



Shire of
Katanning
Heart of the Great Southern

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

**MINUTES OF THE
ORDINARY COUNCIL MEETING**

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on
Wednesday 24 July 2024 in the Shire of Katanning’s Council Chamber,
52 Austral Terrace, Katanning.

DISCLAIMER

Any applicant or members of the public is advised to wait for written advice from the Council before taking any action on an application or a Council decision.

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 6:04pm.

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 Michelle Salter
Cr Ian Hanna
Cr Paul Totino

Council Officers: Peter Klein, Chief Executive Officer
David Blurton, General Manager Corporate Services
Jiban Das, General Manager Infrastructure & Strategy
Taryn Human, Executive Assistant to CEO

Gallery: Arthur Todd
Damien Stephens

Media: Nil.

Apologies: Nil.

Leave of Absence: Cr Matt Collis

3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

Nil.

6. PUBLIC QUESTION/STATEMENT TIME

The President acknowledged Damien Stephen's presence in the public gallery and invited him to make a statement in respect to the resolution dealing with his planning application. Damien replied saying he would like Council's support for his application to build an agricultural machinery workshop and expressed his willingness to change his proposal by rotating the main building by 90 degrees so that the workshop entrance faced away from the neighbouring residence.

In response the President congratulated Mr Stephens for his commitment to making an investment in Katanning and wished him the best of luck with his application and his future business.

The President then acknowledged the presence of Arthur Todd who was also in the public gallery and invited him to make a statement.

Mr Todd responded by stating he would like Council's agreement to grant him access to additional space at the Katanning Railway Station to allow the heritage boards to be displayed 12 months of the year. He noted the building requires some maintenance to make it suitable and thanked the CEO Peter Klein for meeting with him to discuss this opportunity.

Additionally, Mr Todd advised he had been dealing with Susan Ford who previously lived on the 5-Acre Reserve adjacent to Creek Street. He stated this Aboriginal Reserve was first established between 1910-1920 and that he is seeking support from CBH & the Council to improve access to the site by the construction of a path, a small culvert, concrete table and bench set up like at Police Pools. Mr Todd believes that as a community we need to improve our celebration of our Aboriginal people and our acknowledgement of the important role they play in our community.

In response Cr Guidera noted that the Shire's CEO Peter Klein organized a speaker for NAIDOC Week, inviting Graham Eades to address the staff. During his presentation, Mr Eades stated he believed the Council closed the Reserve due to its proximity to the railway line. This closure coincided with the introduction of state housing. Cr Guidera suggested Mr Eades would be an excellent person to talk to for more insights.

Cr John Goodheart asked Mr Todd if he had any succession plans in place to protect the knowledge he had built regarding the Katanning region's history over many years.

Mr Todd responded by stating that in most Wheatbelt & Great Southern towns, the Railway Station buildings are made available to support the activities of community groups and that on this basis the building will always be there and available to the community.

Cr Guidera made a concluding statement to clarify that the building is not owned by the Shire and that this has the potential to impact decisions by Council to invest in these buildings. It was noted that the buildings are owned by the State Government through the Public Transport Authority.

The President wrapped up the discussion by thanking Mr Todd on the significant work he is doing to capture the town's history. She noted Council will need to assess the condition of the building and then complete a public process before Mr Todd can be considered as a more significant tenant of the Railway buildings.

7. APPLICATIONS FOR LEAVE OF ABSENCE

7.1 Application for Leave of Absence Cr Michelle Salter

Voting Requirement: Simple Majority

MOVED: CR JOHN GOODHEART

SECONDED: CR PAUL TOTINO

OC72/24 That Council grants Cr Michelle Salter leave of absence for the September Ordinary Council Meeting 2024.

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER

AGAINST: NIL

8. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**9.1 Ordinary Council Meeting – Wednesday 26 June 2024**
(SEE ATTACHED MINUTES)**Voting Requirement:** Simple Majority**MOVED: CR MICHELLE SALTER****SECONDED: CR JOHN GOODHEART****OC73/24 That the minutes of the Ordinary Council Meeting held on Wednesday 26 June 2024 are confirmed as a true record of proceedings.**

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER

AGAINST: NIL

10. REPORTS OF COMMITTEES AND OFFICERS**10.1 GENERAL MANAGER INFRASTRUCTURE & STRATEGY****10.1.1 Development Application – Proposed Agricultural Machinery Workshop, Incidental Office and Staff Accommodation including Advertising Signage**
Attachment 1 – Development Application Documents & Plans**File Ref:** A25 & PA/24/30
Reporting Officer: Joe Douglas – Town Planner
Date Report Prepared: 16 July 2024
Disclosure of Interest: No Interest to disclose**Issue:**

Consideration and final determination of a development application submitted by DJ and KE Stephens of Total Ag Centre under the authority of Stephens Ag Pty Ltd (Landowner) for the construction and use of a proposed new agricultural machinery workshop, incidental office and staff accommodation building, including advertising signage, on Lot 154 (No.58) Cornwall Street, Katanning.

Background:

DJ and KE Stephens of Total Ag Centre have submitted a development application requesting Council's approval for the following works and uses on Lot 154 (No.58) Cornwall Street, Katanning:

- i) Clearing of all existing vegetation on the land and subsequent earthworks, including fill up to 700mm in select locations, to match the existing ground levels of the adjacent road reserves where required;
- ii) Construction and use of a proposed new 494.19m² steel framed, Colorbond clad shed and associated outrigger structure that will be used as a workshop for the servicing and repair

- of agricultural machinery from Monday to Friday from 8am to 5pm and 8am to 12pm on Saturdays subject to seasonal demand;
- iii) Construction and use of a proposed new 40m² steel framed and clad incidental office and staff accommodation building including a 15.49m² verandah structure along the building’s frontage;
 - iv) Installation of a proposed new effluent disposal system comprising septic tanks and leach drains adjacent to the proposed shed and incidental office and staff accommodation building;
 - v) Construction of two (2) new 8-metre-wide concrete crossovers, associated drainage culverts and double access gates along the land’s Beaufort Street frontage for vehicle access purposes;
 - vi) Construction of new internal driveways and two (2) separate associated on-site parking areas comprising compacted gravel near the land’s Beaufort Street frontage;
 - vii) Installation of two (2) new 25,000 litre rainwater tanks at the rear of the proposed shed (i.e. machinery workshop building) for stormwater drainage management purposes;
 - viii) Installation of landscaping along the land’s northern side boundary and front setback area along its Beaufort Street frontage; and
 - ix) Installation and display of one (1) new 2.88m² wall mounted advertising sign on the external façade of the proposed shed (i.e. workshop building).

