



Shire of  
**Katanning**  
Heart of the Great Southern

'A prosperous, vibrant and diverse community working together.'

**MINUTES OF  
ORDINARY COUNCIL MEETING**

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on  
Thursday 26 May 2022 by electronic means.

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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**PLEASE NOTE:**

Council Meetings are recorded for accuracy of minute taking.

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

The Presiding Member declared the meeting open at 7.00pm.

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

Presiding Member: Cr Liz Guidera - President

Members: Cr John Goodheart – Deputy President  
Cr Kristy D’Aprile  
Cr Matt Collis  
Cr Michelle Salter  
Cr Adrian Edwards  
Cr Serena Sandwell

Council Officers: Julian Murphy, Chief Executive Officer  
Denise Gobbart, Executive Manager Corporate & Community  
Sam Bryce, Executive Manager Infrastructure & Assets  
Sophie Justins, Executive Assistant to CEO

Gallery:

Media: Sean Van Der Wielen, Great Southern Herald

Apologies:

Leave of Absence:

**3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

**4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS**

Nil.

**6. PUBLIC QUESTION/STATEMENT TIME**

Nil.

**7. APPLICATIONS FOR LEAVE OF ABSENCE****7.1 Application for Leave of Absence Cr Liz Guidera**

**Voting Requirement:** Simple Majority

**MOVED:** CR SERENA SANDWELL

**SECONDED:** CR KRISTY D'APRILE

**OC51/22** That Council grants Cr Liz Guidera leave of absence for the June, July and August 2022 Ordinary Council Meetings (23 June 2022, 28 July 2022 and 25 August 2022).

CARRIED: 7/0

**8. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****9.1 Ordinary Council Meeting – Thursday 28 April 2022**  
(SEE ATTACHED MINUTES)

**Voting Requirement:** Simple Majority

**MOVED:** CR ADRIAN EDWARDS

**SECONDED:** CR SERENA SANDWELL

**OC52/22** That the minutes of the Ordinary Council Meeting held on Thursday 28 April 2022 confirmed as a true record of proceedings.

CARRIED: 7/0

**10. REPORTS OF COMMITTEES AND OFFICERS**

Nil.

**10.1 EXECUTIVE MANAGER INFRASTRUCTURE AND ASSETS**

Nil.

## 10.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

### 10.2.1 Schedule of Accounts (ATTACHMENTS)

**File Ref:** FM.FI.4  
**Reporting Officer:** Shenae Watts, Creditor Officer  
**Date Report Prepared:** 04 May 2022  
**Disclosure of Interest:** No Interest to disclose

**Issue:**

To receive the Schedule of Accounts Paid for the period ending 30 April 2022.

**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 2021/22	EFT Payments 2021/22	Direct Debits 2021/22	Credit Card 2021/22	Payroll 2021/22	Trust 2021/22	Total Payments 2021/22
July	559.90	1,239,701.9 2	39,737.04	5,458.49	234,583.47	0.00	1,520,040.82
August	2,173	648,801.21	34,876.21	4,237	240,430.70	0.00	930,518.12
September	17,051.30	1,267,827.1 9	56,741.47	4,564.28	351,445.88	0.00	1,697,630.12
October	1,089.80	801,203.05	42,674.11	2,515.16	247,451.36	0.00	1,094,933.48
November	570.10	501,263.03	245,004.6 2	2,809.49	241,336.44	0.00	990,983.68
December	1,261.55	993,082.18	37,012.47	5,026.75	252,165.66	0.00	1,288,548.61
January	234.00	393,674.49	36,350.37	3,667.86	221,208.16	0.00	655,134.88
February	1,300.15	979,987.84	32,394.58	4,035.21	224,458.67	0.00	1,242,176.45
March	883.95	1,070,050.0 3	51,239.07	2,116.15	369,915.38	38,000	1,532,204.58
April	1,037.75	608,707.09	36,739.54	3,061.96	234,172.90	0.00	883,719.24
May							
June							
<b>Total</b>	<b>26,161.50</b>	<b>8,504,298.0 3</b>	<b>612,769.4 8</b>	<b>37,492.35</b>	<b>2,617,168.6 2</b>	<b>38,000</b>	<b>11,797,889.9 8</b>

**Officer's Comment:**

The schedule of accounts for the month of April 2022 are attached.

