A3097  
**Position:** A Holden, Deputy Chief Executive Officer  
**Date Report Prepared:** 13 November 2015

**Issue:**

To consider re-leasing part of the old Thompson Park Tennis buildings to the Katanning Croquet Club.

**Body/Background:**

The Katanning Croquet Club (Croquet) has, since 2006, leased a portion of each of Lot 466, Lot 558 and Reserve 18414 constituting part of the Old Thompson Park Tennis clubrooms. The occupancy of the premises was, until 2014, shared with Playgroup Inc. (Playgroup) which had similarly, since 2003, leased part of the old tennis clubrooms for their operations. Playgroup moved to the old kindergarten building leaving Croquet as the remaining lessees.



Croquet's current lease will expire on 31 December 2015 and the club has requested that Council consider granting a new lease of the premises.

Croquet has 16 members and play on Wednesday and Saturday afternoons each week. Members are charged an annual subscription of \$30 and \$2 each time they play. The public is also welcome to play casually for the same \$2 fee and both HACC and Gifted Angels periodically organize playing afternoons for their clients.

**Officer's Comment:**

The current lease was extended for 5 years commencing on 1 January 2011. At that time consideration had been given to the poor state of repair of the building particularly as it was being partly used by Playgroup and it was suggested that Playgroup should commence to seek to move to more suitable premises.

The premises state of repair remains the same, however, Croquet, as now the only users believe it suffices for their requirements. Croquet is a not for profit organisation and the club has indicated it has little ability to generate significant income to fund a new building or major refurbishment as most funds collected through the club's operations are reinvested into recurrent costs. However, Croquet has been able to recently finance an approximate \$2,000 upgrade to the greens reticulation.

The area has been identified in Council's Local Planning Strategy as prospective future seniors housing / retirement village. Council, as in 2010, still has no specific long term plans for the building so any new lease should clearly state that the lessee will be wholly responsible for maintenance and allow for an early determination of term, if required.

The current lease levies the club no charge for the premises. Council policy 3.13 - Lease of Community Assets suggests the minimum annual fee for the lease of Council property should be the minimum rate and this is the applied standard for the lease of other premises to other community groups. While it is the preferred position to have community groups make a small contribution re the lease of Council premises cognizant of the condition of this particular building, the history of not having charged the club previously and the low number of members it may be preferable to not do so.

Given the current lease is not the standard Shire lease it is appropriate at this time to offer Croquet a new lease based on the standard lease document (see attached). Clause 4.2 of this lease document deals with termination of the lease, particularly, early termination and will cover the situation should Council determine another use for the property during the scheduled term of the lease.

**Statutory Environment:**

Section 3.58 Local Government Act 1995.

**Policy Implications:**

Policy 3.13 Lease of Community assets.

**Financial Implications:**

Should Council set an annual charge equivalent to the minimum rate it will increase revenue received by Council.

**Strategic Implications:**

Katanning Local Planning Strategy.

Consistent with Councils objective of supporting community groups.

**Officer's Recommendation/ Council Motion:**

**MOVED: CR MARTIN VAN KOLDENHOVEN    SECONDED: CR CRAIG MCKINLEY**

**OC128/15        That Council:**

- 1) Agree to a new lease with the Katanning Croquet Club (as proposed) until 31 December 2020 subject to an annual charge of \$1 per annum; and**
- 2) Authorise the Chief Executive Officer to finalise the lease agreement**

**Voting Requirement:**     Simple Majority

CARRIED: 8/0

Cr Martin Van Koldenhoven spoke for the motion

**10.4.2        Agreement for Conservation Works and Transfer of Old Mill, 122 Clive Street, Katanning  
(SEE WHITE ATTACHMENT)**

**File Ref:**                     A2842

**Reporting Officer:**        A Holden, Deputy Chief Executive Officer

**Date Report Prepared:**    26 November 2015

**Issue:**

To endorse the Agreement for Conservation Works and Transfer of 122 Clive Street, Katanning as negotiated with Dome Coffees Australia Pty Ltd and prepared by Council solicitors McLeods.