Full details of the application are provided in Attachment 1.

Lot 154 is in the south-eastern part of the Katanning townsite, comprises a total area of approximately 3,923m² and is gently sloping from south-west to north-east with the average natural ground level being approximately 302 metres AHD.



Location & Lot Configuration Plan (Source: Landgate 2024)

The subject land has direct frontage to Beaufort Street along its southern boundary and Cornwall Street along its eastern boundary, both of which are sealed and drained local roads under the care, control and management of the Shire of Katanning. All access is currently via the land's Beaufort Street frontage via an existing, centrally located crossover.

Lot 154 is served by reticulated electricity, water and telecommunication services as well as Shire owned and controlled stormwater drainage infrastructure. Reticulated sewerage is not available which means all wastewater from any future proposed development must be disposed on-site using an approved effluent disposal system (i.e. septic tanks and leach drains or an alternative treatment unit depending upon soil conditions and depth to groundwater).

The subject land has historically been cleared and developed for open storage purposes and does not contain any built form improvements aside from ring lock-style boundary fencing. There are several existing trees on the property of varying size, none of which are of regional environmental significance. It is noted the current landowner has constructed a new crossover along the land's Beaufort Street frontage as well as an associated internal driveway access and allowed the applicant to park and display agricultural machinery on the property and install advertising signage on the boundary fencing along Cornwall Street, none of which has been formally approved by the Shire but will be formalised if the application the subject of this report is approved. Notwithstanding this fact, all recent development on the land is unauthorised which is a matter that could be pursued by the Shire if Council forms the view there is a need to do so.

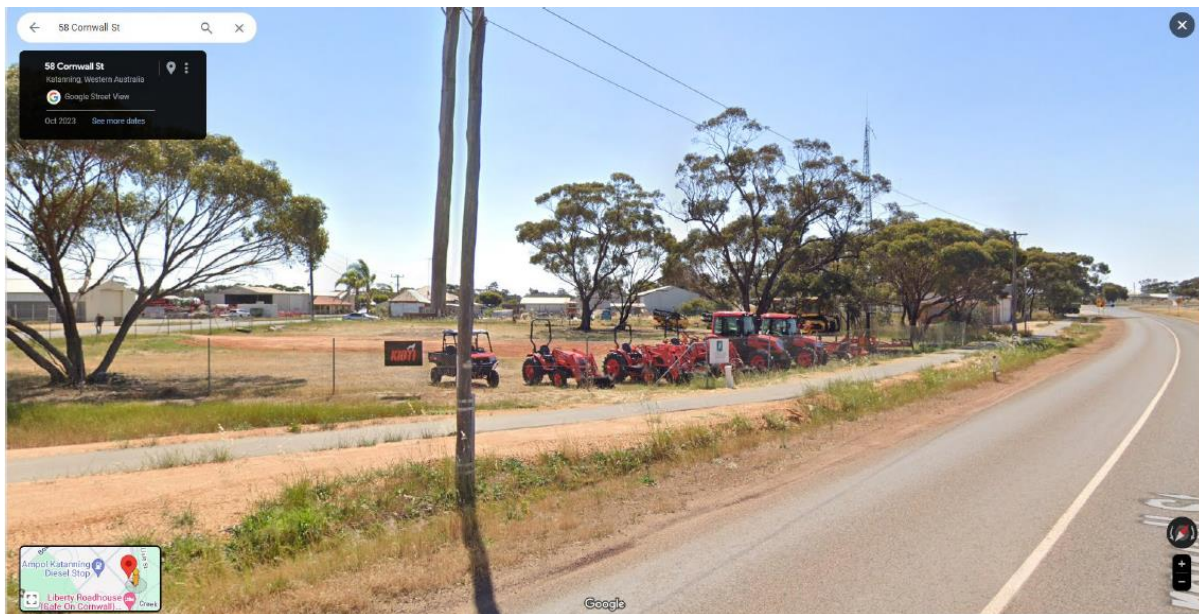


Image of Existing Unauthorised Development (Source: Google 2024 – Photo taken October 2023)

The property is not designated as being bushfire prone or flood prone and contains no buildings or places of cultural heritage significance.

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

- North – A private club premises (i.e. Lions Club) and Shell road house beyond;
- South – The Beaufort Street road reserve with the Katanning Caravan Park, a sewerage pump station, general industrial development and wastewater treatment plant beyond;

- East – The Cornwall Street road reserve with an operational railway reserve and general industrial development beyond; and
- West – Two (2) grouped dwellings on a 3,035m² lot with light and service industry-type development beyond.

Comment:

Lot 154 is classified 'Enterprise' zone in the Shire of Katanning Local Planning Scheme No.5 (LPS5) and is located on the outer edge of Special Control Area No.1 entitled 'Infrastructure – Wastewater Treatment Plant'.

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

- *To provide employment by facilitating opportunities for a range of light, service and cottage industries, home businesses and other low impact uses in an area where people can live and work on the same property;*
- *To provide opportunities for the establishment of small scale, commercial enterprises which are incidental to and compatible with residential uses;*
- *To establish a transitional zone between areas set aside for residential purposes and other land developed or to be developed for industrial purposes so as to preserve the amenity of residential areas;*
- *To support the reconstruction of single houses in the event of accidental destruction; and*
- *To recognise and improve the amenity of existing residential development.*

The stated purpose in Table 10 of LPS5 for the development of all land located within Special Control Area No.1 entitled 'Infrastructure – Wastewater Treatment Plant' is as follows:

- *To protect the Wastewater Treatment Plant present and future operations from potential conflict with incompatible development and land uses.*

The proposed development of Lot 154 for the purposes of an agricultural machinery dealership falls within the use class 'industry – light' which is listed in the Zoning Table of LPS5 as a discretionary (i.e. 'D') use on any land classified 'Enterprise' zone which means it is not permitted unless the local government has exercised discretion by granting development approval.

