



'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 27 May 2015, in the Shire of Katanning Council Chambers,  
14 Austral Terrace, Katanning, commencing at 6:00pm.

Andrew Holden  
**ACTING CHIEF EXECUTIVE OFFICER**  
Friday 22 May 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

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**1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS**

The Presiding Member declared the meeting open at \_\_\_\_ pm.

**2. RECORD OF ATTENDANCE****PRESENT**

Presiding Member: Deputy Shire President - Cr Robert Godfrey

Members: 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  
Sarah Taylor, Director of Corporate and Community Services  
Uwe Striepe, Director of Engineering & Development Services  
Sam Davis, Executive Manager – Strategic Projects  
Diana Marsh, Manager of Finance

Council Observer: Taryn Human, Personal Assistant to CEO

Gallery:

Media:

Apologies: Shire President - Cr Alan McFarland

Leave of Absence:

**3. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE****4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS****5. PUBLIC QUESTION/STATEMENT TIME****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. PETITIONS/DEPUTATIONS/PRESENTATIONS****8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****8.1 Ordinary Council Meeting – 22 April 2015  
(SEE ATTACHED MINUTES)**

**OC/15**            That the minutes of the Ordinary Council Meeting held on  
Wednesday 22 April 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 ENGINEERING & DEVELOPMENT SERVICES REPORTS****10.1.1. Application for Planning Approval – Public Worship, Lot 2 Dumbleyung Road, Pinwernying  
(SEE YELLOW ATTACHMENT)**

**File Ref:** A2055  
**Reporting Officer:** D Baesjou, Contract Planner  
**Date Report Prepared:** 12 May 2015

**Issue:**

To determine whether a proposal for Public Worship on Lot 2, Katanning-Dumbleyung Road cnr Fenwick Road Katanning is consistent with the objectives of the Special Rural zone of Town Planning Scheme No. 4 (TPS4).

The recommendation is to proceed to advertising and subject to no significant planning objections delegate authority to the Chief Executive Officer to issue conditional planning approval.

**Body/Background:**

A proposal was received on 12 March 2015 from Soe Pwell Moo Kwa for Lot 2 Katanning-Dumbleyung Road to be used for a place of worship.

Lot 2 currently contains a Dwelling House, rural sheds, dams, pastured areas and plantings of olives and macadamia nuts. Access to the site is available from both frontages.

The property is under offer of sale, subject to receiving planning approval from the Shire of Katanning. It is anticipated that the proposed development will occur progressively over a number of years.

**Officer's Comment:**

The subject land is of sufficient size to accommodate the proposed development with a minimum setback of 30m to the 'Dumbleyung Road', including on-site parking. It is adjacent to the Cemetery and additional on-street parking is available within the Fenwick Road Reserve.

Staged development is anticipated and compliance with the Building Code of Australia and relevant Health statues will be necessary. These matters will further be addressed and confirmed at time of application for Building Permit.

Anecdotally there is community support for the proposal, however as the TPS4, is silent in regard to civic and religious uses within the Special Rural zone it is appropriate to advertise the proposed use of Lot 2 for Public Worship.

**Statutory Environment:**

Planning and Development Act 2005  
Shire of Katanning Town Planning Scheme No. 4

The subject land is zoned `Special Rural` under the Shire of Katanning TPS4.

Public Worship is defined under TPS4 as 'land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution'.

Public Worship is not listed in the Zoning Table. Clause 3.2.5 sets out that when a use is not specifically mentioned in the Zoning Table, the Council may

- (a) Determine that the use is consistent with the zone objectives and is therefore permitted; or
- (b) Determine that the use may be consistent with the zone objectives and follow the advertising procedure of Clause 8.3 in considering the application; or
- (c) Determine that the use is not consistent with the zone objectives and therefore not permitted.

**Policy Implications:**

There are no policy implications.

**Financial Implications:**

The appropriate fee for Planning 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******Community & Culture:***

- Community Spaces, Cultural Opportunity and Cultural Diversity.