**Body/Background:**

After several years of negotiating and planning for an acceptable adaptive reuse of the Katanning Roller Flour Mill at 122 (Lot 7) Clive Street, Katanning (Mill) Dome Coffees Australia Pty Ltd (Dome) developed a proposal for the adaptive re-use of the Mill as a Dome Café and Boutique Accommodation (Dome Inn). Dome submitted a planning application for a Dome Inn and it was referred to the State Heritage Office who following assessment recommended that the proposal be approved subject to State Heritage Council endorsement and conditions.

Accordingly, in August 2014, Council granted conditional planning approval for the re-purposing Mill. Council also decided to sell the Mill to Dome for \$1 and to provide \$500,000 GST exclusive towards the conservation works the building required conditional on Dome's commitment to completing the significant investment required to re-purpose the building as a Dome Inn.

Dome has since then been finalizing plans for the Mill including continued negotiations with the State Heritage Council and Office. A request for tender for the Conservation

Works on the Mill was advertised and following the receipt of two tenders, both of which were above Council's budget, Council decided, in August 2015, to not accept either but to enter into negotiations with the lowest tenderer and with Dome to endeavor to reach an outcome where the works would be done but that Council would contribute no more than the amount budgeted. That agreement was reached and formed the basis of the formal agreement that has now been prepared.

**Officer's Comment:**

The proposal has been well canvassed in the community, in Council and the State Heritage Office over a number of years. It is to be a complimentary development to the Katanning Streetscape and will provide employment opportunities as well as additional eatery and accommodation choices. The adaptive reuse of this building could encourage the reuse of other heritage buildings in Katanning.

Planning approval was granted in August last year and Dome has now lodged building plans seeking Council approval. It is necessary for an agreement to be in place in order for the process to continue in an orderly manner and to ensure that agreed obligations are clear to each party including that the transfer shall not proceed until after the conservation works have been completed.

The Shire's solicitors, McLeods, were engaged to prepare the necessary agreement and ensure that the rights and obligations of each party was properly documented. That agreement has been executed by two directors of Dome and now referred to the Shire for Council endorsement and execution. It is recommended that Council endorse the agreement and authorise execution.

**Statutory Environment:**

Planning and Development Act 2005

Shire of Katanning Town Planning Scheme No. 4 (TPS4)

**Policy Implications:**

Nil.

**Financial Implications:**

Once the agreement is in place the appropriate fee for the Building Licence will be assessed and issued. Dome is responsible for all the costs of the works of the development in excess of the \$500,000 (GST exclusive) agreed Council contribution.

**Strategic Implications:**

Katanning Community Plan 2013 - 2023

**Officer's Recommendation/Council Motion:**

**MOVED: CR MARTIN VAN KOLDENHOVEN    SECONDED: CR CRAIG MCKINLEY**

**OC129/15      That Council:**

- 1) Endorses the Agreement for Conservation Works & Transfer of 122 Clive Street, Katanning between the Shire and Dome Coffees Australia Pty Ltd; and**
- 2) Authorises the President and Chief Executive Officer to execute the agreement by signing and sealing the document where appropriate.**

**Voting Requirement:** Simple Majority

CARRIED: 8/0

Footnote:

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

Cr Martin Van Koldenhoven spoke for the motion

**10.4.3 Adoption of the Shire of Katanning Annual Report 2014-15  
(SEE ATTACHMENT)**

**File Ref:** AC/0019  
**Reporting Officer:** A Holden, Deputy Chief Executive Officer  
**Date Report Prepared:** 7 December 2015

**Issue:**

To consider accepting the Shire of Katanning Annual Report 2014-15 and to set the date for the Annual Electors meeting.