The use class 'office' is listed in the Zoning Table of LPS5 as an incidental (i.e. 'I') use on any land classified 'Enterprise' zone which means it is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and complies with all relevant development standards and requirements of LPS5.

The use class 'single house' is also listed in the Zoning Table of LPS5 as a discretionary (i.e. 'D') use on any land classified 'Enterprise' zone which again means it is not permitted unless the local government has exercised discretion by granting development approval.

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 generally consistent with the objectives of the subject land's 'Enterprise' zoning and 'Special Control Area' classifications in LPS5 and is compliant or capable of compliance with the following relevant standards and requirements:

- Land use types, form, location and compatibility including continued operation of the townsite's wastewater treatment plant;
- Days and hours of operation;
- Noise levels;
- Visual amenity including building scale, design, finishes and advertising signage;
- Vehicle access and parking;
- External loading/unloading areas including lighting;
- Landscaping;
- The provision of key essential service infrastructure including stormwater drainage and wastewater disposal;
- Waste management and disposal; and
- Bushfire and flood risk management.

Notwithstanding the above conclusion, Council should note the following key points when considering and determining the application:

1. Scale of Proposed Use

A key objective of the subject land's current 'Enterprise' zoning classification in LPS5 is to provide opportunities for the establishment of small scale, commercial enterprises which are incidental to and compatible with residential uses. This objective is reinforced by the requirements of Table 3 in LPS5 as it applies specifically to all land classified 'Enterprise' zone which expressly states a person may only establish an industry at the rear of a residential dwelling that is essentially a single person operation.

Under the terms of the application received a total of ten (10) people are proposed to be employed on the land initially with one (1) additional apprentice to be employed thereafter depending upon demand.

Given the applicants' intentions, the scale of the proposed use is far greater than that prescribed in LPS5 as being permissible on the subject land. Notwithstanding this fact, it is contended the scale of the proposed development can easily be accommodated on the property with limited impact upon the amenity of the immediate locality due to its significant size and location on the outer edge of the 'Enterprise' zone precinct. Furthermore, the proposed development is consistent with:

- a) the Shire's Local Planning Strategy 2013 as it applies specifically to expansion of the Shire's economic base by encouraging new business and industry to the Katanning townsite; and
- b) the Shire's Strategic Community Plan 2022 – 2032 as it applies specifically to offering a range of employment and business opportunities by facilitating employment, growth and development.

In light of the proposal's consistency with the Shire's established and endorsed strategic plans, it is concluded the proposed development will be highly beneficial from an economic perspective, will not have any significant negative impacts upon the amenity of the immediate locality subject to compliance with a number of conditions and other regulatory requirements, and may therefore be supported by Council despite not being strictly compliant with the requirements of LPS5 as it applies to the scale of future proposed industrial usage within the 'Enterprise' zone.

2. Noise

The proposed new single house on the subject land will be located approximately 87 metres from the centreline of an existing operational railway line located immediately east on the opposite side of Cornwall Street.

Under the terms of State Planning Policy 5.4 entitled 'Road and Rail Noise' any noise sensitive development, including dwellings, located within 200 metres of a freight railway line must be constructed in accordance with the recommendations and requirements of an approved noise management plan prepared by a suitably qualified acoustic consultant or the 'quiet house' design requirements and standards of the policy to help mitigate any future potential noise risk for the benefit of occupants.

The development application submitted by the applicants did not contain a noise management plan prepared by a suitably qualified acoustic consultant or any detailed information demonstrating compliance with the 'quiet house' design requirements and standards of State Planning Policy 5.4. As such, it is recommended Council require the applicants to address the requirements of this policy as a condition of any development approval that may ultimately be granted to ensure any future potential rail noise impacts are suitably mitigated.

In addition to the above, Council should note the proposed new shed (i.e. workshop building) will be orientated on the land so its major openings face Lot 155 (No.149) Beaufort Street located immediately west which contains two (2) existing grouped dwellings that have been constructed with a setback of approximately 5 metres to the common boundary with Lot 154. Given a key objective of LPS5 is to minimise noise associated with all development on any land classified 'Enterprise' zone, it is considered reasonable to require, as a condition of development approval, that the proposed shed be reorientated 180 degrees so its major openings face the land's Cornwall Street frontage to ensure noise generated from any activities within this building are projected away from the existing dwellings on the adjoining lot to the west.

3. Parking

LPS5 does not contain any standards prescribing the minimum number of on-site parking bays required to be provided for any future proposed development within the 'Enterprise' zone aside from those applicable to any form of residential development which must be provided in accordance with the requirements of the Residential Design Codes (Volume 1) (i.e. the R-Codes).

Under the terms of the R-Codes a total of two (2) on-site parking bays are required to be provided for the proposed new two-bedroom single house on the subject land. All parking

for the proposed light industry and office components of the proposed development are at the discretion of Council.

Having regard for future proposed employee numbers, the requirements of the R-Codes mentioned above, and the significant amount of space available on the property to accommodate parking, it is considered reasonable that Council impose a condition on any development approval that may ultimately be granted requiring the development to be served by a total of fifteen (15) on-site parking bays to ensure the future anticipated parking demand likely to be generated by all of the proposed uses can be accommodated.

It should also be noted the site development plan submitted in support of the application contains no specific details regarding the total number of on-site parking bays to be provided as part of the proposed development including their configuration, dimensions and access arrangements thereto (i.e. the width of vehicle accessways to/from the parking bays), all of which is specifically required by the Shire's development application checklist to demonstrate and confirm compliance with Australian Standard AS/NZS 2890.1:2004 entitled 'Parking Facilities – Off-Street Car Parking' (as amended).