***Land Use Development:***

- Establish a minimal hierarchy of plans required to facilitate development

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

1. **Determine the proposal for Public Worship at Lot 2 Katanning-Dumbleyung Road, Pinwernying may be consistent with the objectives of the Special Rural zone and advertise in accordance with Clause 8.3.3 of Town Planning Scheme No. 4, and**
2. **Subject to no significant planning objections being received during advertising, the Chief Executive Officer be authorised to issue conditional planning approval for the proposal for Public Worship at Lot 2 Katanning-Dumbleyung Road, Pinwernying, compliant with Clause 6.7.4 of Town Planning Scheme No.4.**

**Voting Requirement:** Simple Majority

CARRIED/LOST:

<b>10.2 DIRECTOR OF CORPORATE AND COMMUNITY SERVICES REPORTS</b>
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**10.2.1 Receipt of Financial Reports**  
(SEE ATTACHED FINANCIAL REPORTS)

**RECOMMENDATION****OC/15 That Council:**

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

**Voting Requirement:** Simple Majority

CARRIED/LOST:

**10.2.2 Adoption of Fees and Charges for the 2015/16 financial year**  
**(SEE ORANGE ATTACHMENT)**

**File Ref:** RL/98/0004  
**Reporting Officer:** D Marsh, Manager of Finance  
**Date Report Prepared:** 21 May 2015

**Issue:**

To consider the adoption of the Schedule of Fees and Charges for the 2015/16 financial year to be applicable from 1<sup>st</sup> July 2015.

**Body/Background:**

Prior to 2010/11 the Schedule of Fees and Charges applicable each year was only adopted by Council as part of the adoption of the budget. Council has since adopted the Fees and Charges separately to the budget to avoid any delay in applying those new Fee's & Charges as of 1<sup>st</sup> July.

**Officer's Comment:**

The adoption of the Schedule of Fees and Charges will allow the application of updated Fees and Charges from 1<sup>st</sup> July 2015 avoiding the financial lag that would otherwise impact on the budget if introducible only after the adoption of the full budget.

**Statutory Environment:**

Local Government Act 1995 Section 6.16 Imposition of Fee and Charges. Fees and Charges adopted outside of the budget must be adopted by absolute majority and advertised locally after adoption.

**Policy Implications:** Nil.

**Financial Implications:**

As in 2014/15, the updated fees and charges will be able to be applied consistently for the full 2015/16 budget year.

**Strategic Implications:**

The proposed Schedule of Fees & Charges is consistent with the Shire's Corporate Business Plan and will form an integral part of the 2015/16 Budget.

**Officer's Recommendation/Council Motion:**

**OC/15 That Council:**

- 1. That Council adopt the 2015/16 Schedule of Fees and Charges to be applied from 1<sup>st</sup> July 2015.**
- 2. That the adoption of the 2015/16 Schedule of Fees and Charges be locally advertised in compliance with Section 6.16 of the Local Government Act.**

**Voting Requirement:** Absolute Majority

CARRIED/LOST:



**10.3 EXECUTIVE MANAGER – STRATEGIC PROJECTS**

Nil.

**10.4 ACTING/DEPUTY CHIEF EXECUTIVE OFFICER****10.4.1 Road Dedication - Bond Street, Katanning  
(SEE BLUE ATTACHMENT)**

**File Ref:** AT/11/0011  
**Reporting Officer:** L Calneggia, Contractor  
**Date Report Prepared:** 11 May 2015

**Issue:**

To consider approval of road dedication (as constructed) and inclusion of residue land as “Road Reserve”.

**Body/Background:**

Many years ago Bond Street where it intersects Blantyre Street was truncated through Reserve 14321 to allow the road to be built around a substantial creek and so avoid major infrastructure costs in constructing the road. It seems that no administration since have yet arranged for the truncated road as constructed to be surveyed, and road reserve to be updated. Council have recently been asked to “tidy up” these administrative arrangements and progress the appropriate actions necessary to dedicate the road as it was constructed. The Department of Land Administration have advised that even though the work is so old (in excess of 35 years) a council resolution is still required to progress and finalise the dedication process.

**Officer’s Comment:**

The matter of road dedications can be a lengthy and onerous task and it is understandable how such a statutory process was overlooked in the past. The action of passing a retrospective resolution should only be a matter of formality. Because the surrounding land is reserve land (Not Freehold) the dedication is made less complicated and it is suggested that any residue land, currently shown as reserve but actually within the road as constructed, be included as road reserve.

