



Shire of
Katanning
Heart of the Great Southern

‘Katanning is a safe, sustainable, and prosperous community.
We respect and celebrate our diverse culture.’

**NOTICE OF
ORDINARY COUNCIL MEETING**

Dear Council Member

The next Ordinary Council Meeting of the Shire of Katanning will be held on
Thursday 21 December 2023 in the Shire of Katanning Council Chambers,
52 Austral Terrace, Katanning, commencing at 6.00 pm.

Peter Klein
CHIEF EXECUTIVE OFFICER
Friday 15 December 2023

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.

PRESIDING MEMBER _____

DATE SIGNED _____



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PLEASE NOTE:

Council Meetings are recorded for accuracy of minute taking.

1. DECLARATION OF OPENING/ ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member declared the meeting open at ____ pm.

Acknowledgement of Country

The Shire of Katanning acknowledges the Goreng Noongar people as the traditional custodians of the land that we live and work on. We recognise their cultural heritage, beliefs, and continuing relationship with the land, and pay our respects to Elders past and present.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Kristy D'Aprile - President

Members: Cr Liz Guidera – Deputy President
Cr John Goodheart
Cr Matt Collis
Cr Michelle Salter
Cr Ian Hanna
Cr Paul Totino

Council Officers: Peter Klein, Chief Executive Officer
Samuel Bryce, Executive Manager Infrastructure & Assets
Grace French, Acting Executive Manager Corporate & Community
Taryn Human, Executive Assistant Governance

Gallery:

Media:

Apologies:

Leave of Absence:

3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

6. PUBLIC QUESTION/STATEMENT TIME

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. PETITIONS/DEPUTATIONS/PRESENTATIONS

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 Ordinary Council Meeting – Thursday 23 November 2023
(SEE ATTACHED MINUTES)

Voting Requirement: Simple Majority

OC/23 That the minutes of the Ordinary Council Meeting held on Thursday 23 November 2023 confirmed as a true record of proceedings.

CARRIED/LOST:
FOR:
AGAINST:

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 EXECUTIVE MANAGER INFRASTRUCTURE AND ASSETS

10.1.1 **Development Application – Proposed Nature Based Park**

Confidential Attachment 1 – Development Application Documents & Plans

File Ref: A3493 & KA202324002
Reporting Officer: Joe Douglas – Town Planner
Date Report Prepared: 5 December 2023
Disclosure of Interest: No Interest to disclose.

Issue:

Consideration and determination of a development application submitted by Scott and Kim Keast (Landowners) for the development of a 'nature based park' on a portion of Lot 8154 (No.987) Warren Road, Cobline for shortstay accommodation purposes.

Background:

Scott and Kim Keast have submitted a development application requesting Council's approval to develop a 'nature based park' on a portion of Lot 8154 (No.987) Warren Road, Cobline.

Under the terms of the application received a new self-contained 'tiny house' on wheels comprising a total floor area of approximately 16.61m² is proposed to be parked in the north-western portion of Lot 8154 for occupation and use by guests on a short-term basis.

A new gravel driveway, passing bays in select locations, and a vehicle parking and turnaround area will be constructed on the property as part of the proposed development. Two (2) x 10,000 litre water tanks for guest consumption and firefighting purposes are also proposed to be installed adjacent to the 'tiny house'.

Full details of the application are provided in Attachment 1.

Lot 8154 is located approximately 6.25 kilometres north-east of the Katanning townsite in the locality of Cobline, comprises a total area of approximately 79.2662 hectares and is gently to moderately sloping from west to east with the natural ground level ranging from approximately 330 to 300 metres AHD.

The subject land has direct frontage and access to Newton Road along its eastern boundary which is a sealed and drained local road under the care, control and management of the Shire of Katanning. No direct access to the land is available via Warren Road to the south.

Lot 8154 has been extensively developed and is currently used for extensive agricultural purposes (i.e. broadacre cropping and grazing). Key improvements include large, cleared paddocks, a farm shed and rainwater tank, internal access tracks, a dam and associated catchment area, boundary fencing and firebreaks, as well as select stands of native vegetation in various locations that have been retained for land management purposes.

The property is not designated as being flood prone and is not located in an environmentally sensitive area. The majority of the property has however been designated by the Fire and Emergency Services Commissioner as being bushfire prone, including the area where the proposed development will be undertaken. As such, a bushfire attack level (BAL) assessment, a

bushfire management plan and a bushfire emergency evacuation plan have been prepared by a suitably qualified bushfire planning practitioner and submitted in support of the application, both of which demonstrate and confirm the bushfire risk can be suitably managed subject to compliance with a number of requirements.