In light of this shortcoming it is recommended Council impose a condition on any development approval that may ultimately be granted requiring the applicants to prepare and submit a revised, suitably scaled site development plan to the Shire for consideration of endorsement prior to the commencement of development showing exactly what's proposed with respect to all future on-site parking, including vehicle access arrangements thereto, to demonstrate compliance with Australian Standard AS/NZS 2890.1:2004 (as amended).

4. Front Boundary Setback, Outdoor Living Area and External Fixtures, Utilities and Facilities for Proposed Single House

Under the terms of the R-Codes the proposed new single house on the land is required to meet the following deemed-to-comply requirements:

- Primary Street Setback – 6 metres;
- Secondary Street Setback – 1.5 metres;
- Minimum Outdoor Living Area – 30m² constructed behind the primary and secondary street setback areas which is directly accessible from the primary living space of the dwelling with a minimum length and width dimension of 4 metres with at least two-thirds of the required area without permanent roof cover; and
- All external utilities are provided so they are not visible from the primary street, are designed to integrate with the building or are located so as not to be visually obtrusive;
- Antennas, satellite dishes and the like not visible from any primary and secondary street; and
- Clothes-drying areas are screened from view from the primary and secondary street.

Assessment of the development application for the subject land has confirmed the proposed new single house does not comply with the following requirements:

- Primary Street Setback - 3 metres proposed to Beaufort Street in lieu of 6 metres required by the R-Codes;

- Minimum Outdoor Living Area – 15.49m² proposed within the primary street setback area with a minimum width dimension of 2.208 metres and 100% roof cover in lieu of 30m² constructed behind the primary street setback area with a minimum length and width dimension of 4 metres and at least two-thirds of the required area without permanent roof cover as required by the R-Codes; and
- The location and visibility of all proposed external utilities, antennas, satellite dishes and the like, or clothes-drying areas given no information has been provided in this regard on the plans submitted in support of the application.

In light of these shortcomings and the ability to satisfy the deemed-to-comply requirements of the R-Codes with relative ease, it is recommended Council impose a condition on any development approval that may ultimately be granted requiring the applicants to prepare and submit a revised site development plan as well as floorplan and elevation drawings for the proposed new single house to the Shire for consideration of endorsement prior to the commencement of development to demonstrate compliance with the R-Codes.

5. Landscaping

The applicants are proposing to remove all existing vegetation from the land and install new landscaping as part of the proposed development. Notwithstanding the applicants' intention in this regard, the information and plans submitted in support of the application do not provide sufficient detail regarding the exact location and type of landscaping proposed to be provided and ongoing maintenance regimes to assist the planning assessment process.

As such, it is recommended Council impose a condition on any development approval that may ultimately be granted requiring the applicants to prepare and submit a detailed landscaping plan, including information regarding ongoing maintenance regimes, to the Shire for consideration of endorsement prior to the commencement of development.

6. Stormwater Drainage

The applicants are proposing to install two (2) new 25,000 litre rainwater tanks at the rear of the proposed shed (i.e. machinery workshop building) for stormwater drainage management and water supply purposes.

Whilst it is acknowledged the proposed new rainwater tanks will assist with the management and disposal of some stormwater from the proposed development, due consideration must be given to the stormwater drainage managements requirements of the development in its entirety including how it will tie into existing Shire owned and managed stormwater drainage infrastructure in the immediately adjoining road reserve areas to minimise the potential for any flooding during extreme rainfall events. This is of particular importance given the applicants intention to fill the land in select locations which will have significant implications for how stormwater drainage will be managed and disposed.

It is therefore recommended Council impose a condition on any development approval that may ultimately be granted requiring the applicants to arrange for the preparation and submission of a detailed stormwater drainage management plan by a suitably qualified

person for consideration of endorsement by the Shire prior to the commencement of development.

7. Amenities for Employees

The proposed new shed (i.e. workshop building) contains no amenities for people to be employed on the land. As such, it appears the bathroom and toilet facilities in the proposed new single house will need to be used by all employees during business hours, the efficiency and suitability of which is questionable.

Notwithstanding these concerns, which are not strictly a town planning related matter, it is expected this potential issue will be addressed during the building permit application stage of the approval process to ensure compliance with the Building Code of Australia.

Considering all the above it is concluded the development proposal for Lot 154 is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to compliance with a number of conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise discretion and grant conditional development approval.

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

Policy Implications:

State Planning Policy 4.1 – Industrial Interface

State Planning Policy 5.4 – Road and Rail Noise

Government Sewerage Policy (2019)

Planning Codes – Residential Design Codes (Volume 1)

Financial Implications:

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

It is significant to note should the applicants 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" and can be managed by routine procedures, current resources and well established regulatory procedures and requirements.

Strategic Implications:

The proposed development is generally consistent with the aims and objectives of the Shire of Katanning Local Planning Strategy 2013 as it applies specifically to economic development and growth and the following elements of the Shire of Katanning Strategic Community Plan 2022 – 2032:

Focus Area	Economic
Aspiration	Katanning is an economic hub of the Great Southern region, offering a range of employment and business opportunities.
Objective	To enable more businesses to locate in Katanning to support the needs of the local population.
Objective	To work alongside local businesses to facilitate employment, growth and development.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR JOHN GOODHEART

OC74/24 That Council resolve to approve the development application submitted by DJ and KE Stephens of Total Ag Centre under the authority of Stephens Ag Pty Ltd (Landowner) for the construction and use of a proposed new agricultural machinery workshop, incidental office and staff accommodation building, including advertising signage, on Lot 154 (No.58) Cornwall Street, Katanning subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken strictly in accordance with the 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. Prior to the commencement of development a Noise Management Plan prepared by a suitably qualified acoustic consultant or detailed design drawings for the proposed new dwelling prepared by an architectural draftsman demonstrating compliance with the 'quiet house' design requirements and standards of State Planning Policy 5.4 entitled 'Road and Rail Noise' shall be submitted to the local government for consideration of endorsement by the local government's Chief Executive Officer.

