



Shire of
Katanning
Heart of the Great Southern

‘A prosperous, vibrant and diverse community working together.’

**MINUTES OF A
ORDINARY COUNCIL MEETING**

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on
Tuesday 22 May 2018, 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.

PRESIDING MEMBER _____

DATE SIGNED _____



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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: Cr Liz Guidera - President

Members: Cr John Goodheart
Cr Danny McGrath
Cr Martin Van Koldenhoven
Cr Owen Boxall
Cr Ernie Menghini
Cr Kristy D'Aprile

Council Officers: Gary Martin, Acting Chief Executive Officer
Lisa Hannagan, Executive Manager Finance and Administration
Sam Davis, Executive Manager Projects and Community Building
Paul Webb, Executive Manager Infrastructure and Development
Libby French, Manager Finance
Delma Baesjou, Consultant Planner
Sophie Justins, Executive Assistant to CEO

Gallery: Matt Collis
William Collis
Isabel Collis
Beth Collis
Leisha Wood
Michelle Dennis
JP Collins
Mike Weaver
Matthew Peck
Pat Kennedy
Tamara Ford
Keith Ohlsen
Roy Cole
Paula Cole
Sapeema Sein
Jumarbe Sein

Media:

Apologies: Cr Serena Sandwell
Andrus Budrikis, Executive Manager Property and Assets

Leave of Absence: Cr Alep Mydie

3. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

Nil.

5. PUBLIC QUESTION/STATEMENT TIME

Nil.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS**7.1 Katanning Cinema Group****Keith Ohlsen Presentation**

Councillors, thank you for the opportunity to address you tonight on the progress of the action we are taking on the Katanning Cinema Project. I am here representing Rotary Club of Katanning, Lions Club of Katanning, Apex Group of Katanning and a number of other community groups.

The project is presented in two parts, the first part being the establishing the Cinema facility in the Katanning Town Hall. The Cinema project was raised with Doug Cherry, Steve Dennis and myself by Denise Gallanagh Wood of the Shire of Katanning, regarding the opportunity to have digital Cinema materials provided to us so we could project quality product at the Town Hall. The second part is the operation of the Cinema and I hope tonight I can give you an update on both aspects.

The operation of the Cinema, there a number of groups involved and we are also looking for further community groups that might be interested in being a part of running the cinema.

The vision is that there is a community Cinema in Katanning that is projecting in Town Hall. Showing movies that our diverse community want to see. To the benefit of the community.

When the opportunity presented itself, it was a no brainer when both myself and Doug Cherry first spoke about it. When we took the information back to our groups there was great support within the members.

The friends of the Little Gem Cinema in Wagin had a range of digital projector equipment that they were no longer using. The equipment was funded by community contribution and it needed to go to a non-profit organisation. They were prepared to gift the equipment to the Shire of Katanning. Discussions amongst Denise Gallanagh Wood, Doug Cherry, Steve Dennis, myself and the lady from the Little Gem Cinema, we decided to proceed with the project.

Around that time Denise Gallanagh Wood made myself aware of the Community Financial Assistance Program (CFAP) grant from the Shire of Katanning. An application was submitted and was successful for establishment of the facility.

The equipment was collected from James Wood from the Shire of Katanning and now in Katanning. James has a background in projection. He completed a stocktake of the equipment collected and he also listed the equipment that we need to purchase in order to make it work. Most of the additional items were listed on the grant application but there are some other pieces that have come to light. The screen that came with the equipment is now suitable and therefore I will speak with Amy Knight at the Shire of Katanning to seek approval for changes in purchase of equipment.

Amy Knight has advised that the equipment purchased from the CFAP grant will be the property of the Katanning Cinema Group. We would be keen to have the equipment owned by the Shire so we would gift the equipment back, I do not know if that is allowed but we want it owned by the community.

We have had industry groups express their interest in being involved in the operation of the Cinema. We have had several meetings looking and discussing the opportunities that have been presented and it seems that there are so many opportunities and we need to get the structure of the operation sorted as soon as possible. It is likely that the group will be an incorporated body, we are getting some legal advice about how we get that set up. It is likely to be similar to the Katanning Junior Sports Foundation Constitution which is where there are a few members from each of the interested parties form a committee and they make contributions on a yearly basis. We will meet shortly to set up the constitution, becoming incorporated and finalising the business plan.

The next step is to prepare for assembly of the equipment, purchase additional equipment and installation by Hoyts. Hoyts have made a commitment to come to Katanning to install to ensure the quality of the product. When we start projecting it will be as good as you can get. The Cinema will have surround sound and the projector will be able to show 3D.

There will need to be discussion with the Shire regarding the use of the Town Hall. As the Dramatic Society will be coming up to their season of use of the Town Hall, so we will need to confirm usage agreements.

We will need to complete testing of the equipment to ensure it works. The Men's Shed will be making a hush box so that you do not hear the projector.

We will be coming to the Shire shortly to arrange an agreement to use the Town Hall. We have been working with the Shire and it is the understanding that we will have use of the facility but we need to make sure that it is confirmed in writing.

We need to finalise the proposed structure of the operating group and we need to finalise the constitution, incorporation, insurance, create bank accounts, finalise the business plan, financial plan, marketing plan, stand operating procedures and establish relationships with the distributors. We will be picking up licences from the friends of the Little Gem with Hoyts and Village Road Show which entitles us to their products.