Whilst the land contains an historic school site which is listed as a Category 4 place in the Shire's Municipal Heritage Inventory, the proposed development is well removed from and will not therefore compromise the land's cultural heritage significance. Council should note a plaque has been erected on the property where the old school was constructed to recognise its historical significance to the local community.

Existing adjoining and other nearby land uses are broadly described as follows:

- North - Extensive agriculture (i.e. broadacre cropping and grazing);
- South – Crown Reserves 9184 and 18546 which are undeveloped gravel reserves managed and controlled by the Shire that appear to be used by the owners of the subject land for extensive agricultural purposes with the Warren Road Reserve and extensive agriculture beyond;
- East – The Newton Road reserve with extensive agriculture beyond; and
- West – Extensive agriculture (i.e. broadacre cropping and grazing).

Comment:

Lot 8154 is classified 'Rural' zone in the Shire of Katanning Local Planning Scheme No.5 (LPS5).

The stated objectives in Table 2 of LPS5 for the development of any land classified 'Rural' zone are as follows:

- i) *To provide for the maintenance or enhancement of specific local rural character;*
- ii) *To protect broadacre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;*
- iii) *To maintain and enhance the environmental qualities of the landscape, vegetation, soils, including groundwater and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage;*
- iv) *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone; and*
- v) *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.*

The proposed development of the land does not fall within any of the use classes listed in the Zoning Table of LPS2. As such, it must be dealt with as a 'use not listed' including consideration of the land's zoning objectives and the outcomes from the mandatory 28 day public advertising process.

Following consideration by key Shire staff following completion of public advertising, it was concluded the proposed development is most appropriately classified as a 'nature based park' which is defined in the *Caravan Park and Camping Ground Regulations 2007* as a facility in an area that:

- a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 m for a distance of 500 m or more; and
- b) has been predominantly formed by nature; and
- c) has limited or controlled artificial light and noise intrusion;

Council should note the Shire's Environmental Health Officer and Building Surveyor have confirmed the proposed 'tiny house' is not a typical dwelling as it does not contain all services and facilities typically required and associated with a structure of this type. As such, it does not fall within the use classes 'holiday house' or 'holiday accommodation' as originally concluded by the reporting officer and must therefore be classified as a 'nature based park' to ensure an adequate level of statutory control.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS5, the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the outcomes from public advertising during which no submissions were received. This assessment has confirmed the proposal is compliant or capable of compliance with the following relevant requirements:

- Land capability and suitability including topography, soil types and stability, drainage and flood risk;
- Land use compatibility including buffer separation distance requirements;
- Siting, design and lot boundary setbacks;
- Preservation of the existing character and amenity of the immediate locality including appearance of buildings (i.e. materials and colours);
- Preservation of natural environmental features, drainage patterns and catchments;
- Preservation of the land's current and future agricultural production potential;
- Vehicle access and parking;
- Key essential services; and
- Bushfire risk, flood risk and stormwater drainage management.

In light of the above findings and conclusions and the small scale of the proposed development, it is concluded it is unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality. As such, it is recommended that Council exercise its discretion and approve the application subject to a number of conditions, outlined in the recommendation, to ensure the development proceeds in a proper and orderly manner.

In granting development approval as recommended above Council should note the landowners' still have an obligation to seek and obtain a license from the Shire to operate a 'nature based camp' on the subject land pursuant to the specific requirements of the *Caravan Parks and Camping Grounds Act 1995* and associated regulations prior to occupation and use of the proposed development. The onus is on the landowners' to demonstrate compliance with the specific standards applicable under the *Caravan Parks and Camping Grounds Regulations 1997* when making application to the Shire for the required license.

Statutory Environment:

Planning and Development Act 2005 (as amended)

Planning and Development (Local Planning Schemes) Regulations 2015 (as amended)
Shire of Katanning Local Planning Scheme No.5
Caravan Parks and Camping Grounds Act 1995 (as amended)
Caravan Parks and Camping Grounds Regulations 1997 (as amended)

Policy Implications:

Nil

Financial Implications:

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been partially offset by the development application fee paid by the applicants/landowners.

All costs associated with the proposed development will be met by the applicants/landowners.

It is significant to note should the landowners be aggrieved by Council's final decision in this matter they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered unlikely in this particular instance, the Shire would need to respond, the cost of which cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, current resources and well established regulatory requirements.