The Finance Forum held on 12 May 2022 gave attending Councillors an opportunity to ask questions regarding the presented accounts paid.

**Statutory Environment:**

Local Government Act 1995.

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

**Policy Implications:**

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

**Financial Implications:**

Expenditure in accordance with s6.8 (1) (a) of the Local Government Act 1995.

**Risk Implications:**

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

**Strategic Implications:**

Shire of Katanning Strategic Community Plan 2022 – 2032

<b>Focus Area</b>	Leadership
<b>Aspiration</b>	Katanning is an inclusive and respectful community.
<b>Objective</b>	To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

**Voting Requirement:** Simple Majority.

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

**MOVED:** CR KRISTY D'APRILE

**SECONDED:** CR MICHELLE SALTER

**OC53/22** That Council endorses the Schedule of Accounts as presented, being cheques 42408 - 42409 totalling \$1,037.75, EFT payments 33919 – 34035 totalling \$608,707.09, payroll payments totalling \$234,172.90, direct payments totalling \$36,739.54 and credit card payments totalling \$3,061.96 authorised and paid in April 2022.

CARRIED: 7/0

## **10.2.2      Monthly Financial Report** **(ATTACHMENTS)**

**File Ref:** FM.FI.4  
**Reporting Officer:** Denise Gobbart, Executive Manager Corporate & Community  
**Report Prepared:** 6 May 2022  
**Disclosure of Interest:** No Interest to disclose

### **Body/Background:**

This item presents the Monthly Financial Report, which contains the 'Statement of Financial Activity' for the period ending 30 April 2022.

Section 6.4 of the Local Government Act 1995 requires a local government to prepare financial reports.

Regulation 34 of the Local Government (Financial Management) Regulations 1996 sets out the form and content of the financial reports, which have been prepared and are presented to Council.

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% with a minimum value of \$10,000. Material variances between budgeted and actual expenditure are reported at Note 17 of the Monthly Financial Report.

### **Officer's Comment:**

A variance report is included with the monthly financial statement's attachment.

The budget was adopted 31 August 2021 and this report reflects the adopted budget. It is noted that monthly depreciation is not run until after the prior year audit has been signed off.

The Finance Forum held on 12 May 2022 gave attending Councillors an opportunity to ask questions regarding the presented financial statements.

### **Statutory Environment:**

Local Government Act 1995

Section 6.4    Financial Report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996.

Regulation 34 Financial activity statement required each month (Act s.6.4)

### **Policy Implications:**

The Shire has several financial management policies. The finances have been managed in accordance with these policies.

### **Financial Implications:**

There are no financial implications for this report.



**Risk Implications:**

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

**Strategic Implications:**

Shire of Katanning Strategic Community Plan 2022 – 2032

**Focus Area** Leadership

**Aspiration** Katanning is an inclusive and respectful community.

**Objective** To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

**Voting Requirement:** Simple Majority

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

**MOVED:** CR KRISTY D'APRILE

**SECONDED:** CR SERENA SANDWELL

**OC54/22** That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Monthly Statement of Financial Activity for the period ending 30 April 2022, as presented.

CARRIED: 7/0

**10.2.3      Transfer of Ownership – A332**

**File Ref:** A332  
**Reporting Officer:** Denise Gobbart, Executive Manager Corporate & Community  
**Date Report Prepared:** 16 May 2022  
**Disclosure of Interest:** No Interest to disclose

**Issue:**

For Council to endorse the execution of the Transfer of Land for A332 – Lot 708 (39) Cullen Street Katanning, due to unpaid rates.