**Body/Background:**

A Council resolution adopting the Shire of Katanning Annual Report 2014-2015 and Annual Financial Report 2014-2015 is required before Council can convene its Annual General Meeting of Electors.

A copy of the Draft Annual Report has been provided to Councillors. The Draft Annual Report 2014-2015 is in accordance with the Local Government Act and contains;

- a report from the Shire President;
- a report from the Chief Executive Officer;
- other statutory reporting requirements;
- the Annual Financial Report for the 2014-15 financial year; and
- the Auditors report for the 2014-2015 financial year.

**Officer's Comment:**

The Shire of Katanning's auditor has completed the audit of the Annual Financial Report and certification of Council's 2014-2015 Annual Financial Statements. Copies of the Auditor's Report and the Draft Annual Report are included with this agenda and once accepted copies of the Annual Report will be made available for public inspection.

Should the Annual Report be accepted at this meeting (15 December 2015) the first practicable date for the Annual General Meeting of Electors could be scheduled for Thursday 21 January 2016 (by local advertising in the first available issue on Thursday 7 January 2016) and the final date that the meeting must be held could be Tuesday 9 February 2016. Last year the Annual General Meeting was held in the Town Hall in February and while that venue caters well for a large gathering the lack of air-conditioning was a significant problem. As the weather may well be similarly hot it is therefore recommended that the Annual General Meeting of Electors be held on

Tuesday 2 February 2016, commencing at 7.30pm in the Art Gallery. Any decisions made at the Annual Electors Meeting will be placed on the agenda for the February 2016 round of Council meetings.

**Statutory Obligations:**

The relevant sections of the Local Government Act and associated regulations provide as follows:

**Section 5.54**

Provides that the annual report for a financial year is to be accepted no later than 31 December.

**Section 5.55**

Provides that the CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted.

**Section 5.27**

Provides that;

A general meeting of the electors of a district is to be held once every financial year.

A general meeting is to be held on a day not more than 56 days after the acceptance of the annual report.

The matters to be discussed at general electors' meetings are to be, firstly, the contents of the annual report for the previous financial year and then any other general business.

**Section 5.29**

Provides that the CEO is to convene an electors' meeting by giving at least 14 days local public notice and each Council member at least 14 days' notice.

**Section 5.33**

Provides that all decisions made at an electors' meeting are to be considered at the next Ordinary Council Meeting or, if that is not practical, at the first Ordinary Council Meeting after that meeting or at a special meeting called for that purpose, whichever happens first. If the Council makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the Council meeting.

**Policy Implications:**

Nil.

**Financial Implications:**

Nil.

**Strategic Implications:**

Statutory compliance and communication with ratepayers/electors

**Officers Recommendation/Council Motion (move en bloc):****MOVED: CR RICHARD KOWALD****SECONDED: CR OWEN BOXALL****OC130/15 That Council:**

- 1) **Accepts the Audit Report for the 2014/15 financial year as presented;**
- 2) **Adopts the Annual Report for the year ended 30 June 2015 as presented; and**
- 3) **Holds a General Meeting of Electors on 2 February 2016 commencing at 7:30pm at the Katanning Pioneer Room.**

**Voting Requirement:** Absolute Majority

CARRIED: 5/3

Cr Richard Kowald spoke for the motion

Cr Martin Van Koldenhoven spoke against the motion

Cr Richard Kowald exercised the right to reply

**10.4.4. Review of the Shire of Katanning's Delegation Register  
(SEE ATTACHMENT)**

**File Ref:** AC/02/0018**Reporting Officer:** A Holden, Deputy Chief Executive Officer**Date Report Prepared:** 7 December 2015**Issue:**

To review Council's delegations.

**Body/Background:**

Under Section 5.46 (2) of the Local Government Act 1995, there is a requirement for Council to review its delegations during each financial year. The complete list of delegations were last reviewed in October 2014. At the May 2015 Meeting Council approved Delegation 23 – Take Possession and Sale of Property for unpaid rates and at the November Meeting Council adopted new wording in relation to Delegation 11 – Approval / Refusal of Development Applications.