Strategic Implications:

The proposed development is generally consistent with the aims and objectives of the Shire of Katanning Local Planning Strategy as well as the following elements of the Shire of Katanning Community Plan 2017 – 2027:

Focus Area	Natural Environment
Aspiration	Katanning is a sustainable community with a healthy natural environment.
Objective	To support minimisation of waste and promote reuse and recycling behaviours.
Objective	To support and enhance our local biodiversity.
Focus Area	Economic
Aspiration	Katanning is an economic hub of the Great Southern region, offering a range of employment and business opportunities.
Objective	To promote and facilitate tourism opportunities that showcase the unique character, culture and offerings of Katanning.
Focus Area	Cultural
Aspiration	Katanning is a place for everyone from all walks of life.
Objective	To be a welcoming and inviting place for all cultures – existing and future.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

OC/23 That Council:

1. Determine that the proposed development of a 'nature based park' on a portion of Lot 8154 (No.987) Warren Road, Cobline is consistent with the objectives of the land's current 'Rural' zoning classification in the Shire of Katanning Local Planning Scheme No.5 and may therefore be permitted in the zone; and
2. Approve the development application submitted by Scott and Kim Keast (Landowners) to develop a 'nature based park' on a portion of Lot 8154 (No.987) Warren Road, Cobline subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken strictly in accordance with the final revised information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period it shall not be carried out without the further approval of the local government having first being sought and obtained.
4. The proposed 'tiny house' and associated structures that form part of the proposed development shall be brand new structures only, unless otherwise approved by the local government, and must be finished using materials and colours that complement the surrounding rural landscape.
5. The proposed development shall be undertaken strictly in accordance with the Bushfire Management Plan and Bushfire Emergency Evacuation Plan prepared by Bio Diverse Solutions Australia Pty Ltd dated 28 July 2023.
6. All bushfire safety mitigation measures (i.e. works) prescribed in the Bushfire Management Plan and Bushfire Emergency Evacuation Plan prepared by Bio Diverse Solutions Australia Pty Ltd dated 28 July 2023 shall be implemented to the satisfaction of the local government prior to occupation and use of the proposed development. Certification that all works required by the Bushfire Management Plan and Bushfire Emergency Evacuation Plan shall be provided by Bio Diverse Solutions Australia Pty Ltd and submitted to the local government by the applicants/landowners for review and endorsement prior to occupation and use of the proposed development.
7. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* (as amended), shall be placed on the certificate of title of the land the subject of this approval within 120 days of the date of this approval advising of the existence of a hazard or other factor. The notification required by this condition shall state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire

Management Plan. Additional planning and building requirements may apply to development on this land”.

- 8. The applicants/landowners shall provide a copy of the land’s certificate of title containing the notification required by Condition 7 of this approval to the local government within 28 days of the notification being registered on title by Landgate unless otherwise agreed by the local government.**
- 9. The Bushfire Management Plan and Bushfire Emergency Evacuation Plan shall be reviewed by the applicants/landowners every 12 months from the date of this approval to ensure it remains relevant and up to date including details of all site and emergency contacts. Any revised version of the Bushfire Management Plan prepared pursuant to this condition shall be submitted to the local government for its information and records within 14 days of any update/s unless otherwise agreed by the local government.**
- 10. All on-site effluent disposal, including grey water, shall be undertaken to the specifications and satisfaction of the local government’s Environmental Health Officer or the Executive Director of Public Health.**
- 11. A suitable potable water supply comprising a minimum of 10,000 litres must be available for use by guests at all times.**
- 12. All storm water shall be directed away from the structures the subject of this approval and disposed on-site to the specifications and satisfaction of the local government’s Executive Manager Infrastructure and Assets.**
- 13. Prior to occupation and use of the proposed development an Accommodation Management Plan shall be prepared and submitted to the local government for consideration and endorsement by the local government’s Executive Manager Infrastructure and Assets in consultation with the local government’s Environmental Health Officer and implemented thereafter for the life of the development to the satisfaction of the local government. The management plan required by the condition must confirm the total number of people to be accommodated on the land at any one time, limitations regarding occupation and use of the proposed development to ensure the continued use of the land for extensive agricultural purposes is not compromised or constrained in any way, acceptable standards of behaviour for guests (i.e. a code of conduct), and details confirming the name, contact details, and roles and responsibilities of the property manager.**
- 14. Prior to occupation and use of the proposed development a Waste Management Plan shall be prepared and submitted to the local government for consideration and endorsement by the local government’s Executive Manager Infrastructure and Assets in consultation with the local government’s Environmental Health Officer and implemented thereafter for the life of the development to the satisfaction of the local government. The management plan required by the condition must identify the area set aside for on-site bin and refuse storage purposes, including any proposed visual screening measures. All bin and refuse storage areas shall be located, constructed and drained, paved, and screened from public view to the satisfaction of the local government and be permanently retained for that exclusive use. The Waste Management Plan shall also include provisions for the maintenance of rubbish and recycling bins and the weekly disposal of all waste collected at an approved landfill site.**