5. Prior to the commencement of development a revised, suitably scaled site development plan that provides for the reorientation of the proposed new shed (i.e. workshop building) 90 degrees so its major openings face the land's Cornwall Street frontage shall be prepared and submitted to the local government for consideration of endorsement by the local government's Chief Executive Officer.
6. Prior to the commencement of development a revised, suitably scaled site development plan showing exactly what's proposed with respect to all future on-site parking, including vehicle access arrangements thereto, and demonstrating compliance with Australian Standard AS/NZS 2890.1:2004 entitled 'Parking Facilities – Off-Street Car Parking' (as amended) shall be prepared and submitted to the local government for consideration of endorsement by the local government's Chief Executive Officer. The revised plan required by this condition must provide a minimum of fifteen (15) on-site parking bays to ensure the future anticipated parking demand likely to be generated by the proposed development can be accommodated on the land.
7. Prior to the commencement of development a revised, suitably scaled site development plan as well as floorplan and elevation drawings for the proposed new single house demonstrating compliance with the deemed-to-comply requirements of the Residential Design Codes (Volume 1) as they apply specifically to primary street setbacks, accept that a setback of 3 metres will be allowed from Beaufort Street, outdoor living areas and external fixtures, utilities and facilities shall be prepared and submitted to the local government for consideration of endorsement by the local government's Chief Executive Officer.
8. A detailed, suitably scaled Landscaping Plan, including ongoing maintenance regimes, shall be prepared and submitted to the local government for consideration of endorsement by the local government's Chief Executive Officer prior to occupation and use of the proposed development.
9. The Landscaping Plan required by Condition 8 of this approval must be implemented in full (i.e. planting) by no later than 30 June 2025, unless otherwise approved by the local government's Chief Executive Officer, including all ongoing maintenance requirements thereafter for the life of the development.
10. Prior to the commencement of development a detailed Stormwater Drainage Management Plan shall be prepared by a suitably qualified person and submitted to the local government for consideration of endorsement by the local government's Chief Executive Officer.
11. The Stormwater Drainage Management Plan required by Condition 10 of this approval must be implemented in full prior to occupation and use of the proposed development, including all ongoing maintenance requirements thereafter for the life of the development.
12. The land shall be filled, stabilised, drained and/or graded as required prior to occupation and use of the proposed development to ensure that:
 - a) finished ground levels at the boundaries of the lot the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and

-
- b) stormwater is contained on-site and/or appropriately treated and connected to the local drainage system.
13. All proposed new on-site parking bays and associated driveways, including all associated stormwater drainage infrastructure, shall be constructed prior to occupation and use of the proposed development.
 14. The proposed new driveway crossovers along the land's Beaufort Street frontage shall be constructed to the specifications and satisfaction of the local government, in accordance with all relevant engineering requirements and design guidelines, prior to occupation and use of the proposed development.
 15. The existing driveway crossover along the land's Beaufort Street frontage shall be decommissioned in its entirety and the associated road verge area reinstated to the specifications and satisfaction of the local government's Chief Executive Officer prior to occupation and use of the proposed development.
 16. The proposed development shall be served by electricity, a reticulated water supply service, and reticulated sewerage disposal infrastructure prior to its occupation and use.
 17. The proposed development shall be provided with a suitable on-site effluent disposal system, as determined by the local government's Environmental Health Officer or the Executive Director of Public Health, prior to its occupation and use.
 18. All bin and refuse storage areas shall be located, constructed, drained, paved and screened from public view to the satisfaction of the local government's Chief Executive Officer in consultation with the local government's Environmental Health Officer and permanently retained for that exclusive use.
 19. The washdown of any bins, vehicles, machinery, equipment and/or parts stored on the land must be undertaken within a dedicated washdown bay/s constructed to the specifications and satisfaction of the local government's Environmental Health Officer.
 20. All external surfaces of the proposed new buildings and rainwater tanks shall be clad with new, non-reflective materials only.
 21. The proposed new single house/office and rainwater tanks must be finished using materials and colours that complement the proposed new shed (i.e. workshop building).
 22. The proposed new single house/office may only be occupied by the landowner, lessee or manager or employee/s of the business operating on the land.
 23. The proposed wall mounted advertising sign shall be maintained in a neat, tidy, functional and safe condition at all times to the specifications and satisfaction of the local government's Chief Executive Officer. No other advertising signage is permitted without the local government's development approval.
 24. In the event the proposed wall mounted advertising sign or any other approved advertising signage is damaged, vandalised and/or falls into a state of disrepair it shall be repaired, removed or replaced within fourteen (14) days of receipt of written notice from the local government.
 25. All external lighting shall be designed, baffled and located to prevent any light spill onto adjoining and other nearby properties as well as motorists on Beaufort

and Cornwall Streets in accordance with Australian Standard AS4282-1997 entitled 'Control of the Obtrusive Effects of Outdoor Lighting' to the satisfaction of the local government.

26. The site shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the local government's Chief Executive Officer.

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/landowner 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/landowner 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' prepared pursuant to the specific requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* must be prepared and submitted to the local government's Environmental Health Officer or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application.
4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a suitable building permit application for all proposed new structures must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any construction or earthworks on the land.
5. All proposed new structures the subject of this approval are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
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.
7. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
8. The proposed development must be managed at all times in accordance with the requirements of the Shire of Katanning Health Local Laws (as amended). The applicants/landowner are advised to contact the local government's Environmental Health Officer for further information and advice in this regard.
9. The applicants/landowner are responsible for ensuring the correct siting of the development on the land the subject of this approval, including fill and final

finished floor levels. An identification survey demonstrating correct siting and setbacks of structures, fill and final floor levels may be requested by the local government to ensure compliance with this determination notice and all applicable provisions.

- 10. 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.**
- 11. If the applicants/landowner 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: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER

AGAINST: NIL

Cr Liz Guidera spoke for the motion.

Cr John Goodheart spoke for the motion.