**Officers Comment:**

Administration has reviewed the Delegations Register and the changes listed in the table below are recommended to the currently listed delegations:

<b>Delegated Officer</b>	<b>Delegation</b>	<b>Title</b>	<b>Description of Changes</b>
CEO	10	Ancillary Accommodation and Group Dwellings	Delegation is redundant due to the new Planning and Development (Local Planning Schemes) Regulations 2015

			removing the Shire's discretion to determine Ancillary Accommodation in R-Coded areas.
Environmental Health Officer	1	Health Act 1911	<ol style="list-style-type: none"> <li>1. Correct 'Provisions' to 'Conveniences' to align with the wording in Part IV;</li> <li>2. Delete '(A) Animal produce' to align with the wording in Part VII; and</li> <li>3. Replace 'Division 2,3,4 and 5' with Division 5,6,7 and 8' to align correctly with the wording in Part VII.</li> </ol>
Environmental Health Officer	3	Temporary Accommodation, Park Homes & Rigid Annexes	Alter the reference in the delegation from Regulation '34(1)(8)(ii)' to the correct '34(1)(b)(ii).

### Statutory Environment:

Local Government Act 1995 section 5.41(1) provide Local Governments with the authority to delegate powers to the Chief Executive Officer.

Local Government Act 1995 5.16(1) provides Local Governments with the authority to delegate powers to committees.

Under Section 5.42 of the *Local Government Act 1995*, a local government may delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the Act (with some exclusions). Under Section 5.44 the CEO may delegate to any employee of the local government the exercise of some or any of the CEOs powers or duties. In some cases, particular legislation requires a direct delegation to an officer. In these cases, the delegation is not able to be re-delegated.

Local Government Act 1995 section 5.46(2) requires delegations to be reviewed at least once each financial year.

### Policy Implications:

Nil.

### Financial Implications:

Nil.

### Strategic Implications:

Nil.

**Officer Recommendation/ Council Motion:****MOVED: CR CRAIG MCKINLEY****SECONDED: CR RICHARD KOWALD****OC131/15 That Council:**

**Adopts the delegations of powers to the Chief Executive Officer and the following changes to the delegations within its Delegations Register:**

<b>Delegated Officer</b>	<b>Delegation</b>	<b>Title</b>	<b>Description of Changes</b>
CEO	10	Ancillary Accommodation and Group Dwellings	As advised in item 10.4.1 November 2015 OCM the delegation is redundant due to the new Planning and Development (Local Planning Schemes) Regulations 2015 removing the Shire's discretion to determine Ancillary Accommodation in R-Coded areas.
Environmental Health Officer	1	Health Act 1911	<ol style="list-style-type: none"> <li>1. Correct 'Provisions' to 'Conveniences' in the Delegation to align with the wording in Part IV;</li> <li>2. Delete '(A) Animal produce' from the delegation to align with the wording in Part VII; and</li> <li>3. Replace 'Division 2,3,4 and 5' with Division 5,6,7 and 8' to align correctly with the wording in Part VII.</li> </ol>
Environmental Health Officer	3	Temporary Accommodation, Park Homes & Rigid Annexes	Alter the reference in the delegation from Regulation '34(1)(8)(ii)' to the correct '34(1)(b)(ii).

**Voting Requirement:** Absolute Majority

CARRIED: 8/0

Cr Craig McKinley spoke for the motion

<b>10.5 CHIEF EXECUTIVE OFFICER'S REPORTS</b>
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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****PROCEDURAL MOTION****MOVED: CR CRAIG MCKINLEY****SECONDED: CR SERENA SANDWELL**

**OC132/15** That the urgent business of 12.1 be accepted at tonight's meeting.

**Voting Requirement: Simple Majority**

**CARRIED: 8/0**

**12.1** **Concert in the Park request for funding contribution.**  
**(SEE ATTACHMENT)**

**File Ref:** AM/03/0004

**Reporting Officer:** S Davis, Executive Manager – Strategic Projects

**Date Report Prepared:** 15 December 2015

**Issue:**

For Council to consider making a contribution to the Concert in the Park event proposed for February 2016.