I wish to recognise people who have got us to the stage where we are now, John Peppal from the Rotary Club, Doug Cherry from Lions, Steve Dennis and committee members from Apex and importantly Denise and James from the Shire of Katanning.

Any questions?

Liz Guidera Question

When am I going to the movies?

Keith Ohlsen Response

Some time between the middle and the end of the year. We will open when we can project safely and securely.

Owen Boxall Statement

It is great to see the Town Hall being used and a fantastic project, congratulations.

Keith Ohlsen Response

I will be providing a written report to Amy Knight at the end of the financial year for the CFAP Acquittal.

Thank you very much.

Liz Guidera Response

Thank you, Keith.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**8.1 Ordinary Council Meeting – 24 April 2018
(SEE ATTACHED MINUTES)**

MOVED: CR DANNY MCGRATH

SECONDED: CR MARTIN VAN KOLDENHOVEN

OC57/18 That the minutes of the Ordinary Council Meeting held on Tuesday 24 April 2018 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED: 7/0

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Welcome to Gary Martin, Acting CEO while Julian Murphy is on Long Service Leave. Thank you for your guidance from the last month particularly for the Deputy Shire President John Goodheart and myself.

I acknowledge Lisa Hannagan's efforts in Acting CEO in the first week and she will be doing the last week of Julian's Long Service Leave. Thank you for the information that you have provided to Council in such an efficient manner, we have appreciated it.

Councillors, Councillor Serena Sandwell is an apology for this evening as she is at the Mike Stidwell Awards and I would like to congratulate her on her nomination and wish her luck.

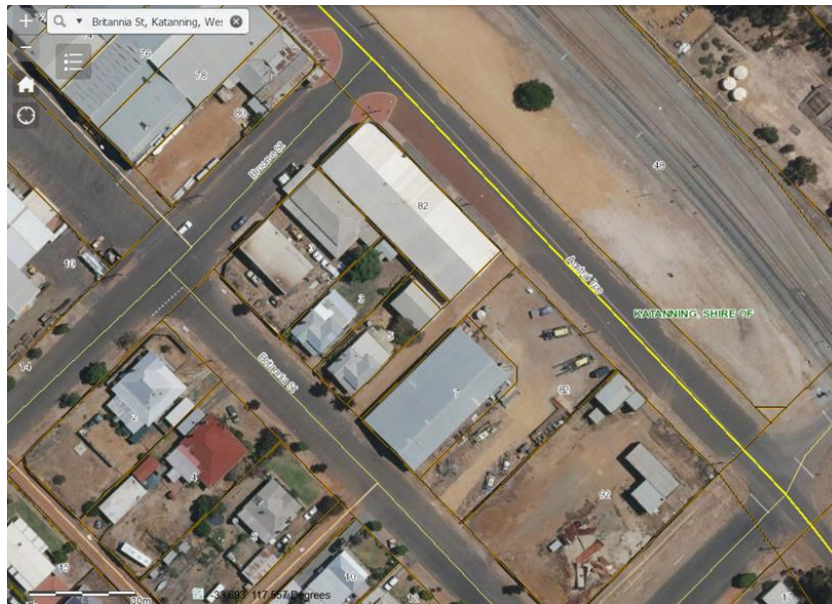
10. REPORTS OF COMMITTEES AND OFFICERS

10.1 EXECUTIVE MANAGER INFRASTRUCTURE & DEVELOPMENT REPORTS

10.1.1 Development Application –Lot 2 (5) Britannia Street, Katanning

File Ref: A3262, 201718047 4P
Reporting Officer: Delma Baesjou, Planning Officer
Date Report Prepared: 10 May 2018

Issue:
 To consider an application for additions to the Dwelling and replacement fencing on Lot 2 (5) Britannia Street, Katanning.



