



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 AN
ORDINARY COUNCIL MEETING**

Dear Council Member

The next Ordinary Council Meeting of the Shire of Katanning will be held on
Wednesday 26 June 2024 in the Shire of Katanning's Council Chamber,
52 Austral Terrace, Katanning commencing at 6.00pm.

Peter Klein
CHIEF EXECUTIVE OFFICER
Friday 21 June 2024

DISCLAIMER

The Council of the Shire of Katanning 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 John Goodheart
Cr Michelle Salter
Cr Ian Hanna
Cr Paul Totino

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

Gallery:

Media:

Apologies:

Leave of Absence: Cr Liz Guidera – Deputy President
Cr Matt Collis

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 – Wednesday 22 May 2024
(SEE ATTACHED MINUTES)

Voting Requirement: Simple Majority

OC/24 That the minutes of the Ordinary Council Meeting held on Wednesday 22 May 2024 confirmed as a true record of proceedings.

CARRIED/LOST:
FOR:
AGAINST:

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 EXECUTIVE MANAGER Infrastructure & Assets

10.1.1 Development Application – Proposed New Outbuilding (i.e. Domestic Storage Shed)

Attachment 1 – Development Application Documents & Plans

File Ref: A1513 & PA/24/24
Reporting Officer: Joe Douglas – Town Planner
Date Report Prepared: 19 June 2024
Disclosure of Interest: No Interest to disclose

Issue:
Consideration and final determination of a development application submitted by Caroline and Brenton Bouffler (Landowners) for the construction and use of a proposed new outbuilding (i.e. domestic storage shed) on Lot 3 (No.38) Andover Street, Katanning.

Background:
Caroline and Brenton Bouffler have submitted a development application requesting Council’s approval for the construction and use of a proposed new 28m² steel framed, Zinalume clad outbuilding (i.e. shed) on Lot 3 (No.38) Andover Street, Katanning for domestic storage purposes (i.e. vehicle parking).

Full details of the application are provided in Attachment 1.

Lot 3 is located adjacent to the western boundary of the Katanning townsite, comprises a total area of approximately 2,986m² and is relatively flat throughout with the natural ground level being approximately 310 metres AHD.



Location & Lot Configuration Plan (Source: Landgate 2024)

The subject land has direct frontage and access to Andover Street along its northern boundary which is a sealed and drained local roads under the care, control and management of the Shire of Katanning. It also has direct frontage and access to Moojebing Road along its southern boundary which is a sealed and drained local distributor road under the care, control and management of Main Roads WA.

Lot 3 has been extensively developed for low density residential purposes and contains an existing single storey dwelling, five (5) outbuildings (i.e. domestic storage sheds) comprising a total combined floor area of 116m² excluding lean-to structures, shade structures, gravel driveways, and garden and lawn areas in various locations.

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 – Andover Street road reserve with low density residential development beyond on lots ranging in size from approximately 1,145 to 2,299m²;
- South – Moojebing Road road reserve with broadacre agriculture (i.e. cropping and grazing) beyond;
- East – Low density residential development on one large lot comprising a total area of approximately 5,972m² with the Annie Street road reserve and low density residential development beyond; and
- West – Low density residential development on two lots each comprising a total area of approximately 1,474m² with the Avon Street road reserve and low density residential development and vacant undeveloped 'Residential' zoned land beyond.

Comment:

Lot 3 is classified 'Residential' zone in the Shire of Katanning Local Planning Scheme No.5 (LPS5) with a density coding of R20.

Under the terms of the Zoning Table in LPS5 the development of a single house and various associated improvements, including outbuildings, is listed as a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it complies with all relevant development standards and requirements of LPS5, including any associated local planning policies and the deemed-to-comply requirements of the Residential Design Codes (Volume 1) (i.e. the R-Codes).

A detailed assessment of the development proposal for Lot 3 has confirmed it satisfies all relevant deemed-to-comply requirements of clause 5.4.3 of the R-Codes as it applies specifically to outbuildings and Council's Local Planning Policy No.1 entitled 'Outbuildings' aside from the maximum permitted collective floor area for all outbuildings (i.e. 60m² required by the R-Codes and up to 120m² permitted by Local Planning Policy No.1 / 144m² proposed). As such, the application is hereby presented to Council for consideration and final determination in accordance with the specific requirements of Local Planning Policy No.1.

In considering whether or not to approve this proposed variation to the abovementioned requirements, and the application more generally, Council must decide whether it is likely to have a detrimental impact on the amenity, character, functionality and safety of the immediate locality or any immediately adjoining or other nearby properties.

The reporting officer has formed the view the proposed variation is unlikely to have any adverse impacts and may therefore be supported and approved by Council for the following reasons:

- i) The total collective floor area for the existing and proposed outbuildings on the land is not considered to be excessively large in its local context;
- ii) The proposed outbuilding will be finished using external materials and finishes that are consistent with other existing outbuildings on the subject land and those on immediately adjoining and other nearby properties;
- iii) The proposed outbuilding will be located centrally on the land adjacent to the existing dwelling and complies with the minimum required setbacks to all lot boundaries. All wall and roof ridge heights are also significantly less than the maximum permitted by the R-Codes and Local Planning Policy No.1. As such, it is expected to have minimal impact on the visual amenity of the local streetscape or any neighbouring properties and will not give rise to any overshadowing or access to natural sunlight for any dwellings on immediately adjoining or other nearby properties;
- iv) All immediately adjoining landowners were invited to comment during the planning assessment process with no submissions received. It is therefore reasonable to conclude they do not have any concerns with or objections to the proposed development;
- v) The proposed development is consistent with the objectives of LPS4 as they apply specifically to maintaining the character and amenity of established residential areas and ensuring new development, including alterations and additions, is sympathetic with the character and amenity of those areas; and
- vi) Council has previously approved the development of new outbuildings on other 'Residential' zoned properties in the Katanning townsite where the total collective floor area was greater than that permitted by the R-Codes and Local Planning Policy No.1. As such Council will not create an undesirable precedent for development of this type in the 'Residential' zone should it resolve to support the proposal.