10.2 GENERAL MANAGER OPERATIONS

10.2.1 Restricted Access Vehicle Network

Reporting Officer: Cherrie Campbell, Executive Officer Infrastructure & Development

Date Report Prepared: 2 July 2023

Disclosure of Interest: No Interest to disclose

Issue:

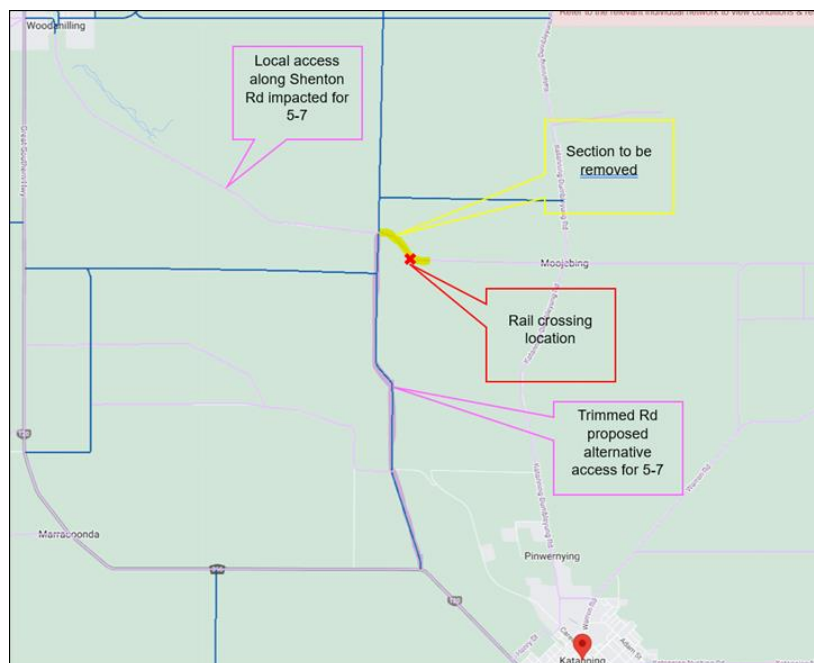
Main Roads Heavy Vehicle Services (HVS) have conducted an onsite assessment of Trimmer Road to alter the following section of road already approved for Restricted Access Vehicle. The Shire wishes to support the amendments to the current network approved route.

Body/Background:

Recently, Main Roads Heavy Vehicle Services (HVS) assessed Trimmer Road, from the Great Southern Highway to the McKenzie Road / Shenton Road intersection to determine if it met the criteria to change its capacity from the existing Tandem Drive Network 2-4 approval to a Tandem Drive Networks 5-7, with speed being restricted to 60 km/h.

The immediate need to identify alternative RAV 5-7 Network access has come about due to inadequate sight distances being identified in the approach to the level crossing located on McKenzie Road, approximately 1.0 km west of the Shenton Road / Trimmer Road intersection. Consequently, permission for RAV 5-7 Network access along McKenzie Road is being removed. This directly impacts local RAV 5-7 Network connectivity, along Shenton Rd to the west of the Trimmer Rd intersection.

Please refer to the map image below:



The above section of Trimmer Rd has been assessed in accordance with Main Roads [Standard Restricted Access Vehicle Route Assessment Guidelines](#) and [Guidelines for Approving RAV Access](#) and has been found to be suitable for Tandem Drive Networks 5-7. Main Roads recommend the current speed restriction of 60 km/h be applied to these RAV Networks to align with the existing access condition.

Officer's Comment:

We recommend the current speed restriction of 60 km/h be applied to these RAV Networks to align with the existing access condition.

Statutory Environment:

Road Traffic Act 2014

Road Traffic Regulations 2014

Policy Implications:

There are no Shire of Katanning policy implications for this report.

Financial Implications:

There are no financial implications for the shire.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is "low". The "Low" risk rank is considered acceptable with adequate controls, managed by routine procedures.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

Focus Area Built Environment

Aspiration Katanning is a beautiful, well serviced place that invites people to stay.

Objective To provide infrastructure that enables safe movement through our community.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR JOHN GOODHEART

SECONDED: CR MICHELLE SALTER

OC75/24

That Council:

Supports adding the section of Trimmer Road from the GS Highway to Shenton Road, onto Tandem Drive Networks 5-7, noting there is no resulting change to mass limits on axle groups and this is a necessary change to mitigate safety issue that has been identified at the rail crossing.

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER

AGAINST: NIL

Cr John Goodheart spoke for the motion.

10.3 EXECUTIVE MANAGER CORPORATE SERVICES

10.3.1 Schedule of Accounts – June 2024

(ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: Patrick Kennedy, Manager Finance
Date Report Prepared: 09 July 2024
Disclosure of Interest: No Interest to disclose.

Issue:

To receive the Schedule of Accounts Paid for the period ending 30 June 2024.

Body/Background:

This information is provided to Council monthly 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	\$0.00	\$513,250.32	\$70,385.79	\$3,452.35	\$230,996.54	\$818,085.00
November	\$474.00	\$522,543.44	\$225,283.00		\$224,193.28	\$972,493.72
December	\$1,010.80	\$1,231,197.21	\$91,709.28	\$1,472.68	\$224,027.48	\$1,549,417.45
January	\$0.00	\$364,301.53	\$98,372.05	\$2,914.63	\$205,847.25	\$671,435.46
February	\$790.07	\$504,267.83	\$153,590.86	\$4,982.28	\$324,758.91	\$988,389.95
March	\$908.29	\$876,946.00	\$398,733.53	\$2,636.96	\$240,339.06	\$1,519,563.84
April	\$393.10	\$411,451.92	\$102,443.05	\$4,540.09	\$240,082.49	\$758,910.65
May	\$818.83	\$975,884.35	\$222,074.80	\$5,394.28	\$229,269.57	\$1,433,441.83
June	\$222.00	\$827,740.97	\$104,307.29	\$8,069.33	\$218,849.99	\$1,159,189.58
Total	\$10,713.55	\$8,726,663.53	\$1,647,247.48	\$50,193.45	\$2,985,949.11	\$13,420,767.12

Officer's Comment:

The schedule of accounts for the month of June 2024 is attached.