Aerial view of Lot 5 Britannia Street

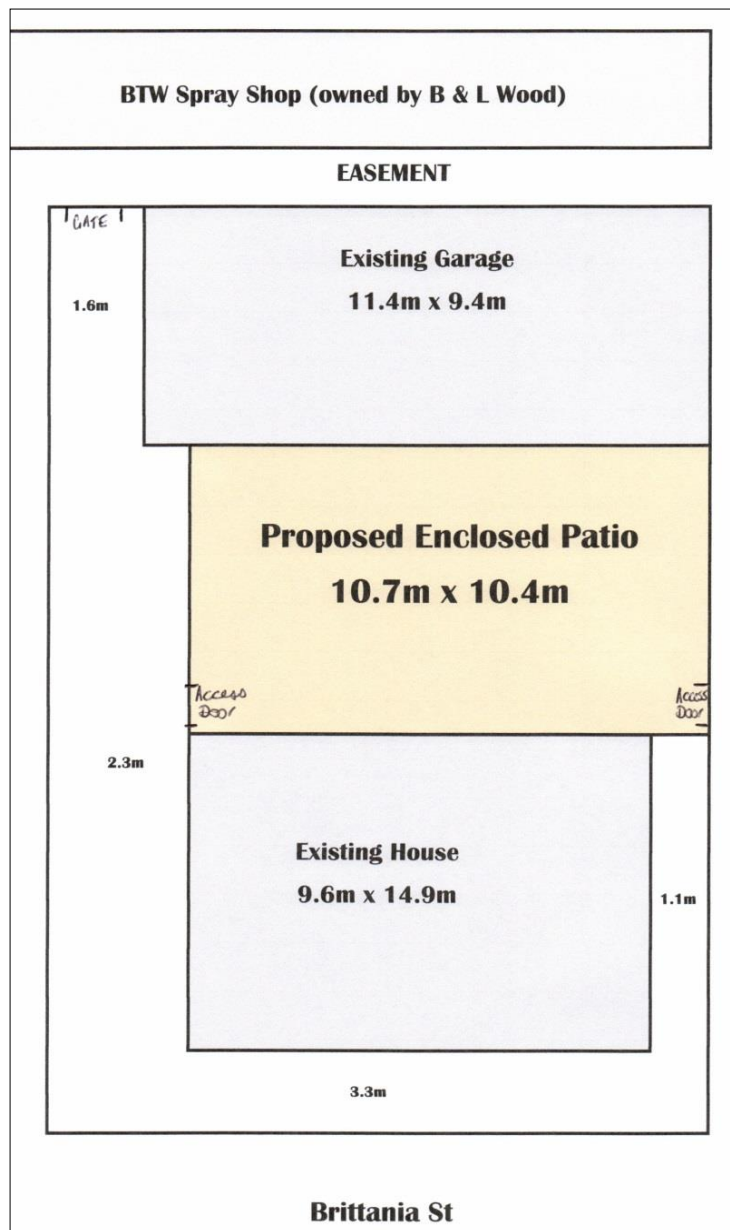
Body/Background:

Lot 2 is 488m², it contains a Dwelling House and Outbuilding. The lot fronts Britannia Street and adjoins an un-named gravel laneway that links through to Austral Terrace. Lot 66 at the rear of Lot 2 serves as a Right of Carriageway to adjoining Lot 1.

Concept plans have been received for an enclosed Patio at the rear of the dwelling and an over-height fence on the south-eastern boundary of the subject land.

The proposed addition will be of steel beams and portals with engineered timber trusses, and clad in Colorbond. It will have a 2.4m high gutter line with the pitch of the gable being 3.2m high. The wall adjoining the laneway has a nil setback, in line with the existing Outbuilding/Garage. The proposed material is deep ocean blue custom orb, placed horizontally.

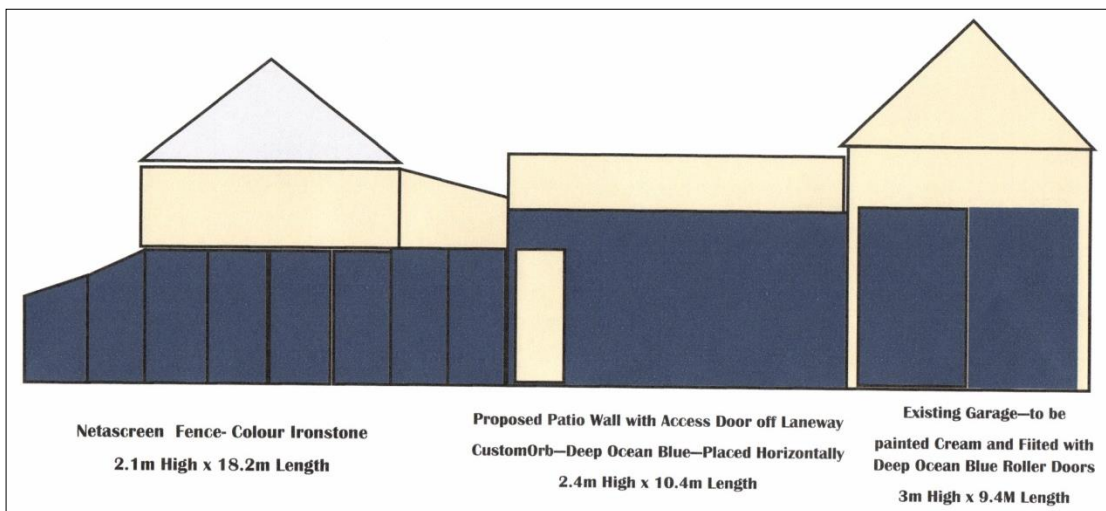
The proposed replacement fencing adjacent to the Dwelling is 2.1m high neetascreen, colour – ironstone.



Site Plan



View of Laneway



Proposed Laneway View for 5 Britannia Street

Officer’s Comment:

The subject land is zoned ‘Commercial’ under the Shire of Katanning Local Planning Scheme No. 5 (LPS5). Single Dwelling is a ‘Discretionary’ (D) use under LPS5.

In this instance planning consent is required. The subject land is not assigned a Density Coding therefore the typical ‘exemptions under Cl 61 of the Deemed Provisions’ do not apply.

The proposed structure is to be attached to both the existing dwelling and Outbuilding, therefore the guidelines in Shire in the Shire’s Outbuildings Policy (LPP1) doesn’t necessarily apply.