In light of the above findings and conclusions it is recommended Council exercise discretion and approve the application subject to a number of conditions to ensure the development proceeds in a proper and orderly manner.

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:

Planning Codes – Residential Design Codes (Volume 1)

Shire of Katanning Local Planning Policy No.1 - Outbuildings

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

It is significant to note should the applicants/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 highly 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 the future development of all 'Residential' zoned land and the following elements of the 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.

Focus Area	Built Environment
Aspiration	Katanning is a beautiful, well serviced place that invites people to stay.
Objective	To take pride in our town to create an inviting and welcoming place.
Objective	To encourage a range of housing options to cater for our diverse population.

Voting Requirement:

Simple Majority

Officer's Recommendation/Council Motion:

OC/24 That Council resolve to approve the development application submitted by Caroline and Brenton Bouffler (Landowners) for the construction and use of a proposed new outbuilding (i.e. shed) on Lot 3 (No.38) Andover Street, Katanning for domestic storage purposes (i.e. vehicle parking) 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 the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
4. The proposed outbuilding shall be constructed using new materials only.
5. All storm water shall be directed away from the proposed outbuilding and retained and disposed on-site. No storm water is permitted to be directed to any immediately adjoining property or road reserves.
6. The proposed outbuilding shall be used for domestic storage purposes only. It shall not be used for any residential, commercial or industrial purpose unless otherwise approved by the local government.

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. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a suitable building permit application for the proposed outbuilding must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
4. The proposed outbuilding is 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.
5. 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.
6. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.

- 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:

10.1.2 Proposed New Delegation - Control of Planning Matters

Attachment 1 – Correspondence from the Department of Planning, Lands and Heritage.

Attachment 2 – Current delegations for the control of planning matters.

Attachment 3 – Proposed new delegation for the control of planning matters.

File Ref: PA.PL.1
Reporting Officer: Joe Douglas – Town Planner
Date Report Prepared: 19 June 2024
Disclosure of Interest: No Interest to disclose

Issue:

Consideration of a proposed new delegation for the control of town planning matters to align the Shire of Katanning's decision making powers under delegated authority with amendments made to the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* by the State Government and consolidate and correct existing delegations.

Background:

As a consequence of amendments made to the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* by the State Government as part of its planning reform agenda, from 1 July 2024 the final determination of all development applications for single houses or any development associated with a single house, excluding development of or associated with a heritage protected place, must be made by the CEO of all local government authorities throughout Western Australia or employees authorised by the CEO under delegated authority. Development applications of this type can no longer be determined by Council unless a property is the subject of a statutory heritage listing.

Correspondence from the Department of Planning, Lands and Heritage confirming the above is provided in Attachment 1.

Comment:

In light of the above background, the Shire of Katanning's current delegations for town planning related matters have been reviewed by the reporting officer (see Attachment 2 – Current Planning Delegations DA17, DA18 and DA19).

This review identified the following issues:

- i) DA17 as it applies to the processing and determination of development applications is outdated, limited in scope and needs to be amended to ensure it aligns with the State Government's legislative and regulatory changes and provides for the more efficient processing of development applications and other town planning related functions;
- ii) DA18 as it applies to the processing and determination of development applications for minor variations to the deemed-to-comply requirements of the Residential Design Codes should be consolidated into one new, all-encompassing delegation for the sake of efficiency and clarity; and
- iii) DA19 as it applies to the processing of development applications by the Shire on Shire owned and controlled land is completely unnecessary and has no benefit or value given

the exemption to the need for development approval by government agencies afforded by section 6 of the *Planning and Development Act 2005* (i.e. government agencies at all levels are not required to seek and obtain development approval under local planning schemes).

In order to address these issues and ensure compliance with the new procedural requirements of the *Planning and Development Act 2005* and associated regulations a new delegation for the control of town planning matters has been prepared for consideration and adoption by Council (see Attachment 3).

It is recommended that Council resolve to revoke current planning delegations DA17, DA18 and DA19 and adopt the proposed new delegation for the control of town planning matters pursuant to powers afforded by Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (i.e. the Deemed Provisions).

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:

Nil

Financial Implications:

Nil immediate financial implications for the Shire aside from the administrative cost associated with preparing the proposed new delegation for the control of town planning matters which is provided for in Council's annual budget.

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 proposal to prepare and adopt a new delegation for the control of town planning matters is consistent with the aims and objectives of the Shire of Katanning Local Planning Strategy 2013 as it applies specifically to improving and expediting planning approval processes 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 promote and facilitate tourism opportunities that showcase the unique character, culture and offerings of Katanning.
Objective	To work alongside local businesses to facilitate employment, growth and development.

Focus Area	Leadership
Aspiration	Katanning is an inclusive and respectful community.
Objective	To facilitate diversity and representation within the decision-making process.

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/24 That Council resolve to revoke current delegations DA17, DA18 and DA19 and adopt the proposed new delegation for the control of town planning matters presented in Attachment 3 of this report pursuant to powers afforded by Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED/LOST:
FOR:
AGAINST:

10.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

10.2.1 Schedule of Accounts – May 2024 (ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: Patrick Kennedy, Manager Finance
Date Report Prepared: 07 June 2024
Disclosure of Interest: No Interest to disclose.