15. Any new external lighting associated with the proposed development shall be designed, baffled and located to prevent any light spill onto adjoining properties and to motorists on the adjoining local roads in accordance with Australian Standard AS4282-1997 entitled 'Control of the Obtrusive Effects of Outdoor Lighting' to the satisfaction of the local government's Executive Manager Infrastructure and Assets.
16. Occupancy by any person within the proposed development is limited to a maximum of three (3) months during any twelve (12) month period.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicants/landowners and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Katanning under its Local Planning Scheme No.5. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicants/landowners to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' pursuant to the specific requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* may need to be prepared and submitted to the local government or the Executive Director of Public Health for consideration and determination prior to occupation and use of the proposed development. It is recommended contact be made with the Shire's Environmental Health Officer to confirm any relevant requirements in this regard.
4. All water proposed to be stored on the land for human consumption purposes shall be maintained to the standards specified in the *Australian Drinking Water Guidelines 2011 (as amended)* published by the Australian Government National Health and Medical Research Council and Natural Resource Management Ministerial Council.
5. The applicants/landowners are reminded of their obligation to ensure compliance with the following legislative and regulatory requirements:
 - i) *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Grounds Regulations 1997* noting that an application for a license for the proposed development is required to be prepared and submitted to the local government for consideration and final determination prior to the commencement of development;
 - ii) Shire of Katanning Annual Firebreak Notice as it applies specifically to all rural land in the local government's municipal district.
6. No construction works shall commence on the land prior to 7am without the local government's written approval. No construction works are permitted on Sundays or Public Holidays unless otherwise approved by the local government.

- 7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Katanning Local Planning Scheme No.5 and may result in legal action being initiated by the local government.**
- 8. If the applicants/landowners are aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.**

CARRIED/LOST:

FOR:

AGAINST:

10.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

10.2.1 Schedule of Accounts – November 2023 (ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: Grace French, Executive Manager Corporate & Community
Date Report Prepared: 12 December 2023
Disclosure of Interest: No Interest to disclose.

Issue:

To receive the Schedule of Accounts Paid for the period ending 30 November 2023.

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.

Below is a summary of the payments made for the financial year:

Month	Cheques 2023/24	EFT Payments 2023/24	Direct Debits 2023/24	Credit Card 2023/24	Payroll 2023/24	Total Payments 2023/24
July	1,066.49	625,026.09	49,889.12	4,494.65	222,508.55	902,984.90
August	4,102.82	1,566,583.44	90,318.77	5,982.97	401,226.60	2,068,214.60
September	927.15	307,470.43	40,139.94	6,253.23	223,849.39	578,640.14
October	0.0	513,250.32	70,385.79	0.0	230,996.54	814,632.65
November	474.00	522,543.44	225,283.00	0.0	224,193.28	972,493.72
December						
January						
February						
March						
April						
May						
June						
Total	6,570.46	3,534,873.72	476,016.62	16,730.85	1,302,774.36	5,336,966.01

Officer's Comment:

The schedule of accounts for the month of November 2023 is attached.

The Finance Forum held on 07 December 2023 gave attending Councillors an opportunity to ask questions regarding the presented accounts paid.

Statutory Environment:

Local Government Act 1995.

6.8. Expenditure from municipal fund not included in Annual Budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Policy Implications:

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

Financial Implications:

Expenditure in accordance with s6.8 (1) (a) of the Local Government Act 1995.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:

OC/23 That Council endorses the Schedule of Accounts as presented, being EFT payments 36859 – 36998 totalling \$522,543.44, Cheque 42461 totalling \$474.00, payroll payments totalling \$224,193.28, direct payments totalling \$225,283.00, all totalling \$972,493.72 authorised and paid in November 2023.

Please note:

- There was no cancellation of cheques for November 2023.
- All credit card transactions for October 2023 were listed on page 13 of the accounts paid in October 2023 and listed as Direct Debits (DD32471.1) instead of credit card transactions totalling \$3,452.35
- All credit card transactions for November 2023 will be presented together with December 2023 schedule of accounts paid.