Relevant site & development requirements are set out in Table 3. Clause 5 provides for new Residential uses in the upper storey of mixed/commercial uses. There is no specific reference or requirements for additions to existing development.

Clause 7 requires Landscaping equal to 5% of the site area 'to complement the appearance of the town centre area'.

Under LPS5 and the new Planning Regulations, the proposed fence also requires Development Approval because it involves 'works'.

Works, in relation to land, means:

- (a) Any demolition, erection, construction, alteration of or addition to any building or structure on the land; and
- (b) The carrying out on the land of any excavation or other works.

Clause 8.1.2 (b) (iii) of the Shire's previous Scheme (TPS4) specified that boundary fencing did not require Planning Approval. No such exemption applies under LPS5. A new Shire of Katanning Planning Policy to this effect may be appropriate.

Elements of the 1997 Shire of Katanning Local Law Part XII – Fencing are relevant. Clauses 12.3 and 12.4 provide for fencing up to 1.8m in height. Division 3 outlines acceptable materials, including tubular steel. Clause 12.9 precludes the use of corrugated galvanized iron on properties developed and used for residential purposes. Division 6 deals with Fences in Business and Industrial zones, and provides for 'a wire link mesh fence of not more than 1.8m in height'. The Local Law provides specific details for the use of corrugated self-supporting fibro cement fencing and link mesh fences, however it is silent on the use contemporary materials including recycled plastic, pvc, aluminum and metal sheeting i.e. 'neetascreen', 'colorbond' 'enviroslat' and 'repla' products.

The applicant is requesting an over-height fence on the grounds of privacy, safety and security. "The public laneway on that side of the house looks straight into our kitchen and lounge room windows. We have things thrown through and at those windows in the past."

Planning issues relevant to this proposal include: compatibility with the general streetscape, amenity, pedestrian safety, landscaping, parking, efficient and safe movement of vehicles and visual permeability. There are no issues or concerns with the proposal.

The proposed Addition is considered to be consistent with the objectives of the Commercial zone and satisfies the relevant development standards, which allow for nil setbacks/development up to all lot boundaries. Notwithstanding some inconsistencies with the 1997 Local Law, the proposed Fencing accords with the intent of the Shire of Katanning Local Law Part XII – Fencing. Conditional approval is recommended

Statutory Environment:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Draft Local Planning Scheme No. 5

The subject land is not of historical cultural significance. It is not listed as a Registered Aboriginal Site or Survey Area, based on a recent search using the DoPLH online Aboriginal Heritage Inquiry System. The site is not recorded in the State Register of Heritage Places, the Municipal Inventory or other Heritage lists.

A nearby dwelling at 10 Britannia Street (A1313) is listed in the Municipal Heritage Inventory (MHI) as a Category 3 Site – retain and conserve if possible. As set out in the MHI, that building

is significant historically because of its association with the Gulleys, who were a prominent Katanning farming family. It is architecturally important as a typical example of a workers cottage for the time. It is a single storey brick and corrugated iron dwelling, with a bull nose verandah. The garden has a replacement timber fence with lawns, a loquat tree and other exotic trees. It is considered, the proposed minor addition and replacement fencing at Lot 2 (5) Britannia Street will not have any impact or implications for the nearby Heritage listed property.

Policy Implications:

Shire of Katanning: Nil.

Financial Implications:

In accordance with the published schedule of Fees and Charges, an Application Fee of \$147.00 has been paid; Receipt no: 240960.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	BUILT ENVIRONMENT	
ASPIRATION	B2	Places for the community to live, work and connect.
OBJECTIVE	B2.3	Orderly development (Town Planning).

Officer's Recommendation/Council Motion:

MOVED: CR DANNY MCGRATH

SECONDED: CR OWEN BOXALL

OC58/18 That Council grants Development Approval for Lot 2 (5) Britannia Street, Katanning Road for the purpose of Addition and Fence, subject to the following conditions:

- 1) Development is to be generally in accordance with approved plans.
- 2) The new structures shall be aligned to, or within the property boundary.
- 3) All stormwater runoff from the new structure to be adequately controlled on-site. Any connection to the district drainage system is to be to the satisfaction of the Executive Manager of Infrastructure & Development.

Advice Notes

- I. Any damage or disruption to infrastructure within the road reserves is to be remediated at the proponent's cost.
- II. Any alterations or upgrading of the crossover to be in accordance with the Shire of Katanning specifications and requirements.
- III. Maintenance of the crossover is the responsibility of the developer.
- IV. This Development Approval does not constitute a Building Permit.
- V. Future use and development is to comply with the Building Code of Australia.

Voting Requirement: Simple Majority

CARRIED: 7/0

Cr Danny McGrath spoke for the motion.

Condition rating is longer lengths of path that the overall condition rating is based upon, for sections longer than 10m.

Defect rating is small sized defect less than 10m that may include tree routes, sections of missing path, service provider failure, or localised path failures.

Based on the modified priority network, combined condition and defect total Category 5, 4 and 3 totals are;

Category 5 \$577,633.00

Category 4 \$630,374.25

Category 3 \$3,323,588.00

Of primary concern, are the Category 5 and 4 ratings, these locations needing most urgent repair. Category 3 figures are serviceable path that will deteriorate over time into Category 4/5, information that Council should be aware of.

