



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

**MINUTES OF A
ORDINARY COUNCIL MEETING**

Dear Council Member

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

DISCLAIMER

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

Cr Alan McFarland
SHIRE PRESIDENT

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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS

The Presiding Member declared the meeting open at 6:00pm.

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: Shirley Brokenshire, Lesley Balinski, Karen Lipio, Matt
Collis, Julie Maxwell, Dr Maxwell, Julie Bucknell,
Michelle Dennis, Colin Lockhart, Anna Boschman, Kate
Clayton

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

Nil

4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

10.5.1	Cr Richard Kowald	Disclosure of Financial and Proximity Interest
10.5.1	Cr Heather McCarley	Disclosure of Financial and Proximity Interest
10.5.1	Cr Leisha Wood	Disclosure of Financial and Proximity Interest
10.5.1	Cr Alep Mydie	Disclosure of Financial Interest
10.5.1	Cr Craig McKinley	Disclosure of Financial Interest
10.2.1	Cr Craig McKinley	Disclosure of Proximity Interest
10.5.1	Cr Robert Godfrey	Disclosure of Financial Interest
10.5.1	Cr Alan McFarland	Disclosure of Financial Interest

5. PUBLIC QUESTION/STATEMENT TIME

- 5.1 Written questions submitted by Matt Collis since the last Ordinary Council Meeting in the order as asked.

Question 1

In the electors meeting the Shire President stated that, “the CEO has not got any personal fines of \$350,000 or any other amount from Worksafe or anyone else” and that the Shire did not get any fines from Worksafe. Could you please tell the community what were the outcomes of the investigations into the Unit Hotel site and the incident where a contractor was run over? Can you also confirm how many times the Shire has been investigated by Worksafe within the last year?

Answer Shire President Alan McFarland

Over the last 2 years the largest project being undertaken in the Great Southern was the Saleyards construction. As such the Shire and it’s workplaces was visited and inspected randomly but regularly. As were many other workplaces. The Shire doesn’t consider that it has been investigated by Worksafe at all, just responded to Worksafe inspectors questions and improvement notices if / when issued. However the Shire is aware an FOI application has been lodged with Worksafe by a Katanning based applicant and thus for the Shire’s response to be consistent with the terminology used by Worksafe the Shire has similarly lodged an FOI request with Worksafe. But no fines have been issued to the Shire of Katanning or its staff at all. In regards to the instance of a contractor being run over, it is the contracting company that Worksafe primary questioned due to them conducting the work and thus the Shire of Katanning does not know the result of that enquiry.

Question 2

In the minutes of the electors meeting I note that Ella Maesepp asked “what steps does the Council take to regularly ensure that relationships in the workplace do not create barriers to other members of the organisation” No direct answer is minuted to this question but Andrew Holden said “that he and Sarah Martin have a good working relationship and he was offended by the suggestion that his professional approach could be compromised”. It is true however that the CEO and the Director of Corporate and Community Services

are in a personal relationship and are to be married, so there is at least one close personal relationship within the executive positions of the Shire. With this in mind as the question was not answered I ask again what steps does the Council take to regularly ensure that relationships in the workplace do not create barriers to other members of the organisation?

Answer Shire President Alan McFarland

With the departure of Dean Taylor the pretext of this question no longer exists. That notwithstanding, Council does not have the power to ban relationships between staff of any level. But if a staff member thought that "Barriers" were being put in place then that staff member should follow proper grievance procedures.

Question 3

During his introduction at the electors meeting the Shire President stated that one factual provable offence could dismiss and prosecute staff members, including Councillors and in rare circumstances dismiss an entire council, just one complaint by one person. Many of us know this to be true but do you realise how hard it is to prove bullying and intimidation in the workplace? Records and evidence are rare specially where feelings are involved. As Shire President Mr McFarland rightly speaks for the Shire, but he cannot know that bullying is not present within the Shire organisation as it is impossible for him to be in every office or workplace every day. With this in mind what steps are the executive and Council going to take to deal with any cases of bullying within the shire organisation?

Answer President Alan McFarland

This is an operational matter and Councillors are aware workers have been advised of their responsibilities to each other and the grievance procedure required to be followed and ultimately there is the opportunity to seek Fair Work Commission review.

It is true that it is a difficult process to prove bullying in any context not just workplaces. There have been plenty of cases in the Fair Work Commission where one person has accused another of bullying but it has been accepted by Fair Work Commission that it was not bullying rather merely performance management.

People can feel that performance management is confronting and makes them feel uncomfortable but just because they feel uncomfortable does not mean they are being bullied. Once again, if they feel aggrieved, proper grievance procedures should be followed. If they aren't followed then nothing will be done as nothing can be done without investigation.