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:

MOVED: CR PAUL TOTINO

SECONDED: CR IAN HANNA

OC76/24 That Council endorses the Schedule of Accounts as presented, being EFT payments 37972 - 38133 totalling \$827,740.97, Cheques 42477-42478 totalling \$222.00, Payroll payments totalling \$218,849.99 Direct Debit payments totalling \$104,307.29, Credit Cards (May) totalling \$8,069.33, all totalling \$1,159,189.58, authorised and paid in June 2024.

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER
AGAINST: NIL

10.3.2 Monthly Financial Report – June 2024 (ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: David Blurton, Acting Executive Manager Corporate Services
Report Prepared: 15 July 2024
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 June 2024.

The report includes information which meets the statutory requirements of the Local Government Act and Financial Management Regulations. Other relevant financial information is provided to Elected Members to compare finance performance of the various business functions of the Shire against adopted budgets.

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 Report 3 of the Monthly Financial Report.

Please note that Budget Amendments have not been processed at time of printing this report.

Officer's Comment:

Below are the highlights for this reporting period:

Revenue from Operating Activities

- * Grants, subsidies and contributions are below budget by \$1,347,774 as identified from various items on note 12.
- * Fees and charges income \$230,743 over budget relating to additional income from refuse site fees, building licences, KLC kiosk and membership.
- * Interest income \$83,761 higher than expected.

Expenditure from Operating Activities

*Employee costs underbudget by \$320,684.

*Material and contracts costs underbudget by \$1,247,829 mostly represented as;

- Debt collection legal expense \$83,610 under budget
- Election expense \$21,482 under budget
- Integrated planning and reporting \$45,000
- Admin consultants \$28,683
- Fire mitigation expenditure \$80,000
- Health consultants \$24,350
- Education and welfare grant expenditure \$143,108
- Education and welfare special projects \$30,391
- Youth activities \$14,146
- Amherst feasibility study \$60,000
- Aquatic centre maintenance \$28,968

- Demolition recreation services \$62,500
 - Works program KLC grounds & ovals \$30,609
 - Transport consultants \$101,932
 - Expensed minor asset purchases \$49,405
 - Economic development services \$26,179
 - Economic Services consultants \$28,411
- * Depreciation Expenses over budget by \$1,398,722 relating to adjustment to building depreciation rates from fair value revaluation at the end of 21/22.
- * Capital program income and expense variances are identified at note 13 and 3 respectively.

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)

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.

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 "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:

MOVED: CR JOHN GOODHEART

SECONDED: CR MICHELLE SALTER

OC77/24

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 June 2024, as presented.

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER

AGAINST: NIL

Cr John Goodheart spoke for the motion.

10.4 CHIEF EXECUTIVE OFFICER'S REPORTS

10.4.1 Annual Review of Delegations Register (ATTACHMENT)

File Ref: GV.AT.1
Reporting Officer: Peter Klein, Chief Executive Officer
Date Report Prepared: 19 July 2022

Issue:

To review delegations from Council to the Chief Executive Officer.

Body/Background:

In accordance with section 5.18 a local government is to keep a register of delegations made under this division and review the delegations at least once every financial year.

In accordance with section 5.42 of the *Local Government Act 1995*, a local government can delegate some of its powers to the Chief Executive Officer. The Chief Executive Officer may also delegate to other employees.

Officer's Comment:

The 2024 review of the Delegations Register has resulted in some changes to simplify language, to reflect the changed titles of some managers and the implementation of changes approved during the June Council meeting.

The June changes related to the replacement of delegations DA17, DA18 and DA19 with a new, combined delegation titled DA17 – Control of Planning Matters.

This new delegation DA17 is in response to amendments made to the *Planning and Development Act 2005* and associated regulations. These Act amendments have given the CEO direct responsibility for all determinations of development applications for single houses, or any development associated with a single house. The only exception is in respect to development applications associated with a heritage protected place for which the Council maintains its right of determination.

Statutory Environment:

Local Government Act 1995

Section 5.18 states that 'A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.'

Section 5.42 Delegation of some powers and duties to CEO

(1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

** Absolute majority required.*

Policy Implications:

There are no policy implications in this matter.

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.

Financial Implications:

There are no financial implications in this matter.

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: Absolute Majority

Officer's Recommendation/Council Motion:

MOVED: CR PAUL TOTINO

SECONDED: CR MICHELLE SALTER

OC78/24 That Council adopts the revised 2024 Delegations Register.

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL
TOTIN, CR MICHELLE SALTER

AGAINST: NIL

Cr Paul Totino spoke for the motion.

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**MOVED: CR LIZ GUIDERA****SECONDED: CR IAN HANNA****OC79/24 That Council considers the urgent business items 12.1 and 12.2.**

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER
AGAINST: NIL

12.1 Review of Local Laws under s3.16 of the Local Government Act 1995

File Ref: ES.AT.1
Reporting Officer: Peter Klein, Chief Executive Officer
Date Report Prepared: 23 July 2024
Disclosure of Interest: No Interest to disclose

Issue:

Section 3.16 of the Local Government Act 1995 (the Act) requires local governments to review local laws at least once every eight years.

Body/Background:

The Shire has the following local laws on foot:

Local Law	When originally Gazetted and page no
Health Local Laws 1998	1/12/1998, p6385-6
Refuse, Rubbish and Disused Materials Removal of	15/9/1998, p5091-2
Airport - Katanning	12/12/1997, p7273-4
Saleyards	12/12/1997, p7271
Dogs	18/7/1986, p3432-34, 15/9/1995, p4305-6; 12/12/1997, p7272
Extractive Industries	12/12/1997, p4743-58; 23/10/1969, p3309
Local Laws	22/08/1997, p4743-58
Cemetery - Katanning Public	22/08/1997, p4759-64; 19/7/1978, p2005-6
Saleyards	12/12/1997, p7271
Pest Plants	9/11/1979 p3563-4, 9/03/1984 p668
Standing Orders	29/10/1996, p5729-39

It is not known if or when a review has been previously undertaken, but the most recent local law that the Shire has in place was last made or amended in 1998.

The *Shire of Katanning Bush Fire Brigades 2024* is a new local law and is being developed under a separate process. It is not part of this review.