Issue:

To receive the Schedule of Accounts Paid for the period ending 31 May 2024.

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	\$0.00	\$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						
Total	\$10,491.55	\$7,898,922.56	\$1,542,940.19	\$42,124.12	\$2,767,099.12	\$12,261,577.54

Officer's Comment:

The schedule of accounts for the month of May 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:

OC/24 That Council endorses the Schedule of Accounts as presented, being EFT payments 37807 - 37971 totalling \$975,884.35, Cheques 42474-42476 totalling \$818.83, Payroll payments totalling \$229,269.57 Direct Debit payments totalling \$222,074.80, Credit Cards (April) totalling \$5,394.28, all totalling \$1,433,441.83, authorised and paid in May 2024.

CARRIED/LOST:
FOR:
AGAINST:

10.2.2 Monthly Financial Report – May 2024 (ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: David Blurton, Acting Executive Manager Corporate Services
Report Prepared: 10 June 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 31 May 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 \$635,341. As identified on note 12, the majority of this relates to:

- Local Roads and Infrastructure Grants phase 4A and 4B – total \$425,906 – Phase 4A and B to be spent.

*Fees and charges income \$148,610 over budget relating to additional income from KLC kiosk and membership, refuse site fees and building licences.

*Interest Income \$106,756 higher than expected.

Expenditure from Operating Activities

*Employee costs underbudget by \$330,778.

*Material and contracts costs underbudget by \$1,110,405, mostly represented as;

- Debt collection legal expense \$71,413 under budget
- Election expense \$21,482 under budget
- Integrated planning and reporting \$33,750
- Admin Consultants \$21,183
- Fire mitigation expenditure \$80,000
- Health consultants \$33,912
- Education and welfare grant expenditure \$131,782
- Education and welfare special projects \$27,554
- Youth activities \$12,706
- Amhurst feasibility study \$60,000
- Aquatic centre maintenance \$30,698

- Demolition recreation services \$62,500
- Works program KLC grounds & ovals \$28,908
- Transport consultants \$55,131
- Expensed minor asset purchases \$49,405
- Economic development services \$17,250
- Economic Services consultants \$22,074

*Depreciation Expenses over budget by \$729,370 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:

OC/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 31 May 2024, as presented.

CARRIED/LOST:

FOR:

AGAINST:

10.2.3 Adoption of the 2024/2025 Budget (ATTACHMENTS)

File Ref: FM.BU.6
Reporting Officer: David Blurton, Executive Manager Corporate Services
Date Report Prepared: 20 June 2024
Disclosure of Interest: Nil

Issue:

To consider and adopt the Municipal Fund Budget for the 2024/2025 financial year together with supporting schedules, including striking of the municipal fund rates, setting of elected members fees for the year and other consequential matters arising from the budget papers.

Body/Background:

The draft 2024/2025 budget has been compiled based on the parameters established in the integrated planning documents including long term financial plan, corporate business plan and strategic community plan.

Council considered the detail contained in the draft budget at a number of workshops which were held between April and June 2024.

The Council has historically adopted its budget in August of each year, however to improve cash flow, this year the budget will be adopted in June 2024. Early adoption of the budget is permitted from the 1st June in accordance with section 6.2(1) of the act.

Officer's Comment:

The budget has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. The main features of the draft budget include:

A key change required to be made after the final workshop was the removal of \$263,142 in non-operating grants expected to be received from the Department of Primary Industries and Regional Development towards the Noongar Story Public Artwork project and the Meeting Place and Fire pit project as these grants were received in 2022. This change is offset by a reduced transfer to the Land and Buildings Reserve and an adjustment to the Noongar Artwork project (\$10,500) to reflect 23-24 year to date expenditure on the project.

Rating:

The draft budget includes a 4.5% increase in overall rating revenue and includes a \$100,000 write off of rates as some rates are expected to be unrecoverable.

Landgate has completed a Gross Rental Valuations (GRV) revaluation for 24-25 and the impact is expected to vary significantly between classes of GRV properties. Officers have spent considerable time developing a rating model which apportions rates increase as evenly as possible across the different categories. However, the Council should be aware that variations between individual GRV ratepayers will be significant with some ratepayers receiving a decrease in rates while others will increase substantially. The impacts of this are summarised below across each of the rating categories.

Code	Total Props	Min Amt	UV %	GRV %	Props on Min	Actual Rates to Raise	% increase over last year
Unrateable	337					\$ -	
Residential	1413	1200.00		10.0200	273	\$ 2,242,985.34	8.84
Town Centre	59	1200.00		10.0200	13	\$ 283,550.45	-5.81
Commercial	70	1200.00		10.0200	16	\$ 209,868.22	-8.45
Light Industry	74	1200.00		10.0200	33	\$ 144,119.53	20.64
General Industry	52	1200.00		10.0200	20	\$ 109,528.02	10.03
Special Rural	131	1200.00		10.0200	30	\$ 229,039.31	11.37
Special use	8	1200.00		10.0200	3	\$ 30,874.05	-59.95
Rural	322	1200.00	0.6120		123	\$ 1,939,695.12	6.51
Mining	25	1200.00	0.6120		25	\$ 30,000.00	13.22
Special Use - UV	5	1200.00	0.6120		5	\$ 6,000.00	4.16
Rural rated GRV	7	1200.00		10.0200	1	\$ 15,934.41	7.92
Total					542	\$ 5,241,594.45	

Minimum Rates - Fairness and equity are often linked to individual benefit, being the relationship between the level of rates contributed and the benefits returned to the ratepayer. Rates are a tax, not a fee for service and the direct benefit received is unlikely to be equal to the level of the ratepayer's contributions in all cases. Rates contribute to the general benefit of the community and, as such, it is acknowledged different ratepayers will receive different levels of benefit depending on their location and individual circumstances.