Question 4

Why was the decision made to relocate the Harmony Festival to the Town Square? What benefits is there in holding this event in the square and on Clive Street over holding it at the Rec Centre. I do believe the Town Square may be a good thing for Katanning but I do think events need to be located in their appropriate settings.

Answer President Alan McFarland

I thought from general public / business feedback that the Harmony Festival was, this year, located in the appropriate setting. This was the exact type of

event that was envisaged being held at the town square. There was plenty of room for expansion.

Through the Chair Acting Chief Executive Officer Andrew Holden added To be held in conjunction with the final event co-funded by the Shire, KRBA, GSDC and to use the facility to re-allocate sizable amount of budget from equipment hire to entertainment that seemed to be very well received on the night with the benefits clear to all.

Question 5

As a parent that uses the all ages playground I can say that improvements are desperately needed on the infrastructure there. If as its stated the Shire plan to renovate and revamp this area will intermediate repairs and maintenance even taken place? Could you please tell us what is the estimated time frame for the repair of the slide at the all ages playground now the task has been taken 'in house'?

Answer Shire President Alan McFarland

The repair and return of the slide is an operational matter subject to re-prioritisation as necessary and you would understand that it is of a lower priority than many other tasks currently facing the Shire and therefore will be undertaken when appropriate.

Question 6

In the minutes of the electors meeting you described that The Piesse Lake and Park project was a long term project expected to run 10 to 20 years but later in the same minutes you stated again as a long term project but this time expected to run 5 to 10 years. Which statement is correct?

Answer Shire President Alan McFarland

The project is long term similar too many others. How quickly the Piesse Lake development can occur is dependent upon a number of factors not the least securing funding so it could be within 10 years or it could be more. I am hopeful that Katanning will continue to get future support for our worthwhile projects that should continue well into the future.

Question 7

I do agree with the Council's approach re the new administration and civic centre. It is so important to look to the future when building or renovation to make sure things is done right a dare cost effective. With this in mind why has no air con been considered for the town hall redevelopment?

Answer Shire President Alan McFarland

The re-development works have been funded from various sources over a number of years and work has been required to be staged. Air-conditioning would be useful but is not currently a funded component of the works.

Question 8

Within the minutes of the electors meeting Andrew Holden says when referring to exit interviews "they have not been carried out with all staff that left the Shire" should this say they have not been carried out with any staff that left the Shire? If not could you advise of the number of interviews that have taken place?

Answer Shire President Alan McFarland

Formal / written exit interviews have rarely been used by the Shire however informal discussions with resigning staff are always sought and mostly undertaken.

Question 9

Can you advise the community as to the total number of staff the Shire has lost within the last two years either because the staff member chose to leave or their employment was terminated and what is the Shire's estimated workforce?

Answer Shire President Alan McFarland

Operational matter and asked Acting Chief Executive Officer, Andrew Holden to respond.

Andrew Holden provided information about an analysis of the 114 staff that left the Shire during the 2 years ending 2013/2014 casuals (mostly young) and end of fixed term contract (largely Saleyard project related) made up over 75% of that number. Others mostly resigned to take up jobs away from Katanning. There were 2 retirements and only 1 termination related to a redundancy.

Question 10

When the Shire President talked about the "secretive petition" he stated that "if you don't have it based even just on one provable complaint it is not worth reading in the dunny". Even if that is factually true I must say I find this both disrespectful and dismissive of the voice of the members of this community that signed this petition. I don't think that just saying that the Shire does not have problems is good enough for the community to believe anymore. How does council plan to deal with perceived beliefs in the community and be more open and respectful in general?

Answer Shire President Alan McFarland

I understand that people were encouraged to sign a petition by being told untrue things like the Shire had been fined \$250,000 and the CEO had been fined \$350,000. Where members of the community are encouraged to sign a petition by untrue and possibly slanderous accusations / statements then the disrespect and worse is wholly that of the instigator / propagator of the petition. Getting someone to sign a petition using falsehoods and half truths is contemptible on behalf of the organisers, not those that were duped into signing it. It should be noted that I believe the petition has not, and will not, be presented to Parliament as was the stated intention.

Anna Boschman advised she supports the planning application for the new veterinary clinic in town.

Julie Bucknell said that she had been told by The Taste of the Great Southern that Sarah Martin had misrepresented that she was her boss. She was advised to take the matter up with the Acting Chief Executive Officer if she wanted to pursue a complaint.

Colin Lockhart advised he believed that local businesses, including his own, should have more opportunity to quote on council jobs that are currently being excluded because the Shire is doing their own works.

