



Shire of Katanning

heart of the great southern

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

NOTICE OF A ORDINARY COUNCIL MEETING

Dear Council Member

The next Ordinary Council Meeting of the Shire of Katanning will be held on Wednesday 25 March 2015, in the Shire of Katanning Council Chambers, 14 Austral Terrace, Katanning, commencing at 6:00pm.

Andrew Holden
ACTING CHIEF EXECUTIVE OFFICER
Friday 20 March 2015

DISCLAIMER

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

Cr Alan McFarland
SHIRE PRESIDENT

Table of Contents

Item No.	Item Heading	Page No.
1	Declaration of Opening/Announcement of Visitors	3
2	Record of Attendance	3
3	Response to Previous Public Questions Taken on Notice	4
4	Disclosure of Financial/Impartiality Interest	4
5	Public Question/Statement Time	4
5.1	Written questions submitted by Matt Collis since the last Ordinary Council Meeting	4
6	Applications for Leave of Absence	4
7	Petitions/Deputations/Presentations	4
8	Confirmation of Minutes of Previous Meetings	4
8.1	Ordinary Council Meeting – Wednesday 25 February 2015	4
8.2	Special Council Meeting – Wednesday 4 March 2015	4
8.3	Management Review Committee Meeting – Monday 9 March 2015	4
8.4	Special Council Meeting – Wednesday 18 March 2015	5
8.5	Shire of Katanning Audit and Risk Committee - Wednesday 18 March 2015	5
9	Announcements by Presiding Member Without Discussion	5
10	Reports of Committees and Officers	5
10.1	Director of Planning Reports	5
10.2	Director of Engineering & Development Services Reports	5
10.2.1	Planning Approval – proposed Veterinary Clinic, Lot 3 Clive Street, Katanning	5
10.3	Director of Corporate and Community Services' Reports	8
10.3.1	Receipt of Financial Reports for February 2015	8
10.3.2	Mid-Year Budget Review	8
10.3.3	Amendment to Fees and Charges for the 2014/15 financial year (Item withdrawn)	10
10.4	Executive Manager - Strategic Projects Reports	10
10.5	Acting/Deputy Chief Executive Officer Reports	10
10.5.1	Retail Trading Hours – Sunday 26 and Monday 27 April 2015	10
10.5.2	Lease Loc 2809 & Parts 1 & 4 of Location 2801	12
10.5.3	2014 Compliance Audit Return	13
10.6	Chief Executive Officer's Reports	14
10.7	Advisory Committee Meeting Minutes	14
11	Elected Members Motions	14
12	New Business of an Urgent Nature	14
13	Confidential Item	14
14	Closure of Meeting	14

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS

The Presiding Member declared the meeting open at ____ pm.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Shire President - Cr Alan McFarland

Members: Deputy Shire President - Cr Robert Godfrey
Cr Owen Boxall
Cr Richard Kowald
Cr Heather McCarley
Cr Danny McGrath
Cr Craig McKinley
Cr Alep Mydie
Cr Leisha Wood

Council Officers: Andrew Holden, Acting Chief Executive Officer
Uwe Striepe, Director of Engineering & Development
Services

Sam Davis, Executive Manager – Strategic Projects

Council Observer: Sam Davis, Executive Manager – Strategic Projects

Gallery:

Media:

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

Leave of Absence:

3. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE**4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS****5. PUBLIC QUESTION/STATEMENT TIME**

- 5.1 Written questions submitted by Matt Collis since the last Ordinary Council Meeting.

6. APPLICATIONS FOR LEAVE OF ABSENCE**7. PETITIONS/DEPUTATIONS/PRESENTATIONS****8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

- 8.1 **Ordinary Council Meeting – 25 February 2015**
(SEE ATTACHED MINUTES)

OC/15 That the minutes of the Ordinary Council Meeting held on Wednesday 25 February 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED/LOST:

- 8.2 **Special Council Meeting – 4 March 2015**
(SEE ATTACHED MINUTES)

OC/15 That the minutes of the Special Council Meeting held on Wednesday 4 March 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED/LOST:

- 8.3 **Management Review Committee Meeting – 9 March 2015**

OC/15 That the minutes of the Management Review Committee Meeting held on Monday 9 March 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED/LOST:

8.4 Special Council Meeting – 18 March 2015
(SEE ATTACHED MINUTES)

OC/15 That the minutes of the Special Council Meeting held on Wednesday 18 March 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED/LOST:

8.5 Shire of Katanning Audit and Risk Committee Meeting – 18 March 2015
(SEE ATTACHED MINUTES)

OC/15 That the minutes of the Shire of Katanning Audit and Risk Committee meeting held on Wednesday 18 March 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED/LOST:

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 DIRECTOR OF PLANNING REPORTS

10.2 DIRECTOR OF ENGINEERING & DEVELOPMENT SERVICES REPORTS

10.2.1 Planning Approval – proposed Veterinary Clinic, Lot 3 Clive Street, Katanning

File Ref: A50

Reporting Officer: U Striepe, Director of Engineering & Planning Development

Date Report Prepared: 20 March 2015

Issue:

To consider a planning application for a Veterinary Clinic at Lot 3, Clive Street Katanning. The recommendation is to grant planning approval for the development to proceed.