**Body/Background:**

The Concert in the Park Working Group (Group) aims to provide a free community concert for general public to enjoy. The group wishes to provide an opportunity for the community to enjoy performances from local and visiting artists and ensembles. The group is currently planning for its inaugural event to take place at the amphitheatre in Piesse Park on 13 February 2016. The community organisers hope to make the event an annual attraction on Katanning's Arts and Entertainment calendar.

The Shire of Katanning (Shire) gave the proposal its in-principle support after receiving an initial request in August 2015.

The group has been able to garner strong enthusiasm and support within the local community and have received a number of pledges for in-kind contributions such as the supply of portable toilets for the event.

**Officer's Comment:**

The Shire invites applications for its Community Financial Assistance Program (CFAP) annually in May/June and December/January, with funding announcements made in July and February respectively, each year.

Due to the timing of the Concert in the Park initiative, the Group has been unable to access the CFAP funds in time for next years' inaugural event.

As the Group is precluded from accessing CFAP funds in the Shire's next round, Shire officers invited the group to make an urgent submission so that potential alternatives for accessing Council support to undertake the 2016 Concert in the Park event could be explored.

The Shire's Public Relations Officer has undertaken an initial assessment of the Group's application and feels that the initiative aligns strongly with the objectives of the Shire's Community Strategic Plan, through working closely with community groups and allow them ownership of projects and ideas. The initiative will also aid in supporting Council's KPI to increase the number of cultural events in Katanning. The opportunity to further activate the Piesse Lake Precinct will assist Council in demonstrating the regional demand for the Shire's \$8.4 million Piesse Lake development proposal currently under assessment by the state government.

The Group has requested \$4,500 (ex GST) financial assistance from Council to contribute towards the 2016 Concert in the Park event costs.

So as not to disadvantage prospective applications of the CFAP, the author advises Council not to consider granting the initiative funding through its CFAP budget; but to deliberate making a financial contribution from its Community Group Financial Assistance budget allocation. This budget allocation was introduced with the objective of providing support to Community Groups to explore new tourism focused opportunities through the expansion of their operations and/or establishment of new initiatives.

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

The Group's request for \$4,500 ex GST can be accommodated within Council's Community Group Financial Assistance budget allocation.

**Strategic Implications:**

Katanning Community Plan 2013 – 2023, Development and Leadership.

**PROCEDURAL MOTION**

**MOVED: CR DANNY MCGRATH**

**SECONDED: CR SERENA SANDWELL**

**OC133/15**

**That Council suspend standing orders.**

**Voting Requirement:** Simple Majority

CARRIED: 8/0

**PROCEDURAL MOTION****MOVED: CR DANNY MCGRATH            SECONDED: CR CRAIG MCKINLEY****OC134/15            That Council resume standing orders.****Voting Requirement:** Simple Majority

CARRIED: 8/0

**Officer's Recommendation/ Council Motion:****MOVED: CR CRAIG MCKINLEY            SECONDED: CR SERENA SANDWELL****OC135/15    That Council:**

- 1) Acknowledges the Concert in the Park Working Party's proactive approach in organising a free new event for Katanning and the region;**
- 2) Contributes \$4,500 ex GST to the 2016 Concert in the Park out of its Community Group Financial Assistance budget; and**
- 3) Authorises the Chief Executive Officer to negotiate a suitable funding agreement.**

**Voting Requirement:**     Simple Majority

CARRIED: 8/0

Cr Craig McKinley spoke for the motion  
Cr Richard Kowald spoke for the motion

**13.   CONFIDENTIAL ITEM**

Nil.

**14.   CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6:54pm.