Unrestricted 'public goods' are of benefit to all ratepayers, and often required by legislation to be provided by the local government, such as emergency management, environmental health, building and planning services, roads, pathways and drainage. The existence of such 'public good' services justifies the establishment of a minimum payment.

It is proposed that the minimum rate will increase by 4.2% from \$1,152 to \$1,200. A total of 542 properties will be on minimum rates.

Rates Incentive - Ratepayers who pay all rates outstanding in full within 35 days of the rates notice issued will be in the running to win one of five \$1,000 Katanning Regional Business Association (KRBA) vouchers. An allocation of \$5,243 has been made in the 2024/2025 draft budget for the Rates Incentive Prize.

Salaries and Wages:

Operating Employment costs are forecast to increase from \$4,899,447 to \$5,353,734 or by \$454,287 over the amended 24-25 budget. This is reflective of the following;

- An average increase in salary of 4%
- Increase in Workcover insurance premiums of 4%
- The new position of Executive Manager of Works \$164,443 package
- Appointment of shared EHO Officer \$98,452 package with recoup of \$46,000
- Inclusion of Finance Manager package in lieu of reduced reliance on Finance Consultant \$140,000
- There is also a larger amount of labour and overhead being allocated to the 24-25 capital works program in comparison to the 23-24 capital program.

General Purpose Funding:

Grants from the WA Local Government Grants Commission (WALGGC) are expected as follows;

General Purpose Grant	\$2,247,747	(increase of 3.4% plus one-off payment of \$107,000)
Local Road Grant	\$ 678,014	(increase of 3.4% over 23/24)

Road Funding:

The 2024/2025 road funding sources are as follows:

Grants Commission – Local Roads	\$ 678,014
MRWA – Direct Grant	\$ 157,979
MRWA – Regional Road Group	\$ 206,000
Roads to Recovery	\$ 346,494
LRCI phase 4b grant	<u>\$ 202,933</u>
	\$1,591,420

This represents an increase in road funding of \$356,245 from the 2023/2024 financial year.

Fees & Charges:

The fees and charges are predominately increased by CPI of 3.4%. There have been minor adjustments to statutory charges.

Recreation and Culture fees have generally remained the same as last year, to encourage community use of these facilities.

Some specific waste charges have been increase including disposal of asbestos and liquid waste to reflect treatment costs and to ensure disposal costs remain consistent with industry trends. A new charge for to dispose mattresses is proposed of \$55 per mattress to recover contractor disposal costs.

Elected Member Attendance Fees, Allowances & Reimbursement of Costs:

The recommendations include the setting of meeting attendance fees and allowances for members. The fees and allowances are proposed to be increased to ensure consistency with annual determinations made by the Salary and Allowances Tribunal; the fee proposed for the President and elected members is to be increased from \$15,000 to \$17,000.

The President's allowance of \$30,000 will be increased to \$38,000 and the Deputy President's allowance from \$7,500 to \$9,500 in accordance with the 2024 Salaries and Allowances Tribunal determination.

A \$1,100 ICT Expenses Allowance is included for each member to provide for costs associated with information and communication technology expenses incurred by members in carrying out their functions on behalf of the Shire.

Annual attendance fees and allowances are to be paid quarterly in arrears; this eliminates the need to recoup funds from an elected member who may resign.

Claims such as travel may be submitted as required.

These fees and allowances are in accordance with sections 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

It is recommended that Council adopt the balanced draft budget as presented.

Statutory Environment:

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending 30 June on the next year.

Division 5 and 6 of the *Local Government Act 1995* refers to the setting of budgets and the raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2024/2025 budget as presented is considered to meet statutory requirements.

- *Cemeteries Act 1986*
- *Waste Avoidance and Resources Recovery Act 2007*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Soil and Land Conservation Act 1945*

Policy Implications:

There are no policy implications for this report.

Financial Implications:

The Budget document establishes activities which the Shire will pursue during the 2024/2025 financial year considering the Shire of Katanning's strategic planning documents.

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.

Officer's Recommendation/Council Motion:

Voting Requirement: Absolute and Simple Majority

Voting Requirement: Absolute Majority

OC/23 PART A – MUNICIPAL FUND BUDGET FOR 2023/2024

That Council, pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, adopts the Municipal Fund Budget as contained in the attachment for the Shire of Katanning for the 2024/2025 financial year.

CARRIED/LOST:

FOR:

AGAINST:

Voting Requirement: Absolute Majority

OC/23 PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. That Council, for the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, imposes the following general and minimum rates on Gross Rental and Unimproved Values.

General Rates

Gross Rental Value (GRV)	0.10020 cents in the dollar
Unimproved (UV)	0.006120 cents in the dollar

Minimum Rates

Gross Rental Value (GRV)	\$1,200
Unimproved (UV)	\$1,200

2. That Council, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64 (2) of the *Local Government (Financial Management Regulations 1996)*, offers a one, two and four instalment payment option, and nominates the following due dates for payment in full or by instalments:

- Full payment and 1st instalment due date 21 August 2024
 - 2nd quarterly instalment due date 21 October 2024
 - 2nd half instalment due date 6 January 2024
 - 3rd quarterly instalment due date 6 January 2024
 - 4th quarterly & final instalment due date 6 March 2024
3. That Council, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management Regulations 1996)*, adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10.00 for each instalment after the initial instalment is paid.
 4. That Council, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management Regulations 1996)*, adopts an interest rate of 5.5% where the owner has elected to pay rates (and service charges) through an instalment option.
 5. That Council, pursuant to section 6.51 (1) and subject to section 6.51 (4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management Regulations 1996)*, adopts an interest rate of 7.0% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.
 6. That Council offer ratepayers the chance to win one of five \$1,000 Katanning Regional Business Association vouchers subject to the following terms and conditions:
 - That all rates and charges appearing on the rate notice including arrears are paid in full within 35 days of issue of the rates assessment notice: and
 - Councillors and employees of the Shire of Katanning, state government properties and properties that receive a rates exemption are not eligible to be included in the prize draw.