CARRIED/LOST:

FOR:

AGAINST:

10.2.2 **Monthly Financial Report – November 2023**
(ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: Grace French, Executive Manager Corporate & Community
Report Prepared: 12 December 2023
Disclosure of Interest: No Interest to disclose.

Body/Background:

This item presents the Monthly Financial Report, which contains the 'Statement of Financial Activity' for the period ending 30 November 2023.

Section 6.4 of the Local Government Act 1995 requires a local government to prepare financial reports.

Regulation 34 of the Local Government (Financial Management) Regulations 1996 sets out the form and content of the financial reports, which have been prepared and are presented to Council.

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% with a minimum value of \$10,000. Material variances between budgeted and actual expenditure are reported at Note 17 of the Monthly Financial Report.

Officer's Comment:

A variance report is included with the monthly financial statement's attachment.

This month's financials indicated that Grants and Contributions is less than expected and is yet to be received for the following purposes: Local Roads and Community Infrastructure, Every Club Grant and Insurance Scheme bonus.

Interest revenue is lower than expected and yet to be processed. Other revenue is higher than expected due to received reimbursements from training and worker's compensation.

Expenditure was less than expected on training and development and works program to be completed next reporting period.

Depreciation for 2023-2024 Asset Register reconciliations is yet to be completed pending on revision of the infrastructure asset revaluations report.

The Finance Forum held on 07 December 2023 gave attending Councillors an opportunity to ask questions regarding the presented financial statements.

The monthly reporting schedule for the month of November 2023 displays original budget, YTD Budget, YTD Actual and YTD Variance.

Statutory Environment:

Local Government Act 1995

Section 6.4 Financial Report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996.
Regulation 34 Financial activity statement required each month (Act s.6.4)

Policy Implications:

The Shire has several financial management policies. The finances have been managed in accordance with these policies.

Financial Implications:

There are no financial implications for this report.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:

OC/23 That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receives the Monthly Statement of Financial Activity for the period ending 30 November 2023, as presented.

CARRIED/LOST:

FOR:

AGAINST:

10.3 CHIEF EXECUTIVE OFFICER'S REPORTS**10.3.1 Bushfire Brigade Local Law Review**
(ATTACHMENT)

File Ref: ES.AT.1
Reporting Officer: Cindy Pearce, Community Emergency Services Manager
Date Report Prepared: 12 December 2023
Disclosure of Interest: No Interest to disclose

Issue:

Council to adopt the new Draft Bushfire Brigade Local Law, following the required advertising period.

Body/Background:

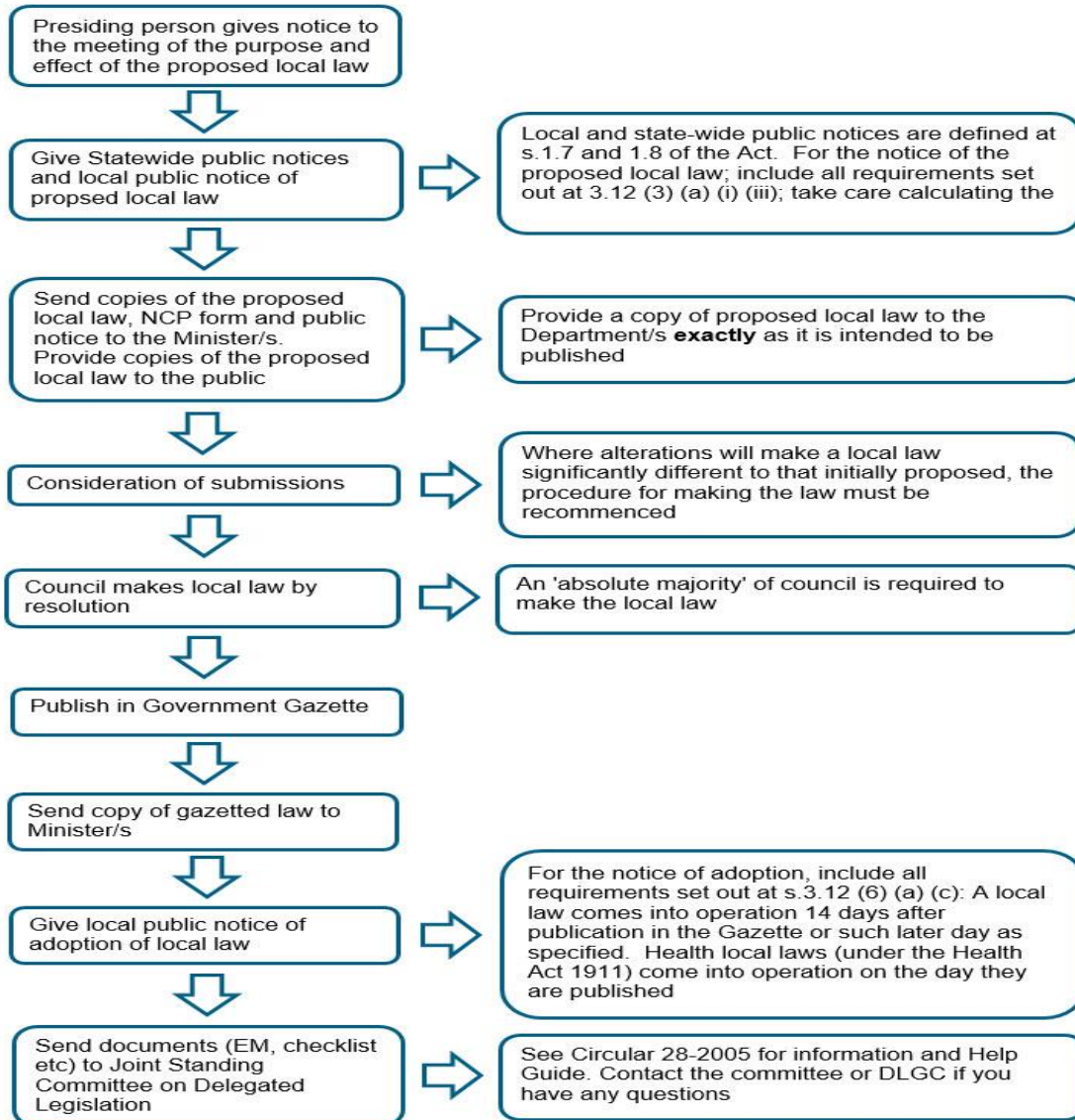
Under Section 3.6 of the Local Government Act 1995, local laws must be reviewed at least every 8 years. The Shire of Katanning Local Law for Bushfire Brigades commenced 26 March 1987 and has not been reviewed since its adoption.

There has been new legislation adopted in recent years that have rendered the existing Local Law inadequate.

Local Laws provide administrative instruction / details for establishment, organisation and maintenance of bushfire brigades, types of membership and management of members, provision of equipment, and rules governing brigade operations within the Shire of Katanning.

The attached draft Bushfire Brigade Local Law has been updated using the WALGA Local Law Template. A number of Local Governments have used the WALGA version of Local Law template and it is likely to be gazetted at the end of the Local Law Procedure.

The following is the Local Law making procedure that Council is required to follow when reviewing, repealing or adopting Local Laws.

Local Law Making Procedure:**Officer's Comment:**

That Council adopt the amendment to the Bushfire Brigade Local Law and the associated advertising Statewide public notices, local public notices and Gazettal costs of Local Law. The current rate for publication in the Government Gazette is approx. \$282 per page.

Statutory Environment:

A Local Government, having exercised discretion to establish a Bushfire Brigade FB, must do so by making a Local Law – ref s.41(1) of the Bushfire Act **1954**.

The current Shire of Katanning Bushfire Local Law was Gazette on the 14 August 1987

Local Laws are required to be reviewed within a period of 8 years under Section 3.16(1) of the Local Government Act 1995 (the Act).

Policy Implications:

The updated Bushfire Brigade Local Law will provide administrative instruction / details for establishment, organisation and maintenance of bushfire brigades, types of membership and management of members, provision of equipment, and rules governing brigade operations within the Shire of Katanning.

Financial Implications:

The cost of publishing the revised Bushfire Brigades Local Law is expected to be approximately \$4600.00.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area Social

Aspiration Katanning is a vibrant, active place that encourages its community to thrive.

Objective To provide a safe place to live, work and play.

Voting Requirement: Absolute Majority

Officer's Recommendation/Council Motion:

OC/23 That the following revised Bushfire Brigades Local Law be endorsed and advertised for public comment, in accordance with s.3.12.(3) of the Local Government Act 1995.