Officer's Comment:

A more in depth assessment can be made while the public commentary period is underway but on face value a number of changes are required. For example:

- The State Government is undertaking a review of the Cemeteries Act;
- Similarly, Standing Orders or Meeting Procedures Local Laws are proposed to be replaced by uniform Regulations that will apply to all local governments;
- The Shire does not have local laws regulating fencing, cats, or property under its care, control and management;
- Dog exercise areas are now established by a council resolution and local public notice not by local law;
- Cats are regulated under the Cat Act rather than the Public Health Act which may require a new local law; and
- Local laws relating to rubbish collection, removal and disposal are now dealt with under the Waste and Resource Recovery Act under which the Shire should consider making a Waste Local Law.

Statutory Environment:

Section 3.16 of the Act provides that:

3.16. Periodic review of local laws

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give local public notice stating that —

(a) the local government proposes to review the local law; and

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

Any consequential amendments to the Shire's local laws must then be undertaken using the process set out in s3.12 of the Act.

Policy Implications:

Nil.

Financial Implications:

There are costs associated with the review, advertising for public comment, amendment and/or making of existing or new local laws and their eventual Gazettal.

Risk Implications:

The Shire should take all reasonable measures to ensure its local laws are up to date. This review will mitigate the possibility of any issues arising as a result of their being possibly not being aligned with other legislation.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Area Social

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

Objective To provide support for the physical and mental health and wellbeing of our community.

PROCEDURAL MOTION:

Voting Requirement: Simple Majority

MOVED: CR JOHN GOODHEART

SECONDED: CR PAUL TOTINO

OC80/24 That Council suspends standing orders.

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER

AGAINST: NIL

PROCEDURAL MOTION:

Voting Requirement: Simple Majority.

MOVED: CR LIZ GUIDERA

SECONDED: CR IAN HANNA

OC81/24 That Council resumes standing orders.

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER

AGAINST: NIL

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR JOHN GOODHEART

OC82/24 That Council:

- 1. Gives local public notice stating that the Shire proposes to review its local laws under s3.16 of the Local Government Act 1995;**
- 2. Notes that a copy of the local laws may be inspected or obtained at the Shire offices or from its website;**
- 3. Advises that submissions about the local laws may be made to the Shire before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and**
- 4. Notes that the results of the above advertising are to be presented to Council for consideration of any submissions received.**

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER

AGAINST: NIL

Cr Liz Guidera spoke for the motion.

Cr John Goodheart spoke for the motion.

12.2 Export of Live Sheep by Sea

File Ref: A3562
Reporting Officer: Peter Klein, Chief Executive Officer
Date Report Prepared: 24 July 2024
Disclosure of Interest: No Interest to disclose.

Issue:

The Federal Government has passed legislation that will see the export of live sheep by sea being banned from 1 May 2028.

Body/Background:

The live sheep export trade from Western Australia is a crucial part of the sheep production system in the Great Southern and is as relevant today as ever.

The Department of Agriculture, Fisheries and Forestry reports a 29% increase in live sheep exports between 2022 and 2023. In addition, the Exporter Supply Chain Assurance Program is delivering improvement in animal welfare standards with five consecutive years of improving animal welfare outcomes to 2023. Western Australia's production and export processes deliver the best welfare standards in the world.

To understand the impact and to help prepare our communities for the potential effects of losing this trade, our shires collectively commissioned an economic study, to quantify the economic loss.

The cost to the Central Great Southern region, identified by the study over a 20-year period, discounted at 7%, is alarming;

- the direct loss to sheep producers & their supply chains is between -\$475M & -\$791M;
- the secondary cost to households & expenditure in the wider economy adds a further loss of between -\$126M & -\$215M; and
- the combined direct and secondary cost to our communities is between -\$601M & -\$1.01B in present value terms over the next 20 years.

Many parts of rural Western Australia have been suffering a long-term population decline due to farm consolidation and the increasing size and efficiency of farm equipment. Over this period, and they continue to do so, the sheepmeat and wool industries have played a crucial role in underpinning rural communities given the more labour-intensive nature of these industries.

Loss of labour and therefore population from our communities, as a result of a forecast flock reduction of between 15 and 30%, as estimated by the Western Australian State Government, will not be fully replaced if grazing land is swapped out for increased cropping.

Replacing lost sheep industry labour within the next four years, with some other form of occupation in rural Western Australia is also unlikely despite the economic development efforts contributed by the Federal government, via Regional Development Australia, the State Government via its development commissions and the best economic development efforts of local governments.

There appears to be insufficient justification to ban this trade and to impose further population decline and loss of community amenity on rural Western Australia, when this trade has responded and is operating in a sustainable manner.

This secondary impact on our retail and service providers has received insufficient attention during the Federal government's deliberation on this matter. This lack of attention is reflected in the proposed transition package which fails to provide tangible support to this community cohort.

Local governments exist to serve their communities and this includes, without exception, support for our local businesses and facilitation of economic development. We understand how fragile some of our communities are and how the loss of economic activity, such as that now forecast, threatens the very existence of some communities through their future inability to support medical services, schools, retail outlets and sporting clubs.

Statutory Environment:

The Export Control Amendment (Ending Live Sheep Exports by Sea) Act 2024

Policy Implications:

There are no policy implications for this report.

Financial Implications:

There are no direct financial implications from the adoption of this recommendation.

Risk Implications:

Failure to act risks economic loss to the community & Council

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Economic

Aspiration Katanning is an economic hub of the Great Southern region, offering a range of employment and business opportunities.

Objective To work alongside local businesses to facilitate employment, growth and development.

Voting Requirement: Simple Majority / Absolute Majority

Officer's Recommendation/Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR IAN HANNA

OC83/24 That Council opposes the live sheep export control Amendment Act 2024 ending live sheep export by sea. Council supports effort to repeal the legislation.

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTIN, CR MICHELLE SALTER
AGAINST: NIL

Cr Liz Guidera spoke for the motion.

Cr Ian Hanna spoke for the motion.

Cr Kristy D'Aprile spoke for the motion.

13. CONFIDENTIAL ITEMS

Nil.

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:45pm.