**Statutory Environment:**

Land Administration Act 1997 Sect 56  
Land Administration Regulations 1998 (Reg 8)

**Policy Implications:**

Nil.

**Financial Implications:** There will be some minor survey and other administration costs that are manageable within the 2014/15 budgeted amount allocated for such issues.

**Strategic Implications:**

Nil.

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

**Request the Minister for Lands to dedicate the "as constructed" land shown on the attached map as a road reserve (Bond Street) in accordance with Section 56 of the Land Administration Act 1997 and that any residue land as a result of such dedication be included as road reserve**

**Voting Requirement:** Simple Majority.

CARRIED/LOST:

**10.4.2 Financial Assistance Grants  
(SEE YELLOW ATTACHMENT)**

**File Ref:** AD/11/0026  
**Reporting Officer:** A Holden, Acting Chief Executive Officer  
**Date Report Prepared:** 18 May 2015

**Issue:**

To consider supporting the Australian Local Government Association (ALGA) & Western Australian Local Government Association (WALGA), in their endeavours to acknowledge and recognise the extremely important issue of the direct funding link between the Commonwealth and Local Governments by way of payments of Financial Assistance Grants (FAG's).

**Body/Background:**

FAG's are distributed by the Commonwealth Government to Local Governments throughout Australia by way of Grants Commissions in each state. Last year the Federal Government announced a freeze on the annual indexing of FAG's until the year 2017/18. ALGA with the support of WALGA are calling on all Local Governments to pass the following resolution:

1. Acknowledges the importance of FAG's in the delivery of council services and infrastructure.
2. Acknowledges that council have received \$1,968,449 in 2014/15.
3. Ensure that this federal funding and other funding provided by the Federal Government under relevant grant programs is appropriately identified as Commonwealth grant funding in council publications, including annual reports.

As well as the above, ALGA are asking for council support to place pressure on the Federal Government to reverse its decision to freeze the FAG's until 2017/18. Such a freeze has cost this council a forecast increase of approximately \$60,000 in the current year with similar lost increases in each future year; being a cumulative total of approximately \$360,000. Even if the freeze is removed in 2017/18 without a one-off catch up payment to adjust the base the lower amount will be entrenched into the future.

**Officer's Comment:**

The decision of the Federal Government to freeze FAG's is a severe blow to the already cash strapped Local Authorities who have been adversely affected by reductions in other funding avenues (eg. Country Local Government Fund, Regional Road Funding) and will seriously affect Council's ability to carry out commitments and fulfil Council and community aspirations.

The wording of the ALGA suggested resolution supports the Commonwealth Government and the link with Local Government and seems to be based on an advocacy approach of praising this relationship and giving thanks for the FAG's as distributed. This is appropriate however It is the authors opinion the resolution should also highlight the impact of the freeze and call for it to be reconsidered.

**Statutory Environment:**

Nil.

**Policy Implications:**

Nil.

**Financial Implications:**

The freeze on FAG's for as long as it lasts, and then forever without a catch up payment will have a significant impact on Council's plans and activities.

**Strategic Implications:**

Nil.

**Officer's Recommendation/Council Motion:**

OC/15

**That Council:**

1. **Acknowledges the importance of FAG's in the delivery of council services and infrastructure.**
2. **Acknowledge that council has received \$1,968,449 in 2014/15 which is approximately \$60,000 less than the forecast figure, equivalent to a rate rise of 1.8% in the current year.**
3. **Will ensure that this federal funding and other funding provided by the Federal Government under relevant grant programs is appropriately identified as Commonwealth grant funding in relevant council publications, including annual reports.**
4. **Reminds both Federal and State Government of the important role that Local Governments play in the delivery of services and infrastructure to the community and that Local Governments have constrained ability to replace such a shortfall in funding by rate increases on constituents.**
5. **Calls upon the Federal Government to recommence the indexing of FAG's in 2015/16 and maintain indexation in future years.**

**Voting Requirement:** Simple Majority

CARRIED/LOST:

### 10.4.3 Delegation to CEO – Sale of Property for Unpaid Rates

**File Ref:** FF/11/0002  
**Reporting Officer:** L Calneggia, Contractor  
**Date Report Prepared:** 18 May 2015

**Issue:**

To consider making a specific delegation to the Chief Executive Officer of the authority to use Section 6.64 of the Local Government Act 1995 (Act) to effect the sale of property in order to recover.