Body/Background:

An application was received from Dr Kate Clayton from the Kojonup Veterinary Hospital (see attached appendix 1) on 27 February 2015 for planning approval to establish a veterinary clinic at Lot 3, Clive Street, Katanning.

The same applicant previously sought approval for a veterinary clinic at Lot 12, Clive Street, Katanning. That proposal was advertised and following the receipt of no comments was approved, under delegation, on 18 December 2014.

The applicant has now identified a more suitable site for her purposes being Lot 3, Clive Street, Katanning which has, more and off-street, parking. In terms of the Veterinary Surgeons Act 1960, a Veterinary Clinic is defined as any premises at which veterinary surgery is practiced, but at which animals are not retained overnight. Any animals requiring overnight treatment will be transported to Kojonup Veterinary Hospital, a business which the applicant owns and operates.

The premises is approximately 120 square metres in extent. The applicant plans to redevelop the internal space of the premises once approval has been granted. Access to the site is from Baker Street.

The proposal appears to be Building Code of Australia Compliant however these matters will further be addressed and confirmed at time of application for building license.

The proposal was advertised consistent with clause 8.3 of the Town Planning Scheme No. 4 (TPS4).

Officer's Comment:

Three submissions have been received regarding the proposal. Two of these submissions were from Dr Maxwell and his wife, who are owners and operators of the Katanning Veterinary Hospital.

The basis of these submissions are that in 1973, Dr Maxwell determined to enlarge his Veterinary Clinic in order to accommodate large animal operations. Dr Maxwell relocated from his clinic in Richardson Street, in the Katanning CBD, to a 10 acre site just out of town on the Great Southern Highway.

Dr Maxwell had found it necessary to conduct large animal operations at his Veterinary Clinic in Richardson Street. This resulted in a number of complaints being received from residents. Dr Maxwell submitted a report to Council on alternatives to the practice in Richardson Street. In the report, Dr Maxwell concluded that the only alternative to meeting future veterinary needs and accommodate three to four practitioners was to establish a regional veterinary hospital and build a new small and large animal facility on the outskirts of town and sell his existing facility. The only disadvantage to him was the cost associated with constructing the new facility. In the report, Dr Maxwell requested a loan from the Shire in the amount of \$50,000 in order to construct the facility.

Council officers have searched Council minutes and other documents relevant to the period in question (1973) to verify, as best as possible, what occurred at that time (extracts of Committee and Council minutes attached as appendix 3). At the Ordinary Council Meeting on 9 May 1973, Council agreed in-principle to Dr Maxwell establishing a veterinary hospital on a ten (10) acre site either on the Wagin Road or the Kojonup Road, outside the town boundary, provided the provisions of the Town Planning Regulations were met.

Dr Maxwell was also informed that he was not successful in his request to obtain a Shire loan to assist in the establishment of the veterinary hospital.

Dr Kate Clayton's current application under consideration is for a Veterinary Clinic and not Veterinary Hospital.

To complete the planning process, Council is now required to consider whether to approve or refuse the planning application.

Statutory Environment:

Planning and Development Act 2005

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

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

A Veterinary Centre is listed in TPS4 as an 'AA' use which is not permitted under TPS4 unless Council has granted planning approval. The proposal was advertised consistent with clause 8.3 of TPS4 and three submissions were received. The submissions have been attached as appendix 2.

Policy Implications:

There are no policy implications.

Financial Implications:

The appropriate fee for Planning Consent Approval has been paid.

The Developer is responsible for the costs of the works of the development.

Strategic Implications:

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

Shire of Katanning Strategic Plan 2013 – 2023

Leadership and Development:

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

Officer's Recommendation/Council Motion:

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.**

Voting Requirement: Simple Majority

CARRIED/LOST:

Comment:

Manager of Finance and the Executive team have extensively reviewed the actual performance to budget as at 31 December 2014 and have re-assessed and forecast the expected position as at 30 June 2015. The attached report details the results of that review and includes a list of recommended variations to budget for Council consideration.