On approval by Council, Staff will initially focus on Category 5 deteriorations as Council designated funding allows.

If Council was to focus on Category 5 defects in the priority area, this would equate to \$57,763.30 per annum for the next 10 years. If Council was to consider the combined total of Category 5 and 4 defects at \$1,208,007.25 this would equate to \$120,800.72 per annum for the next 10 year period.

The Officer requests that Council note that this item is not primarily to set a 10 year program on set funding, but to recommend a priority list of defects, which will be considered for funding during budget process. This Officer will then need to progress network repair based on funding allocated by Council. Please see plan attached. If Council endorse this item, the Officer will construct a 'Pedestrian network maintenance guideline, operational manual' for Staff, which will set priority defect, or a level of service for repair to Councils satisfaction.

Statutory Environment:

Local Government Act 1995, Part 5, Division 5, s.5.54 Planning for the future.

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Policy Implications:

Nil.

Financial Implications:

Nil. Identifies a priority list of projects only.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	B1	Infrastructure that meets community need
OBJECTIVE	B1.1	Sustainably manage current and future assets and infrastructure

Officer's Recommendation/Council Motion:

MOVED: CR JOHN GOODHEART

SECONDED: CR DANNY MCGRATH

OC59/18 That Council endorses the 10 year pedestrian network maintenance plan as a priority list of maintenance works, for consideration in the 2018/19 budgetary deliberations.

Voting Requirement: Simple Majority

CARRIED: 7/0

Cr John Goodheart spoke for the motion.

Cr Kristy D'Aprile spoke for the motion.

10.2 EXECUTIVE MANAGER FINANCE & ADMINISTRATION REPORTS

10.2.1 Schedule of Accounts (ATTACHMENTS)

File Ref: FM.FI.4
Reporting Officer: Libby French, Manager Finance
Report Prepared: 11 May 2018

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 2017/18	EFT Payments 2017/18	Direct Debits 2017/18	Credit Card 2017/18	Payroll 2017/18	Trust 2017/18	Total Payments 2017/18
July	2,094.85	489,112.68	339,827.72	0.00	306,119.77	5.42	1,137,160.44
August	2,811.70	1,522,631.19	312,531.27	5,770.39	339,435.06	1,212.68	2,184,392.29
September	11,566.95	673,455.54	207,121.69	9,182.67	512,962.08	0.00	1,414,288.93
October	1,593.85	609,769.21	311,427.60	6,525.35	136,693.64	777.84	1,066,787.49
November	5,708.35	770,537.18	335,679.48	0.00	489,261.53	339.90	1,601,526.44
December	1,595.12	862,079.95	284,881.78	0.00	305,441.24	0.00	1,453,998.09
January	22,086.92	571,328.07	285,146.70	30,166.65	297,912.30	283.25	1,206,923.89
February	48,222.57	837,972.25	281,479.76	2,125.15	303,402.18	0.00	1,473,201.91
March	58,849.47	1,396,713.97	304,833.01	0.00	310,768.18	0.00	2,071,164.63
April	40,842.08	875,751.87	291,588.94	6,862.26	319,715.60	2,823.66	1,537,584.41
May							0.00
June							0.00
Total	195,371.86	8,609,351.91	2,954,517.95	60,632.47	3,321,711.58	5,442.75	15,147,028.52

Officer's Comment:

The schedule of accounts for the month of April 2018 are attached.

Statutory Environment:

Local Government (Financial Management) Regulations 1996.

Policy Implications:

There are no direct policy implications in relation to this item.

Financial Implications:

Expenditure in accordance with the 2017/18 Annual Budget.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Officer's Recommendation/Council Motion:**MOVED: CR OWEN BOXALL****SECONDED: CR DANNY MCGRATH**

OC60/18 That Council endorses the Schedule of Accounts as presented, being cheques 42022-42032 totalling \$40,842.08, EFT payments 24826-24989 totalling \$875,751.87, direct payments totalling \$291,588.94, credit card payments totalling \$6,862.26 and trust payments totalling \$2,823.66 authorised and paid in April 2018.

Voting Requirement: Simple Majority.

CARRIED: 7/0

Cr Kristy D'Aprile spoke for the motion.

10.2.2 Monthly Financial Reports (ATTACHMENTS)

File Ref: FM.FI.4
Reporting Officer: Libby French, Manager Finance
Report Prepared: 11 May 2018

Body/Background:

The Local Government (Financial Management) Regulation 34 states that a local government must prepare a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget for the month.

Variances between budgeted and actual expenditure including the required Material Variances (10% with a minimum value of \$10,000) are included in the variance report.

Officer's Comment:

A variance report is included with the monthly financial statements.

Statutory Environment:

Local Government (Financial Management) Regulations 1996.

Policy Implications:

There are no direct policy implications in relation to this item.

Financial Implications:

Monthly Statement of Financial Activity.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Officer's Recommendation/Council Motion:

MOVED: CR KRISTY D'APRILE

SECONDED: CR DANNY MCGRATH

OC61/18 That Council adopts the Statement of Financial Activity for the month ending 30 April 2018, as presented.

Voting Requirement: Simple Majority.

CARRIED: 7/0

Cr Kristy D'Aprile spoke for the motion.