**Body/Background:**

Normally Council's delegation register is reviewed and updated each year and was last done in October 2014. There is current a need to consider adding another specific delegation to progress administration procedures to recover outstanding rates.

Section 6.64 of the Local Government Act 1995 (Act) specifically deals with the action available to a Local Authority to seize and sell land for which there has been rates outstanding for a period of at least 3 years. There are a number of properties that currently fall into this category and there is a statutory as well as a fiduciary duty to take necessary action to recover unpaid rates from errant ratepayers.

**Officer's Comment:**

Council solicitors, McLeod's, have advised that they consider a specific delegation in regard to exercising the power under section 6.64 of the Act is required in addition to the delegation 20 which is in relation to section 6.56 of the Act. Once delegated this power will be added to the list of general delegations given to the Chief Executive Officer each year to ensure that functionary tasks associated with this section of the act can be fulfilled.

It is proposed that council delegates to the Chief Executive Officer the authority:

1. To decide under Section 6.64 of the Local Government Act 1995 (**Section 6.64**) that the Shire will take possession of land in respect of which rates or service charges have remained unpaid, and to exercise the powers including power of sale stipulated in Section 6.64.
2. To appoint and/or authorise persons to enter property so as to take and maintain possession acting as and on behalf of the Shire under Section 6.64.
3. To appoint and/or authorise persons to conduct an auction and all steps which in the delegate's opinion are necessary or desirable for or incidental to the auction and the settlement in respect of the sale of the land under Section 6.64
4. To determine on the Shire's behalf the terms and conditions with respect to the payment of the purchase money, the fixing of any reserve price and terms and conditions as to any other matter in respect of the sale of land for unpaid rates.
5. To give such notices and to seek such warrants and other remedies as may in the delegate's opinion be necessary or desirable to effectuate the process of taking and maintaining possession and exercising the power of sale and/or any other powers under Section 6.64.

6. Generally, to undertake and direct all steps, to appoint or authorise all persons, and to sign and issue all documents which in the delegate's opinion are necessary or desirable for or incidental to the taking and maintaining of possession, the sale of land and/or the exercise of other powers, under Section 6.64.

**Statutory Environment:**

Local Government Act 1995 Sect 5.42

**Policy Implications:**

In line with Council's policy in regard to collection of rates and services charges due.

**Financial Implications:**

Nil.

**Strategic Implications:**

Nil.

**Officer's Recommendation/Council Motion:**

**OC/15 That Council:**

**Delegates its authority and power to the Chief Executive Officer in regards to the following:**

1. **To decide under Section 6.64 of the Local Government Act 1995 (Section 6.64) that the Shire will take possession of land in respect of which rates or service charges have remained unpaid, and to exercise the powers including power of sale stipulated in Section 6.64.**
2. **To appoint and/or authorise persons to enter property so as to take and maintain possession acting as and on behalf of the Shire under Section 6.64.**
3. **To appoint and/or authorise persons to conduct an auction and all steps which in the delegate's opinion are necessary or desirable for or incidental to the auction and the settlement in respect of the sale of the land under Section 6.64.**
4. **To determine on the Shire's behalf the terms and conditions with respect to the payment of the purchase money, the fixing of any reserve price and terms and conditions as to any other matter in respect of the sale of land for unpaid rates.**
5. **To give such notices and to seek such warrants and other remedies as may in the delegate's opinion be necessary or desirable to effectuate the process of taking and maintaining possession and exercising the power of sale and/or any other powers under Section 6.64.**

6. **Generally, to undertake and direct all steps, to appoint or authorise all persons, and to sign and issue all documents which in the delegate's opinion are necessary or desirable for or incidental to the taking and maintaining of possession, the sale of land and/or the exercise of other powers, under Section 6.64.**

**Voting Requirement:** Absolute Majority.

CARRIED/LOST:

**10.5 CHIEF EXECUTIVE OFFICER'S REPORTS**

**10.6 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