John and Julie Maxwell both spoke against the Council granting planning approval for the new veterinary clinic saying that when they moved out of town to their veterinary hospital in the 1970's they thought Council agreed never to let another vet set up within the town site.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**8.1 Ordinary Council Meeting – 25 February 2015
(SEE ATTACHED MINUTES)****MOVED: CR CRAIG MCKINLEY****SECONDED: CR LEISHA WOOD**

OC11/15 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: 9/0****8.2 Special Council Meeting – 4 March 2015
(SEE ATTACHED MINUTES)****MOVED: CR LEISHA WOOD****SECONDED: CR RICHARD KOWALD**

OC12/15 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: 9/0****8.3 Management Review Committee Meeting – 9 March 2015****MOVED: CR ROBERT GODFREY****SECONDED: CR LEISHA WOOD**

OC13/15 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: 9/0**

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

MOVED: CR CRAIG MCKINLEY

SECONDED: CR OWEN BOXALL

**OC14/15 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: 9/0

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

MOVED: CR ALAN MCFARLAND

SECONDED: CR HEATHER MCCARLEY

**OC15/15 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: 9/0

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

1. Firstly, as many are aware, there has been a tragic accident involving 2 of our staff and families over the last week or so. Our deepest sympathies to the Julius and Briscoe Families on their loss. They have Councils full support and we hope everyone recovers fully from this accident. The elephant in the room from an operational point of view: yes the loss of 2 key staff does affect us operationally and in the delivery of some of our projects. But the Shire will deal with it; it's not important in the scheme of things at the moment.
2. The mid-year budget review has been completed and a special mention for their efforts must go to Sarah, Diana and their staff. May I say how robust the initial budget must have been because to have a forecast variance, 6 months in, of only 1800 odd dollars is extraordinary.
3. On the 4th of March we had a visit from Darren West MLC, the Labour member for the Ag region and Roger Cook MLA, member for Kwinana, Deputy Leader of the Opposition and Shadow Minister of Health. I was at school with Roger many years ago and it was good to catch up over breakfast at the Saleyards and he seemed very impressed with all that we had achieved. Due to his portfolio, most of our discussion centred on Health, SIHI and the provision of

- maternity services at Katanning Hospital. This is still a subject we bring up with virtually everyone of influence that comes into Katanning.
4. Thank you to KAN for organising a follow up visit from John Stanley with some support from the Shire and the KRBA. I attended the workshop wearing my private business hat, but a very worthwhile activity for the business community.
 5. I'm aware that the Acting CEO had a meeting with the Lake Ewlyamartup Working Group last Friday. I'm hoping that this means that this project will be getting back on track. I believe there will have to be some grant variations so watch this space.
 6. Thank you to the KRBA and their contributions to the Harmony Festival. The Acting CEO attended the last KRBA committee meeting and it seems we're all on the same page.
 7. There was a meeting with the West Australian Country Health Service this morning. Once again, Maternity was discussed along with the plans for the new hospital.
 8. As everyone here is aware, Council made the decision to make the CEO/Project Manager position redundant. The process has started for the selection of the new CEO. WALGA has been engaged as a consultant to assist with the process and I must thank Crs Godfrey, McKinley, Wood and Kowald for the amount of time it's taken out of their busy lives so far. Assuming that Council approves the advertisement later in the meeting, advertising will start this Saturday. We do expect a number of applications.
 9. And while on the subject, our previous CEO Dean Taylor and our Director of Corporate and Community Services get married tomorrow and I'm sure we all wish them well for the future. Janelle Robertson from our Administration Department and Aina Aeson from our Library are also getting married on 2 April 2015.
 10. From a media point of view I don't think I've ever seen such an intense time. With our CEO redundancy and the Harmony Festival I've had a couple of interviews a week. Certainly with the Harmony Festival and our signing of the Refugee Welcome Zone declaration I not only was interviewed on ABC Radio national, but last Saturday Andrew Collins did an outside broadcast live across the state from the festival. (We were lucky there was no cricket on).
 11. The Harmony Festival: What can I say? Congratulations to Sarah, Janelle, Zee, Moh, in fact everyone that had anything to do with it. A fantastic afternoon and evening. We have some tweaking to do, but the Town Square worked the way it was supposed to, the town and others turned up to support it, great crowd, the local and imported entertainment was wonderful. We had Brian Ellis

MLC attend on behalf of the Premier, Rick Wilson MP as member for O'Connor, representatives from the Office of Multicultural Interests and others, the media were there in force, as well as the town. Thank you once again for the work done.

10. REPORTS OF COMMITTEES AND OFFICERS

Nil.

10.1 DIRECTOR OF PLANNING REPORTS

Nil.

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.