10.2.3 Annual Review of Delegations Register (ATTACHMENT)

File Ref: GV.AT.1
Reporting Officer: Lisa Hannagan, Executive Manager Finance & Administration
Date Report Prepared: 16 May 2018

Issue:

To review delegations from Council to the Chief Executive Officer

Body/Background:

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

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

Officer's Comment:

The 2018 review of the Delegations Register has been undertaken to address suggested/required changes to the existing delegations (if applicable) with the view to improving the day to day functioning of the Shire and also comply with the requirement to review this document at least once every year.

A major review of the Shire's Delegation Register was completed in 2016 and adopted by Council in February 2017.

The Delegations Register was workshopped with Council at the Forums held on 13 February 2018, 10 April and 8 May 2018.

The most recent review has addressed the organisations structural changes that were implemented late in 2017. Therefore, changes made during this review are of a minor nature and related to changes of officer titles/responsibilities.

On advice from the Department of Local Government, delegation DA 07 has been removed from the Register as the CEO has the authority to appoint an Acting CEO during periods of leave under the *Local Government Act 1995* and therefore this delegation is considered redundant.

There have also been minor changes within delegations DA 17 – 20 in relation to numbering of the parts & clauses under Local Planning Scheme 5 due to the 9 Feb Gazettal of the same.

Statutory Environment:

Local Government Act 1995

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

Section 5.42 Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
(a) this Act other than those referred to in section 5.43; or

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

** Absolute majority required.*

Policy Implications:

There are no policy implications in this matter.

Financial Implications:

There are no financial implications in this matter.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Officer's Recommendation/Council Motion:

MOVED: CR JOHN GOODHEART

SECONDED: CR OWEN BOXALL

OC62/18

That Council:

- 1) Adopts the Delegations Register as proposed; and**
- 2) Revokes all previous delegations.**

Voting Requirement: Absolute Majority

CARRIED: 7/0

Cr John Goodheart spoke for the motion.

The setting of fees and charges has considered certain overarching principles:

Benefit	Pricing Basis
Public Benefit – service provides a broad community benefit and therefore full cost recovery should not apply. Partial cost recovery could apply in some circumstances.	Zero to partial cost recovery.
Private Benefit – service benefits particular users making a contribution to their individual income, welfare or profits generally without any broader benefits to the community	Full cost recovery.
Shared Benefit – service provides both community benefits and a private benefit.	Partial cost recovery.
Regulatory – fee or charge fixed by legislation.	100% of regulatory fee or charge.

Discussions around fees and charges are often centred on what basis to use, as a local government, as a predictor of price changes over time.

Australian Bureau of Statistics (ABS), when calculating the Consumer Price Index (CPI), uses a basket of goods based on the same commodity categories and is not at all reflective of the mix of business activities undertaken by any local government.

The Local Government Association (WALGA) Economic Briefing LG Cost Index is still considered the most appropriate methodology to utilise as a base as it considers expenditure items like road construction, machinery and equipment and street lighting.

Local Government Cost Index data for 2017-2018 shows a 1.9% increase in the index. The indicators for 2018-2019 are an index rate of 1.8% and for 2019-2020 an index rate of 2.2%.

Officers have taken both the CPI and LG Cost Index into consideration when reviewing the fees and charges.

Statutory Environment:

Local Government Act 1995

Part 6, Division 5 – Financing local government activities

6.16 Imposition of fees and charges

(1) A local government may impose* and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed.

* *Absolute majority required.*

(2) A fee or charge may be imposed for the following:

- (a) Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) Supplying a service or carrying out work at the request of a person;
- (c) Subject to section 5.94, providing information from local government records;
- (d) Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

- (e) Supplying goods;
 - (f) Such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) Imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* *Absolute majority required.*

6.17 Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –
- (a) The cost to the local government of providing the service or goods; and
 - (b) The importance of the service or goods to the community; and
 - (c) The price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service:
- (a) Under section 5.96; or
 - (b) Under section 6.16(2)(d); or
 - (c) Prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may:
- (a) Prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) Limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
- (a) Determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) Charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:

- (a) Its intention to do so; and
- (b) The date from which it is proposed the fees or charges will be imposed.

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

5. CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government:
- (g) To assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.
- (2) The CEO is to:
- (b) Assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year).

Policy Implications:

There are no policy implications in relation to Fees and Charges.

Financial Implications:

The setting of fees and charges for the 2017/18 year will have no impact on the current year position, however it will have financial implications for 2018/19. Fees and charges are a significant source of income for the Shire.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Officer's Recommendation/Council Motion:

MOVED: CR MARTIN VAN KOLDENHOVEN

SECONDED: CR ERNIE MENGHINI

- OC63/18**
- 1. That Council adopts the proposed Fees & Charges for 2018/19 as detailed in Attachment 1 to be effective from 1 July 2018.**
 - 2. Requests the CEO to give local public notice of the Council's intention to impose the Schedule of Fees & Charges 2018/19, in accordance with section 6.19 of the *Local Government Act 1995*.**

Voting Requirement: Absolute Majority

CARRIED: 7/0

Cr Martin Van Koldenhoven spoke for the motion.