Since the adoption of the 2014/15 budget the financial statements for 2013/14 have been finalised and audited, decreasing the budgeted surplus by just over \$189k. An error made by Landgate in the GRV revaluation process has also been discovered, which has reduced rates revenue by just over \$57k.

The mid-year budget includes increases of just over \$13k for the General Purpose Grant and Untied Road Grants and a decrease of \$9632 in Roads to Recovery Funding. Also included is \$19694 funding from Lotterywest for the 2014 Harmony Festival received in the 2014/15 financial year and \$30k for the new roof on the Unit Hotel.

A number of staffing changes have resulted in reduced salary costs with some increases in consultant fees. These changes have also impacted the required size of our motor vehicle fleet: some motor vehicles will now be retained for longer, and others will be sold and not replaced, contributing to a reduction in our overall capital expenditure.

Overall the review has confirmed that the actual performance to 31 December 2014 is close to budget and that after re-forecasting Council can still expect a balanced position at the end of year.

Statutory Environment: Regulation 33A, 33A(2), 33A(3) and 33A(4) of the Local Government (Financial Management) Regulations 1996 details the requirements for Local Governments to conduct a budget review between 1 January and 31 March each financial year.

Policy Implications: Nil.

Financial Implications: The cumulative effect of the proposed variations arising from the mid-year review have no material financial impact on the originally adopted balanced budget.

Strategic Implications: Nil.

Voting Requirements: The recommended variations to the budget include a number of unbudgeted expense items and thus requires an Absolute Majority.

Officer's Recommendation/ Council Motion:**OC/15 That Council:**

Adopt the Mid-Year Review as at 31 December 2014 including the proposed variations detailed therein and amend the 2014/15 budget accordingly.

Voting Requirement: Absolute Majority

CARRIED/LOST:

**10.3.3 Amendment to Fees and Charges for the 2014/15 financial year
(Item Withdrawn)**

10.4 EXECUTIVE MANAGER – STRATEGIC PROJECTS
--

Nil

10.5 ACTING/DEPUTY CHIEF EXECUTIVE OFFICER

**10.5.1 Retail Trading Hours – Sunday 26 and Monday 27 April 2015
(SEE YELLOW ATTACHMENT)**

File Ref: AD/09/0033
Reporting Officer: Andrew Holden, Acting Chief Executive Officer
Date Report Prepared: 17 March 2015

Issue:

To consider a request to vary retail trading hours for the Anzac Day Holiday weekend 2015.

Body/Background:

Woolworths Limited has written to the Shire to request support for a variation of trading hours during the Anzac Day weekend (see attachment). With Anzac Day falling on a Saturday this year, Woolworths in Katanning will need to be closed all Saturday 25th, Sunday 26th and Monday 27th being the gazetted public holiday. Woolworths Limited are concerned that they and other retailers will be negatively affected, during this peak period. Woolworths is also concerned that this may cause hardship for some consumers.

Normal trading hours within the Shire of Katanning are:
Monday, Tuesday, Wednesday & Friday 8:00am to 6:00pm
Thursday 8:00am to 9:00pm
Saturday 8:00am to 5:00pm

The Perth metropolitan area now has Sunday trading and thus will not be impacted in the same way. It is open for Council to request the Minister to vary the trading hours and Woolworths Limited has requested, that the Shire of Katanning petition the Minister to allow retailers in Katanning to trade on Sunday 26 April and Monday 27 from 10am to 4pm.

The proponent has requested Council support for the following trading hours for the Anzac Day Holiday weekend:

Saturday 25 April 2015 CLOSED

Sunday 26 April 2015 10:00am to 4:00pm

Monday 27 April 2015 10:00am to 4:00pm

Officer's Comment:

In the absence of Council support for this request the Woolworths supermarket will not be able to open for three days over the Anzac Day long weekend. It is the officer's opinion that this situation would be a serious inconvenience to the residents of both Katanning and the region. Woolworths are not requesting to open at all on Anzac Day itself and thus are proposing to fully observe the commemoration of the day in the 100th anniversary year. It is recommended that Council support the request as made by the proponent.

Statutory Environment:

If the Shire wishes to vary trading hour arrangements the Department of Commerce must be notified and a permit secured.

Policy Implications: Nil.

Financial Implications: Nil.

Strategic Implications: Nil.

Officer's Recommendation/Council Motion:

OC /15 That Council advise the Department of Commerce that the Shire of Katanning wishes to allow all retailers in Katanning to trade on Sunday 26 April 2015 and Monday 27 April 2015 from 10:00am to 4:00pm.

Voting Requirement: Simple Majority.