CARRIED/ LOST:

FOR:

AGAINST:

10.3.2 Endorsement of the Bushfire Brigade Guidelines and Standard Operational Procedures
(ATTACHMENT)

File Ref: ES.AT.1
Reporting Officer: Cindy Pearce, Community Emergency Services Manager
Date Report Prepared: 12 December 2023
Disclosure of Interest: No Interest to disclose

Issue:

Council to endorse the update of the Bushfire Brigade Guidelines and Standard Operational Procedures.

Body/Background:

The Bushfire Brigade Guidelines and Standard Operational Procedures provide the structure that the Bushfire Brigade volunteers work under and aim to deliver a safe working environment.

The new Standard Operational Procedures compliment the new Bushfire Brigade Local Law and provide more detailed guidance and information to brigade members while undertaking certain activities, such as fire mitigation burning, slashing or clearing where requirements exist under other legislation.

There are two new Standard Operational Procedures that have been endorsed by the Bushfire Advisory Council Meeting held in September 2023. The 2 items are as follows:

1. Standard Operational Procedure - Aboriginal Cultural Heritage Process (ACH)

To provide a standard process for Incident Controllers and brigade members to follow in support of the Aboriginal Cultural Heritage Act 1972.

There is a legal requirement to avoid impacts to ACH, due diligence must be exercised. This includes objects and places of importance or significance to Aboriginal people or connected with traditional cultural practises.

Mechanical works in areas that have not had ground disturbance in the past e.g. bush blocks / corridors must be checked to determine if ACH is in or around that location. The Incident Controller or nominated person must check the online "Directory for Aboriginal Heritage" to assess if Aboriginal Cultural Heritage exists in or near the activity area.

The steps undertaken in the due diligence process need to be recorded in a fire diary or on a mobile phone, including the basis for any decision that there isn't a risk of harm.

If Aboriginal Cultural Heritage is in the area do not proceed with the mechanical activity of clearing breaks / felling trees and other activities that could disturb the area until verification has been made.

2. Changes to the Bushfire Brigade Guidelines

The revised Shire of Katanning Bushfire Brigade Local Law is presented to Council in the previous agenda item. As the last Bushfire Local Law was Gazette on the 14 August 1987, some changes

were required to the Shire's Bushfire Brigade Guidelines to fall into line with the revised Bushfire Brigades Local Law.

Officer's Comment:

It is recommended that Council endorse the updated Bushfire Brigade Guidelines and Standard Operational Procedures that brigades work under to make for a safer working environment and community.

Statutory Environment:

The updated Bushfire Brigade Guidelines and Standard Operational Procedures are complimentary to, and should be read in conjunction with, the Shire's Bushfire Brigade Local Law.

Policy Implications:

The Bushfire Brigade Guidelines and Standard Operational Procedures are provided to assist local bushfire brigade members to comply with relevant state government legislation when undertaking brigade activities.

Financial Implications:

Nil

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area Social

Aspiration Katanning is a vibrant, active place that encourages its community to thrive.

Objective To provide a safe place to live, work and play.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

OC/23 That Council endorse the 23/24 Bushfire Guidelines and Standard Operational Procedures.

CARRIED/LOST:

FOR:

AGAINST:

11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****PROCEDURAL MOTION**

OC/23 That Council considers the urgent business items 12.1 and 12.2.

CARRIED/LOST:

FOR:

AGAINST:

12.1 **Audit Exit Meeting**
(ATTACHMENT)

File Ref: FM.AU.2
Reporting Officer: Grace French, Executive Manager Finance & Administration
Date Report Prepared: 13 December 2023
Disclosure of Interest: No Interest to disclose

Introduction:

The purpose of the End of Financial Year exit meeting held on 08 December 2023 at 1:30pm, is to discuss the Audit concluding Memorandum for the year ending 30 June 2023.

Attendees:**Shire Staff:**

Dale Putland – Acting Chief Executive Officer

Grace French – Acting Executive Manager Corporate and Community Services

Auditors:

Nayna Raniga – Director Financial Audit Office of the Auditor General (OAG),

Wen-Shien Chai – Partner Moore Australia (WA)

Gilles Chan – Audit Manager Moore Australia (WA).

Body/Background:

The *Local Government Act 1995* does not require the Audit Committee to meet with the Auditor; the Local Government senior staff must meet with the Auditor at least once each year.

The ‘Audit Concluding Memorandum’ is presented to the committee by the Auditors to brief the committee on the outcomes of the audit for the year ended 30 June 2023.

The committee is given the opportunity to discuss with the senior staff any issues raised by the auditors and other matters of interest.