CARRIED/LOST:
FOR:
AGAINST:

Voting Requirement: Absolute Majority

OC/23

PART C – GENERAL FEES AND CHARGES FOR 2024/2025

That Council, pursuant to section 6.16 of the *Local Government Act 1995*, adopts the fees and charges included in the draft 2024/2025 budget as attached.

CARRIED/LOST:
FOR:

AGAINST:

Voting Requirement: Simple Majority

OC/23

PART D – OTHER STATUTORY FEES FOR 2024/2025

1. That Council, pursuant to Part 7 Local Government Planning Charges *Planning and Development Regulations* adopts the Fees and Charges for Planning Services with the Shire of Katanning as included in the draft 2024/2025 budget as attached.
2. That Council, pursuant to section 53 of the *Cemeteries Act 1986* adopts the Fees and Charges for Cemeteries within the Shire of Katanning as included in the draft 2024/2025 budget as attached.
3. That Council, pursuant to section 245A (8) of the *Local Government (Miscellaneous Provision) Act 1960* adopts the swimming pool inspection fee included in the draft 2024/2025 budget as attached.
4. That Council, pursuant to section 66 of the *Waste Avoidance and Resources Recovery Act 2007*, adopts the waste rate for the provision of waste services for Katanning.

Waste Rate:

- | | | |
|---|---------------------------|----------|
| • | Unimproved Values (UV) | \$0.0001 |
| • | Gross Rental Values (GRV) | \$0.0001 |

Minimum Waste Rate:

- | | | |
|---|---------------------------|---------|
| • | Unimproved Values (UV) | \$37.50 |
| • | Gross Rental Values (GRV) | \$37.50 |

5. That Council, pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, adopts the charges for the removal and deposit of domestic and commercial waste as included in the draft 2024/2025 budget as attached.
6. That Council, pursuant to section 25A of the *Soil and Land Conservation Act 1945*, adopts the Soil Conservation Charge of \$35 on each rateable assessment within the Shire of Katanning.

CARRIED/LOST:

FOR:

AGAINST:

Voting Requirement: Absolute Majority

OC/23

PART E – ELECTED MEMBERS FEES AND ALLOWANCES FOR 2023/2024

1. That Council, pursuant to section 5.98 (1)(b) of the *Local Government Act 1995* and within the range determined by the Salaries and Allowances Tribunal, adopts the following annual attendance fees for elected members:

President \$17,000
 Councillors \$17,000

- 2. That Council, pursuant to section 5.99A of the *Local Government Act 1995* and within the range determined by the Salaries and Allowances Tribunal, adopts the following annual Information & Communication Technology (ICT) expenses allowance for elected members:

ICT Expenses Allowance \$1,100

- 3. That Council, pursuant to section 5.98A of the *Local Government Act 1995* and within the range determined by the Salaries and Allowances Tribunal, adopts the following annual local government allowance to be paid in addition to the meeting attendance fees:

President \$38,000

- 4. That Council, pursuant to section 5.98A of the *Local Government Act 1995* and within the range determined by the Salaries and Allowances Tribunal, adopts the following annual local government allowance to be paid in addition to the meeting attendance fees:

Deputy President \$9,500.

CARRIED/LOST:
 FOR:
 AGAINST:

Voting Requirement: Simple Majority

OC/23

PART F – MATERIAL VARIANCE REPORTING FOR 2023/2024

That Council, in accordance with regulation 34 (5) of the *Local Government (Financial Management Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2024/2025 for reporting material variances shall be a percentage of ten (10) or a minimum of \$10,000, whichever is the greater.

CARRIED/LOST:
 FOR:
 AGAINST:

10.2.4 Proposed Live Sheep Export by Sea Ban **(ATTACHMENT)**

File Ref: A3562
Reporting Officer: Peter Klein – Chief Executive Officer
Date Report Prepared: 21 June 2024
Disclosure of Interest: No Interest to disclose

Issue:

Council to determine a position on the proposed ban on the export of live sheep by sea.

Body/Background:

The live sheep export trade from Western Australia is a crucial part of the sheep & wool production systems 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 and today the live export industry is sustainably meeting its social licence conditions, by continually improving its processes, including –

1. It's improved pre-export stock management,
2. It's reduced on-board stocking densities,
3. It's improved on-board ventilation,
4. And exports are suspended during the northern hemisphere summer.

These and other initiatives mean that mortality rates are at their lowest on record and in fact we've seen continuous improvement over the last 5 years and I am confident this will improve further over the next 5 years.

The improved performance of the sheep export industry is tracking the improving performance of the cattle industry.

Many growers are aggrieved about the recently introduced Bill to end live exports, because despite the industry's effective efforts, and without there being any objective measure that it is failing to achieve, with a swipe of a pen thousands of kms away from where the effects of this decision will be felt, this industry is taken away.

To understand the impact and to help prepare our communities for the effects of losing this trade, the shires of Katanning, Kojonup, Woodanilling, Broomehill-Tambellup, Gnowangerup, Cranbrook & Jerramungup collectively commissioned the attached economic study, to quantify the economic loss.

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

- the direct loss to sheep producers & their supply chains is between -\$475M & -\$791M; and
- the secondary cost to households & expenditure in the wider economy adds a further loss of between -\$126M & -\$215M.