CARRIED/LOST:

10.5.2 Lease Loc 2809 & Parts 1 & 4 of Location 2801 (SEE GREY ATTACHMENT)

File Ref: Legal Agreements
Reporting Officer: Acting Chief Executive Officer
Date Report Prepared: 11 March 2015

Issue:

To consider the tenders received from Darryn Severin and Jefferies Bros to Lease Location 2809, Part 4 & Part 1 of Location 2801 (the Land) that is situated outside the town boundary (see attached map) for agricultural purposes.

Body/Background:

The Shire of Katanning purchased the Land to the north west of Katanning between the town site and WAMMCO in 2006 as part of preparation to construct the new Katanning Regional Saleyard in this area. The Land was subsequently determined not to be a suitable site for the new saleyards.

Since purchase the Land has been leased to a local farmer and then to the Katanning Wanderer's Football Club (KWFC) both for the purposes of cropping and the grazing of sheep. The KWFC advised the administration that they did not wish to continue with the lease of the Land following the expiry of the current agreement on 28 February 2015.

In February 2015 Administration advertised for tenders from private individuals / companies or expressions of interest from Community groups for the lease of the Land. No expressions of interest were received from community groups and two tenders were received from farmers being Darryn Severin of Katanning and Jefferies Bros from Woodanilling.

Officer's Comment:

Both tenderers appear capable of operating on the Land in a professional manner and thus the main point of difference is the price tendered by each party to lease the Land. Darryn Severin tendered \$9,000 including GST and Jefferies Bros \$11,000 including GST and thus the Jefferies Bros tender is recommended.

The lease to be negotiated with the successful party shall include that all maintenance costs of infrastructure and utilities charges on and in relation to the Land are solely the obligation of the lessee and a right to break the lease without penalty if the Land is required for development as part of the SuperTown project.

Statutory Environment:

The requirements of section 3.58 of the Local Government Act to either call tenders, sell by auction or provide public notice for any disposal of land (including leasing) apply.

Policy Implications: 3.13 Lease of Community Assets

Financial Implications:

The current budget includes expected income from the lease of the Land.

Strategic Implications:

Nil.

Officer's Recommendation/Council Motion:

OC/15 **That Council:**

- 1. Agree that the tender submitted by Jefferies Bros in the amount of \$11,000 per annum inclusive of GST for the lease of Location 2809, Part 4 & Part 1 of Location 2801 that is situated outside the town boundary is supported;**
- 2. Authorise the Acting CEO to proceed with the proposed disposition of the Land in accordance with section 3.58(3) of the Local Government Act; and**
- 3. Negotiate a 3 year lease agreement of the Land.**

Voting Requirement: Simple Majority

CARRIED/LOST:

10.5.3 **2014 Compliance Audit Return**
(SEE GREEN ATTACHMENT)

File Ref: AD/09/0003
Reporting Officer: Acting Chief Executive Officer
Date Report Prepared: 19 March 2015

Issue:

To endorse the draft Compliance Audit Return for the period 1st January 2014 to 31st December 2014.

Body/Background:

Each year every Local Government is required under the Local Government (Audit) Regulations 1996 to complete a Compliance Audit Return (CAR) for the period of 1st January – 31st December for the previous year.

Regulation 14 of this legislation requires a Local Government's Audit Committee to review the Draft CAR prior to Council formally adopting it and it then being lodged with the Department of Local Government by 31st March 2015. The Shire of Katanning Audit and Risk Committee reviewed the Draft Compliance Audit Return at the Committee meeting on Wednesday 18 March 2015 and passed the following resolution.

AC1/15 **That Council:**

Endorse the Draft Compliance Audit Return for 1st January 2014 – 31st December 2014 and instruct the CEO to forward the CAR to the Department of Local Government by 31st March 2015.

Voting Requirement: Simple Majority

CARRIED 8/0

Officer's Comment:

As in previous years the Draft CAR has been completed by senior staff.

During 2014 the Shire of Katanning has complied with all legislation that is being reported against in the CAR.

The Audit and Risk Committee has reviewed the draft return and resolved that the CAR be submitted to Council at the March Ordinary Council meeting for formal adoption.

Once the CAR is endorsed by Council it will be forwarded to the Department of Local Government by 31 March 2015.

Statutory Environment: Local Government (Audit) Regulations 1996

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Nil

Officer's Recommendation/ Council Motion:

OC/15 That Council:

Endorse the Draft Compliance Audit Return for 1 January 2014 – 31 December 2014 and instruct the Acting Chief Executive Officer to forward the CAR to the Department of Local Government by 31 March 2015.

Voting Requirement: Simple Majority

CARRIED/LOST:

10.6 CHIEF EXECUTIVE OFFICER'S REPORTS**10.7 ADVISORY COMMITTEE MEETING****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 ITEM****14. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at ____ pm