Officer’s Comment:

In accordance with Auditor General Act 2006, the objective of this exit meeting is to clarify the findings of the management report, obtain reasonable assurance about findings and recommendations and ensure councilors are fully informed of the impact of these ratings.

Findings are clearly identified and discussed with management, prior to this meeting, to provide a better understanding of the rating's classifications.

Statutory Environment:

Local Government Act 1995

Section 7.12A Duties of Local Government with Respect of Audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government must —
 - (aa) examine an audit report received by the local government; and
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government must —
 - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
 - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

Policy Implications:

There are no policy implications for this report.

Financial Implications:

There are moderate financial implications for this report, as new valuations will be needed to be performed to identify these significant variances.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority

Committee Recommendation/Council Motion:

OC/23 **That Council receives the Audit Concluding Memorandum for the year ended 30 June 2023.**

CARRIED/LOST:
FOR:
AGAINST:

12.2 Meeting with the Shire of Katanning Auditors

File Ref:	FM.AU.2
Reporting Officer:	Grace French, Executive Manager Finance & Administration
Date Report Prepared:	13 December 2023
Disclosure of Interest:	No Interest to disclose

Introduction:

For the Audit & Risk Committee to recommend that Council notes the outcomes of the electronic meeting with the Council's Auditors, Nayna Raniga – Director Financial Audit Office of the Auditor General (OAG), Wen-Shien Chai – Partner Moore Australia (WA) and Gilles Chan – Audit Manager Moore Australia (WA).

Body/Background:

In accordance with section 7.12AD (2) of the Local Government Act 1995, the Office of the Auditor General (OAG) has completed the audit of the Annual Financial Report for the year ending 30 June 2023.

The *Local Government Act 1995* does not require the Audit Committee to meet with the Auditor; rather the Local Government must meet with the Auditor at least once each year.

Officer's Comment:

Moore Australia (WA) have completed the annual audit for the financial year 2022-2023, on 12 December 2023, and the ratings of this audit assessment indicated deficiency in internal controls and a concern with respect to the probability and possibly impact on non-compliance and poor management and that could impact on poor service to rate payers and the shire's communities.

The following ratings are the summary of the findings with significant and moderate risks to be addressed instantaneously.

Clarifications/Recommendations:

1. Depreciation rate for buildings not reported correctly as required by AASB 116. Recommendation for management to review and update fixed assets and implement measures to ensure consistency and accuracy.
2. Valuation of Infrastructure indicated inconsistent data with high decrements for roads, P&G and Ovals and increment in Drainage. Recommendations for management to review data and adjust fair value to comply with AASB 13 (Fair Value Measurement) as well as Regulation 17(A) of the Regulations.
3. Fuel stock and inventory not completed prior auditing. Recommendations for management to implement current system and review its accuracy regularly.

Clarifications/Recommendations:

1. Reconciliation of fixed assets not performed since December 2022. This has been a recurring issue from previous year. Recommendation for management to implement measures to ensure consistency and accountability.
2. Fuel inventory reconciliation not performed regularly. Recommendation for management to implement measures to ensure reconciliations are completed monthly.
3. Possible minor risk of fraud or error in the payroll. Recommendation for management to ensure procedures are followed and errors mitigated.

4. Purchases – risk of unauthorized expenditure going undetected. Recommendation for management to remind officers of their obligations, continual education on impact (breaches of policy) and consequences that might lead to the suspension of officer’s authority.

Statutory Environment:*Local Government Act 1995*

Section 7.12A Duties of Local Government with Respect of Audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out the auditor’s other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government must —
 - (aa) examine an audit report received by the local government; and
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government must —
 - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
 - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government’s official website.

Policy Implications:

Implications of the rating significance in the event of unauthorized expenditure that occurs with difficulty to track whether expenditure incurred aligned with budgets or expectations.

Financial Implications:

There are no financial implications for this report.

Risk Implications:

This item has been evaluated against the Shire of Katanning’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilized in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority

Committee Recommendation/Council Motion:

OC/23

That Council:

1. Addresses the significant findings of the 2023 Audit through:

- **Review of valuation process and a report to Council on findings;**
- **Address the moderate findings through improved procedures and policies to be reviewed regularly to ensure accuracy, efficiency and compliance.**

2. Notes the discussion of the meeting between the Audit and Risk Committee members and the Auditor held by electronic means on 21 December 2023 and determines that the meeting satisfies the requirement of Section 7.12A(2) of the Local Government Act 1995.

CARRIED/LOST:

FOR:

AGAINST:

13. CONFIDENTIAL ITEMS

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at ____ pm.