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

Local governments exist to serve our 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 our very existence, our ability to support medical services, our schools, our retail outlets and sporting clubs.

Policy Implications: Nil

Financial Implications: Loss of this trade will result in economic loss to the Upper Great Southern economy of between \$600M and \$1B, in today's dollar terms, over 20 years.

Risk Implications:

Proposed action is aimed at mitigating the economic loss the community will incur if this trade ban proceeds.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Area Economic

Aspiration Facilitate the sustainable growth & development of our economy

Objective To work alongside local businesses

Officer's Recommendation/Council Motion:

Printing and distribution expenses are incorporated into the draft FY25 budget.

Voting Requirement: Simple Majority

OC/22 That Council;

1. Endorse the findings of the economic report by Econisis titled; "Live Sheep by Sea Trade Policy Impact on the Upper Great Southern Economy".
2. Support the Federal Minister for Agriculture withdrawing the Bill introduced to ban the export of live sheep by sea and, failing this;
3. That a Senate Inquiry be initiated to consider the industry's contemporary performance, the economic impacts on SW agricultural communities and whether there is an objective, science-based justification to proceed to ban this trade.

CARRIED/LOST:

FOR:

AGAINST:

10.3 CHIEF EXECUTIVE OFFICER'S REPORTS**10.3.1 Endorsement of Fire Management Requirement Brochure
(ATTACHMENT)**

File Ref: ES.AT.1
Reporting Officer: Cindy Pearce, Community Emergency Services Manager
Date Report Prepared: 20 May 2024
Disclosure of Interest: No Interest to disclose

Issue:

The Fire Management Requirement Brochure is published annually and distributed to all residents and property owners within the Shire.

Body/Background:

The Fire Management Requirement Brochure provides landowners and occupiers with information on their responsibilities regarding fire prevention. Also included in the brochure are the contact details of Local Bush Fire Control Officers and information on general fire related matters.

Once endorsed by Council the legislative areas of the Brochure will be Gazetted giving the Council powers to prosecute for non-compliance of properties.

This year the format of the brochure has been changed to be more easily followed than previous years. A photo has also been added to the cover page making it more locally oriented.

Officer's Comment:

Endorsement is required prior to gazettal.

Policy Implications:

Nil

Financial Implications:

Printing and distribution expenses are incorporated into the draft FY25 budget.

Risk Implications:

Failure to endorse the brochure and gazettal complicated council's ability to enforce fuel reduction within the Shire

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Area Natural environment
Aspiration Preserve & enhance our natural environment
Objective To educate community about sustainable practices

Officer's Recommendation/Council Motion:

Voting Requirement: Simple Majority

OC/22 That Council endorse the FY25 Fire Management Requirement Brochure for printing and distribution.

CARRIED/LOST:

FOR:

AGAINST:

10.3.2 **Veterinary Hospital – 114 Clive Street Katanning**

File Ref: A50
Reporting Officer: Peter Klein - CEO
Date Report Prepared: 12 June 2024
Disclosure of Interest: No Interest to disclose

Issue: Approval for veterinary clinic on Clive St to house animals overnight.

Body/Background:

In March 2015, the Council granted Development Approval for Lot 3 (114) Clive St to be used for the purpose of a Veterinary Clinic.

Under the terms of the Veterinary Surgeons Act 1960, which has since been revoked, a Veterinary Clinic is defined as any premises at which veterinary surgery is practiced, but at which animals are not retained overnight. The applicant Kate Clayton, proposed in 2015 that any animals requiring overnight treatment will be transported to Kojonup Veterinary Hospital, a business which the applicant owns and operates.

The Council's March 2015 paper states, "Dr Kate Clayton's current application under consideration is for a veterinary Clinic and not a Veterinary Hospital.

The use class 'Veterinary Hospital' was defined in the Shire of Katanning Town Planning Scheme No.4 as "*a building used in connection with the treatment of sick animals and includes the care and accommodation of animals during or after such treatment*". This use class was expressly listed in the Zoning Table of Town Planning Scheme No.4 as being a discretionary use on any land classified 'Commercial' zone (i.e. not permitted without Council's development approval).

The use class 'Veterinary Clinic' was not defined in the Shire of Katanning Town Planning Scheme No.4 or listed in the Zoning Table of the scheme. As such the application submitted by Dr Clayton was dealt with as a 'use not listed' in the Zoning Table of Town Planning Scheme No.4 and advertised for public comment as required. A total of three (3) submissions were received. These included submissions opposing the development from local vet Dr Maxwell and his wife who were owners of the Katanning Veterinary Hospital.

Notwithstanding the submissions received during public advertising, Council approved the 2015 Development Application for a "Veterinary Clinic" with the following resolution;

OC/15

That Council:

Grant planning approval for the proposed Veterinary Clinic at Lot 3, Clive Street, Katanning subject to the following conditions:

- 1. No large animal operations to be conducted at this site; and**
- 2. No animals to be housed at the site overnight; and**
- 3. The development being consistent with plans date stamped 1st July 2014.**

It is relevant to know that in 1973, Dr Maxwell was denied the right to operate a Hospital in Richardson St (residential zoning) by Council, after several complaints were received. Dr Maxwell eventually moved his operation, at his cost, to a 10-acre site just north of town on the Great Southern Highway.

A veterinary clinic has been operating from the 114 Clive St site since 2015 pursuant to the approval mentioned above.