10.3 EXECUTIVE MANAGER, PROJECTS AND COMMUNITY BUILDING REPORTS**10.3.1 Revised Terms of Reference, Project Advisory Group for the Katanning SuperTowns Heritage Centre Project**
(ATTACHMENT Version 2)

File Ref: CP.RP.1
Reporting Officer: Sam Davis, Executive Manager Projects & Community Building
Date Report Prepared: 15 May 2018

Issue:

To consider the adoption of a revised Project Advisory Group Terms of Reference for the Katanning SuperTowns Heritage Centre Project.

Body/Background:

The Shire of Katanning has secured investment from the State Government through its Royalties for Regions - Growing Our South Initiative, to undertake the Katanning SuperTown Heritage Centre Project (KSHCP); comprising the Welcome Precinct and the Piesse Lake Development. Significant funding has also been supplied by Lotterywest.

Council has established a number of advisory committees. The Katanning SuperTown Heritage Centre Advisory Group was previously revised by Council at its Special Meeting held on 23 October 2017 where the following members were appointed for the new term of Council:

Katanning Heritage Centre Project Advisory Group

Cr Liz Guidera
Cr John Goodheart

Officer's Comment:

The Terms of Reference (ToR) was reviewed at the Ordinary Council Forum Meeting held on 10 April 2018. The ToR was presented to Council at its April 2018 Ordinary Council Meeting where Council moved to refer the item to the May 2018 Ordinary Council Meeting.

The proposed ToR are intended to provide operational guidance to the Katanning Supertown Heritage Centre Project through the Project Management Operation Group. The Advisory Group is not a statutory Council Committee.

It is recommended that Council amends the Terms of Reference (ToR) for the Katanning Supertown Heritage Centre Project Advisory Group to take into account proposed minor alterations to strengthen the ToR and clearly set out the objectives and role of the Advisory Group. It is also recommended that an additional Councillor be nominated to the Advisory Group.

Revised draft ToR attached.

Statutory Environment:***Local Government Act 1995***

- Section 5.8 Establishment of committees
- Section 5.9 Committees, types of
- Section 5.10 Committee members, appointment of

The proposed Advisory Group is not a statutory Council Committee.

Policy Implications:

Nil.

Financial Implications:

There are no direct financial implications in relation to this item.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Officer's Recommendation/Council Motion:

MOVED: CR MARTIN VAN KOLDENHOVEN

SECONDED: CR JOHN GOODHEART

OC64/18

That Council:

- 1. Adopts the revised Terms of Reference, as presented, for the Katanning SuperTowns Heritage Centre Project Advisory Group;**
- 2. Confirms the membership of the Katanning SuperTowns Heritage Centre Project Advisory Group as per the revised Terms of Reference; and**
- 3. Appoints Councillor Kristy D'Aprile to fill the additional elected member position on the Katanning SuperTown Heritage Centre Project Advisory Group.**

Voting Requirement: Simple Majority

CARRIED: 7/0

Cr Kristy D'Aprile spoke for the motion.

10.4 EXECUTIVE MANAGER, PROPERTY & ASSETS REPORTS

10.4.1 Approval of the Return of SuperTown FAA Interest to DPIRD (ATTACHMENT)

File Ref: GS.PG.2
Reporting Officer: Andrus Budrikis, Executive Manager, Property & Assets
Date Report Prepared: 16 May 2018

Issue:

Department of Primary Industry and Regional Development (DPIRD; formerly DRD) has written to the Shire of Katanning requesting the return of 50% (\$278,877.50) of the unallocated SuperTown Financial Assistance Agreement (FAA) interest to DPIRD. DPIRD has supported allocating the remaining 50% to the New Administration building project.

Body/Background:

The Deputy Director of DPIRD advised the CEO in a letter dated 4 May 2018 that due to the State's financial position the Department would only support the Shire of Katanning using 50% of the interest earned to date (total \$557,755) on the new Administration Building project. The Deputy Director has requested that the CEO confirm within 3 weeks the Shire's acceptance to return 50% of the accrued interest (\$278,877.50) to DPIRD.

An application had been made on 5 May 2017 by the Executive Manager of Property and Assets requesting that the Shire of Katanning be permitted to spend \$450,000 of the accrued interest of the SuperTown Town Centre- Commercial and Streetscape Revitalisation Project on the new Administration Building and \$100,000 on the Katanning Hotel refurbishment. This request followed meetings held by Shire of Katanning Officers with the DRD Officers over 2016-17 to confirm the expenditure of this interest.

A clarification of the funding expenditure was provided to DPIRD on 6 June 2017 following a request from the DPIRD Project Officer.

Further clarifications were requested by e-mail during 2017 with no confirmation regarding the original funding allocation request.

At the Special Council Meeting of 29 August 2017 Council approved the Annual Budget which included the funding for the New Administration Building comprising a \$3.5m loan and funds from the Lands and Building Reserve. The drawdown from the Lands and Buildings Reserve is spread over two financial years.