Cr Craig McKinley left the meeting at 7:00pm

PROCEDURAL MOTION

MOVED: CR DANNY MCGRATH SECONDED: CR HEATHER MCCARLEY

OC16/15 That Council suspend standing orders.

Voting Requirement: Simple Majority

CARRIED: 9/0

PROCEDURAL MOTION

MOVED: CR DANNY MCGRATH SECONDED: CR RICHARD KOWALD

OC17/15 That Council resume standing orders.

Voting Requirement: Simple Majority

CARRIED:9/0

Officer's Recommendation/Council Motion:

MOVED: CR RICHARD KOWALD SECONDED: CR ROBERT GODFREY

OC18/15 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: 7/1

Cr Richard Kowald spoke for the motion.
Cr Alep Mydie spoke against the motion.
Cr Robert Godfrey spoke for the motion.
Cr Alan McFarland spoke for the motion.

Cr Craig McKinley returned to the meeting 7:10pm.

10.3 DIRECTOR OF CORPORATE AND COMMUNITY SERVICES REPORTS

10.3.1 Receipt of Financial Reports (SEE ATTACHED FINANCIAL REPORTS)

RECOMMENDATION

MOVED: CR LEISHA WOOD SECONDED: CR RICHARD KOWALD

OC19/15 That Council:

- 1. Receive the Schedule of Accounts for February 2015;
 and**
- 2. Receive the Financial Statement for February 2015**

Voting Requirement: Simple Majority

CARRIED: 9/0

10.3.2 Mid Year Budget Review (SEE ATTACHED BUDGET REVIEW)

File Ref: FF/08/0018
Reporting Officer: Manager of Finance
Date Report Prepared: 16 March 2015

Summary:

During the March quarter, Council is required to review the 2014/2015 Budget, compare year to date actual performance against budget, and adopt any amendments to budget that Council considers appropriate arising from that review.

Background:

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires Local Governments to conduct a budget review between 1 January and 31 March each financial year.

Regulation 33A(2) and (3) require the results of the review to be submitted to Council and for Council to consider whether or not to adopt the review, any part of the review or any recommendations made in the review.

Regulation 33A(4) requires that within 30 days after Council has adopted the review a copy of the review and determination is to be provided to the Department of Local Government and Regional Development.

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:**MOVED: CR CRAIG MCKINLEY SECONDED: CR OWEN BOXALL****OC20/15 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: 9/0**

Cr Richard Kowald spoke for the motion.

Cr Robert Godfrey spoke for the motion.

**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

Shire President Alan McFarland, Deputy Shire President Robert Godfrey, Cr Alep Mydie, Cr Craig McKinley declared a Financial Interest. Cr Richard Kowald, Cr Leisha Wood and Cr Heather McCarley declared both a Financial and Proximity Interest. The chair read out a letter from the Department of Local Government and Communities providing Ministerial authority for Councillors Alan McFarland, Cr Alep Mydie, Cr Leisha Wood, Cr Craig McKinley, Cr Richard Kowald and Cr Heather McCarley to remain in the meeting and participate and vote in the matter.

Cr Robert Godfrey left the meeting at 7:14pm

**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:

MOVED: CR OWEN BOXALL**SECONDED: CR CRAIG MCKINLEY**

OC21/15 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: 8/0

Cr Owen Boxall spoke for the motion.
Cr Alan McFarland spoke for the motion.
Cr Danny McGrath spoke for the motion.

Cr Robert Godfrey returned to the meeting at 7:17pm

**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:

MOVED: CR CRAIG MCKINLEY

SECONDED: CR LEISHA WOOD

OC22/15 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: 9/0

Cr Craig McKinley spoke for the motion

**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:**MOVED: CR ALAN MCFARLAND****SECONDED: CR DANNY MCGRATH****OC23/15 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: 9/0**

Cr Alan McFarland spoke for the motion.

10.6 CHIEF EXECUTIVE OFFICER'S REPORTS

Nil.

10.7 ADVISORY COMMITTEE MEETING

Nil.

11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**PROCEDURAL MOTION****MOVED: CR LEISHA WOOD****SECONDED: CR ROBERT GODFREY****OC24/15 That the urgent business of 12.1 be accepted at tonight's meeting.****Voting Requirement: Simple Majority****CARRIED: 9/0**

12.1 **CEO Advertisement**
(SEE ATTACHED ADVERTISEMENT)

MOVED: CR RICHARD KOWALD

SECONDED: CR CRAIG MCKINLEY

OC25/15 **That the advertisement be approved for placement as determined by the CEO selection panel.**

Voting Requirement: Simple Majority

CARRIED: 9/0

13. CONFIDENTIAL ITEM

Nil

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7:21pm.