On 6 April 2018, the Council received an application for development approval under its new Local Planning Scheme No.5 for extensions to the veterinary clinic given the formal revocation of Town Planning Scheme No.4 on 9 February 2018 when Local Planning Scheme No.5 was gazetted and came into legal effect. This proposal included additions and infrastructure for handling and treatment of large animals and production animals in addition to small animals. The new proposal was beyond the scope of the 2015 approval and was therefore advertised for public comment prior to determination by the Council. The 2018 application was subsequently refused.

In 2021, Dr Kate Clayton submitted another Development Application for a change of use to the front portion of the building on Lot 3 (114) Clive St to 'Veterinary Centre' including a request to erect a 1.8m fence.

The use class 'Veterinary Centre' was and is still listed as being discretionary (i.e. a 'D' use) under the land's 'Commercial' zoning classification in Local Planning Scheme No.5 which means a development application was required for any proposed changes to the building or its use.

In 2021 Development Approval was granted by the CEO, under delegated authority, to use the front portion of 114 Clive St, from a "Shop", as defined in LPS5, to a Veterinary "Clinic". Note the term "Centre" (defined in LPS5) and "Clinic" (not defined) are interchangeable.

On 13 April 2021 the CEO wrote to the proponent advising that development approval had been granted under delegated authority. Specifically, this approval permitted the applicant "to construct a 1.8m high fence and to use the front portion of the premises as a veterinary clinic".

A condition associated with this approval was that the "***Development is to be generally in accordance with approved plans***" and guidance notes required that the Veterinary "Centre" is to ***operate in accordance with relevant industry standards, Health, Environmental & Pharmaceutical Goods Statutes and Regulations***.

Council should note the use class 'Veterinary Centre' is defined in LPS5 as, "premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders".

Dr Clayton has recently approached the CEO asking if she can be permitted to hold animals overnight which was expressly prohibited by the original approval granted for the use of the premises.

The CEO has subsequently sought advice from its contract town planner Joe Douglas, who advises;

"In my view the definition for the use class "Veterinary Centre" does not preclude the existing building on the land being used as a hospital for animals given the definition in LPS5 expressly allows for the surgical and medical treatment of animals. There is a reasonable expectation that certain treatments / procedures will require overnight stays to ensure the highest level of professional care is provided".

Officer's Comment:

Given that the original development approval granted by Council expressly prohibited the overnight hospitalisation of animals being cared for, a new development application will be required and must be approved by Council to allow this activity to be lawfully undertaken on the premises.

Statutory Environment:

Development approvals must comply with the Shire of Katanning's Local Planning Scheme No.5

Policy Implications:

Nil

Financial Implications:

Nil

Risk Implications:

There is a risk that this use could cause disruption to the surrounding community and consequently approval will require conditions for the management of this risk.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Area	Katanning is an economic hub for the Great Southern Region.
Aspiration	We will strive to facilitate growth & development.
Objective	To work alongside local businesses to facilitate employment, growth & development.

Officer's Recommendation/Council Motion:

Voting Requirement: Simple Majority / Absolute Majority (**which one applies to your item** as required by the Local Government Act)

4OC/22**That Council**

- i) Acknowledge the use class 'Veterinary Centre' as defined in LPS5 does not preclude Lot 3 (114) Clive St, Katanning being used as a hospital for animals, including overnight stays, and that overnight stays could potentially be approved by Council subject to receipt of a formal development application; and
- ii) Authorise the Shire Administration to advise the landowner of the above and that any development approval that may ultimately be granted by Council may contain conditions that:
 - a) prohibit large or production animals being accommodated overnight;
 - b) limit the term of approval for an initial one (1) year period to test the suitability and acceptability of animals being kept overnight with a further development application and approval required to allow for the continuation of this activity; and

- c) allow for the revocation of development approval for the keeping of animals overnight in its entirety should Council form the view such activity is having a negative impact on the amenity of the immediate locality.

CARRIED/LOST:

FOR:

AGAINST:

10.3.3 Property Sales

File Ref: CP.AL.3
Reporting Officer: Peter Klein, CEO
Date Report Prepared: 20 June 2024
Disclosure of Interest: No Interest to disclose (to be stated or if you have an interest this must be stated at this point)

Issue: Council to provide approval for the sale of properties under s6.64 of the *Local Government Act 1995*.

Body/Background:

Under section 6.64 of the Local Government Act 1995, as rates/service charges have been owing on a number of properties for a period of at least 3 years, the Shire of Katanning offered these properties for sale by public auction at 1pm on 14 June 2024.

Details of the properties is as follows;

Property	Rates & Other Charges Owings	Area	Reserve
59 Beaufort St, Katanning	\$46,492	693m ²	\$28k
Lot 885 Wanke St, Katanning	\$17,677	1,411m ²	\$100k
145 Conroy St, Katanning	\$38,367	1,032m ²	\$45k

Officer's Comment:

Offers will be presented to Councillors for discussion and approval at the Council meeting.

Statutory Environment:

S6.64 of the Local Government Act allows the Council to sell properties to recover outstanding rates and charges, if the amounts have been owing for more than 3 years.

Policy Implications:

Nil

Financial Implications:

Proceeds of sale are used to recover the unpaid rates and charges and the balance, if any, is paid to the previous owner.

Risk Implications:

Minimal risk as operating in accordance with the statutory requirements.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Area Leadership

Aspiration Katanning is a respectful community

Objective To ensure Shire's resources are utilised in a manner that represents the best interests of the community.

Officer's Recommendation/Council Motion:**Voting Requirement:** Simple Majority**OC/22****That Council**

- a) Considers the offers made in respect to the properties at 145 Conroy St, Lot 885 Wanks St and 56 Beaufort St; and
- b) Accepts the offers that present the lowest payment risk and which best recover the outstanding fees and charges.