In total the project funding is as follows:

New Administration Building Funding	(exc GST)
<i>Supertown interest</i>	\$ 450,000.00
<i>Lands and Building Reserve</i>	\$ 2,241,329.00
<i>External Loan</i>	\$ 3,500,000.00
<i>Total Project Expenditure</i>	\$ 6,191,329.00

The project budget for the New Administration building is (exc GST):

Details	Budget Pre-Tender Rev 00
Consultant Design Fees	\$ 400,000
Construction Costs	\$ 4,747,000
Headworks for Services	\$ 108,000
Interior Fit-out including PABX, Phones and IT	\$ 350,000
Landscape (included in Construction Costs)	\$ -
Contingencies	\$ 100,000
Project Sub-Total	\$ 5,705,000
Project Management	\$ 50,000
Administration Allocation	\$ 120,000
Relocation Costs	\$ 50,000
Remove Power Lines (Austral Terrace)/ Landscape	\$ 250,000.00
Current Project Total	\$ 6,175,000

Officer's Comment:

The Shire has waited for a response to the interest allocation request since the 5 May 2017 request was submitted to DPIRD. Since adoption of the FY 2017/18 budget savings have been realised on the project budget line items and no additional work has been carried out on the Katanning Hotel pending approval of the interest allocation.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Financial Implications:

The reduction in funding for the New Administration Building in funding from \$450,000 interest to \$278,877 (\$171,123 reduction) can be absorbed in the project budget as follows:

Reduce construction cost budget \$50,000: savings on actual construction costs.

Reduce head-works budget \$50,000: savings on actual headworks costs.

Reduce contingency \$50,000: risks are greatly reduced at this stage.

Reduce power lines and landscape: \$21,123.

Further refurbishment work including installing an alarm at the Katanning Hotel has not proceeded with the absence of a funding commitment from DPIRD. If this work is to proceed funds will have to be found elsewhere.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	BUILT ENVIRONMENT	
ASPIRATION	B1	Infrastructure that meets community need
OBJECTIVE	B1.2	Provide Council facilities that meet community need

Officer's Recommendation:**That Council:**

1. Approves the return of 50% of the SuperTown FAA interest (\$278,877.50) to DPIRD as requested by the Deputy Director of DPIRD and allocates the remaining 50% to the New Administration Building as supported by DPIRD.
2. That the New Administration Building project budget be adjusted to accommodate the reduced funding as follows:
 - a. Reduce Construction Costs by \$50,000.
 - b. Reduce Service Headworks Costs by \$50,000.
 - c. Reduce the Contingency by \$50,000.
 - d. Reduce the Remove Powerlines (Austral Terrace) / Landscape by \$21,123.

Council Motion:**MOVED: CR JOHN GOODHEART****SECONDED: CR KRISTY D'APRILE****OC65/18****That Council:**

1. Approves the return of 50% of the SuperTown FAA interest (\$278,877.50) to DPIRD as requested by the Deputy Director of DPIRD and allocates the remaining 50% to the New Administration Building as supported by DPIRD.
2. That the New Administration Building project budget be referred to budget deliberation.

Voting Requirement: Simple Majority

CARRIED: 6/1

Cr John Goodheart spoke for the motion.

Cr Martin Van Koldenhoven spoke against the motion.

REASON FOR THE DECISION:**Councillors would like to review the New Administration Building project in budget consideration and be provided with an update on finances of the project.**

10.5 CHIEF EXECUTIVE OFFICER'S REPORTS

Nil.

10.6 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**MOVED: CR OWEN BOXALL****SECONDED: CR DANNY MCGRATH****OC66/18 That the urgent item of business 12.1 be accepted at tonight's meeting.****Voting Requirement:** Simple Majority

CARRIED: 7/0

**12.1 Licence Agreement – Katanning Regional Sheep Saleyards
(ATTACHMENT)****File Ref:****Reporting Officer:** Lisa Hannagan, Executive Manager Finance & Administration**Date Report Prepared:** 22 May 2018**Issue:**

At the Ordinary Meeting of Council held 24 May 2016, Council resolved to accept the submission from David and Julie Harries of Emu Lane Pty Ltd to operate the Saleyard Canteen and authorised the CEO to negotiate a Licence to Occupy for a period of three years.

Body/Background:

The Licence to Occupy has been drawn up by the Shire Lawyers, McLeod's, and has now been agreed by both parties.

Section 18 Ministerial Consent has been received from the Department of Planning, Lands and Heritage.

Officer's Comment:

The Licence to Occupy commencement date is noted as 10 May 2016 which is correct.

The first term will expire 9 May 2019 and a further term of 3 years (10 May 2019 to 9 May 2022) will be available to Emu Lane Pty Ltd.

The Directors of Emu Lane Pty Ltd have signed the Licence to Occupy.

Statutory Environment:

Local Government Act 1995

Land Administration Act 1997, Section 18

Policy Implications:

There are no policy implications in this matter.

Financial Implications:

Council had budgeted to receive income from the Operator of the Licence to Occupy the Saleyards Canteen.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Officer's Recommendation/Council Motion:**MOVED: CR OWEN BOXALL****SECONDED: CR DANNY MCGRATH**

OC67/18 That Council execute the Licence Agreement – Part Reserve 50922, Katanning Regional Sheep Saleyards by authorising the Common Seal to be affixed and the CEO and Shire President to sign the document.

Voting Requirement: Absolute Majority

CARRIED: 7/0

Cr Owen Boxall spoke for the motion.

13. CONFIDENTIAL ITEM

Nil.

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6.30pm.