CARRIED/LOST:

FOR:

AGAINST:

10.3.4 Management of Lot 246

File Ref: A3222
Reporting Officer: Peter Klein
Date Report Prepared: 20 June 2024
Disclosure of Interest: No Interest to disclose

Issue:

Proposal to correct a historic mistake made by a conveyancing agent during the historic sale of a farming property.

Body/Background:

Lot 246 is a thin strip of land owned by the deceased estate of Barry Nichols. The Lot is 1.0793 ha and outstanding rates on this property are \$49,106.33.

Land surrounding the lot has been owned by the Bignell family since 1988 and they would have taken possession of the lot at the time the surrounding lots were purchased.

A strategy to deal with this property was discussed during the April Council meeting where it was resolved as follows;

That Council authorises the Chief Executive Officer to:

- 1. Negotiate with the executor to take ownership of A3222 Lot 246 Ranford Rd Katanning in lieu of outstanding rates.***
- 2. Write – off all outstanding rates on A3222 once the land is owned by the Shire of Katanning***
- 3. Negotiate the sale of the land with the adjoining property owner.***

This resolution is not capable of being implemented.

To apply for probate the Executor must pay \$1,600 and Peter Molinari has advised the Executor has refused to do so as she has nothing to gain. Unless, probate is valid, title in the property cannot be transferred and the status quo would remain.

We are advised that the estate has no other assets, it is insolvent and therefore has no capacity to pay costs.

In addition, the Bignell's don't have any incentive to contribute to the costs because they have possession, they own the surrounding land and there is no other person who can make use of the land. If the Shire sold the land for unpaid rates, given the lot is an island within the Bignell's farm, they are the only likely bidder.

It is alternatively proposed that the Council meets the associated cost of;

1. Applying for probate;
2. The required three Landgate transactions (the transmission application, the transfer and the withdrawal of Esanda's caveat),
3. The parties' execution of the documents,
4. OSR stamping
5. Landgate registration and

6. Conveyancing

The estimated cost of doing so is \$4,700.

Officer's Comment:

This matter must be addressed and all avenues have been explored.

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

The cost of rectifying this problem is \$4,700 in fees plus the unpaid rates of \$49,106 will be written off.

Risk Implications:

There are no material risks associated with this transaction.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Area Leadership

Aspiration Katanning is a respectful community

Objective To ensure the Council's resources are used in the community's best interest.

Officer's Recommendation/Council Motion:

Voting Requirement: Simple Majority

OC/22 That Council

That Council;

- a) contract Peter Molinari (Taylor Nott Molinari) at a cost of \$4,700 to act on Council's behalf to achieve the transfer of Lot 246 to the Bignells; and
- b) write-off outstanding rates of \$49,106.33 owing on this property.

CARRIED/LOST:

FOR:

AGAINST:

10.3.5 Purchasing Policy - Amendment (ATTACHMENT)

File Ref: GV.PO.1
Reporting Officer: Peter Klein, Chief Executive Officer
Date Report Prepared: 13 June 2024
Disclosure of Interest: No Interest to disclose

Issue: Proposed amendments to the purchasing policy to improve procurement efficiency.

Body/Background:

A summary of the key changes to the purchasing policy are succinctly outlined in the following table;

Current Threshold	Requirement	Proposed Threshold	Requirement
Up to \$500	Direct purchase	Up to \$10,000	1 written or verbal quote
\$500 to \$10,000	1 written quote	\$10,001 to \$25,000	Seek at least 2 written quotes (receive at least one)
\$10,001 to \$50,000	3 written quotes	\$25,001 to \$250,000	Seek at least 3 written quotes (receive at least one)
\$50,001 to \$250,000	3 written quotes via RFQ	Above \$250,000	Via tender/WALGA panel
Over \$250,000	3 written quotes via tender/WALGA panel		

There have been many circumstances where Council staff have been unable to obtain three written quotes for the delivery of services. A good example is our inability to obtain three written quotes to strip and replace the walls in the Unit Hotel and the delays this has caused to this project.

Under the existing policy the CEO or executive manager may waive the quotation requirements subject to written justifiable reasons being filed in respect to such a waiver. The more streamlined approach is to give authorised staff the ability to make quicker decisions to enable delivery of outcomes in a more streamlined & timely manner.

Executive managers and their staff are responsible for their budgets, which are reviewed monthly and our internal credit procedures ensures the authoriser of a purchase order does not authorise the payment approval.

The policy was “left on the table” at the May 2024 Council meeting as there were inconsistencies identified with the Council Policy – Regional Price Preference. To resolve this situation and avoid any future inconsistencies arising between the policies, it is suggested that the Purchasing policy reference the Regional Price Preference Policy rather than duplicate it. Changes to this effect have been made in the revised draft policy as presented.

Officer's Comment:

Approval of the amended purchasing policy will speed up our procurement process, does not alter Council's fraud or budget risk. Those with delegated purchasing authority will be responsible for ensuring that value for money outcomes are achieved and will be held accountable for compliance with their expenditure budgets.

Statutory Environment:

Local Government (Functions & General) Regulations 1996 Part 4 Div 1 requires that local governments must prepare and implement a purchasing policy and provides some prescription about the content of this policy.

Policy Implications:

Requires an amendment to the policy if accepted by Council.

Financial Implications:

Nil

Risk Implications:

The risk has been assessed and concludes that the internal controls are sufficient to support this policy amendment.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Area Leadership

Aspiration Katanning is a respectful community

Objective To lead by example – be respectful & inclusive.

Officer's Recommendation/Council Motion:

Voting Requirement: Simple Majority

OC/22 That Council approves the amended Purchasing Policy.

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

13. CONFIDENTIAL ITEMS

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at ____ pm.