**Body/Background:**

On 28 April 2007 an auction was held for the sale of properties for non-payment of rates, Lot 708 Cullen Street was one of the properties auctioned. All properties were sold except for Cullen Street, there was no interest in the property.

At the Ordinary Meeting of Council held 23 May 2007 the following was resolved:

**OC142/07      That Council:**

- 1.      Note the outcomes of the auction of properties for the non payment of rates;**
- 2.      Authorise the write-off of any outstanding rates after settlement; and**
- 3.      Write-off the rates on A332 (Cullen Street) and commence proceedings to have this property transferred into Council's name.**

**CARRIED UNANIMOUSLY**

Following the resolution of Council, the debt of \$19,558.47 was cleared on the 30 June 2010 by a receipt from a suspense account. At that time the ESL charge type was not removed from the property and continued to be levied. Then on the 17 November a further \$508.43 was written off, again leaving the property with a nil balance.

Since that date no further action has been taken with the property and as the ESL charge type has never been removed from the property.

**Officer's Comment:**

Given that the Shire had proceeded to auction of the property and made the final resolution for the property to be transferred into the Shire's ownership, our Solicitors were contacted to obtain advice how we could proceed with the transfer given that no action had occurred since May 2007.

The advice received stated:

*The subject property would technically remain in the possession of the Shire in light of the sale of land process undertaken under the LG Act and it has been over 12 years since the Shire came into possession. Accordingly, it would be open to the Shire to transfer the subject property to itself in accordance with section 6.75 of the LG Act, which states –*

- (1) Where, at the expiration of 12 years from the taking of possession of any rateable land by a local government under section 6.64 –*
  - (a) all rates and service charges due and payable in respect of the land have not been paid; and*

- (b) *the land has not, under the provisions of this Subdivision, been —*
- (i) *sold by the local government; or*
  - (ii) *transferred to the local government; or*
  - (iii) *transferred to the Crown,*
- by operation of this section the fee simple in the land is to be transferred to the local government subject to —*
- (c) *easements in favour of the public which affect the land; and*
  - (d) *the rights of the Crown in right of the State or Commonwealth or a department, agency, or instrumentality of the Crown in right of the State or Commonwealth; and*
  - (e) *rates and taxes (other than local government rates and service charges) due on the land, but free from other encumbrances.*
- (2) *Schedule 6.3 has effect in relation to a transfer under this section.*

Our Solicitor also advised that there were no encumbrances that would preclude or otherwise affect the Shire's action under section 6.75.

Given that advice, our Solicitors have been engaged to transfer the land to the Shire. As a result of this action, a Transfer of Land document needs to be executed.

**Statutory Environment:**

Local Government Act 1995

9.49A Execution of Documents

- (1) A document is duly executed by a local government if —
  - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
  - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
  - (a) the mayor or president; and
  - (b) the CEO, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

**Policy Implications:**

There are no policy implications for this report.

**Financial Implications:**

The estimated cost of advice and the transfer of land is \$2,500. With the land being transferred to the Shire there will be an annual maintenance cost in relation to fire mitigation.

**Risk Implications:**

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

**Strategic Implications:**

Shire of Katanning Strategic Community Plan 2022 – 2032

<b>Focus Area</b>	Leadership
<b>Aspiration</b>	Katanning is an inclusive and respectful community.
<b>Objective</b>	To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

**Voting Requirement:** Simple Majority

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

**MOVED: CR KRISTY D'APRILE**

**SECONDED: CR JOHN GOODHEART**

**OC55/22** That Council, authorises the Shire President and Chief Executive Officer to affix the common seal to the Transfer of Land document for Lot 708 on Deposited Plan 224134 (39) Cullen Street, Katanning.

CARRIED: 7/0

Cr Kristy D'Aprile spoke for the motion.  
Cr John Goodheart spoke for the motion.

**10.2.4      Application for Self-Supporting Loan – Katanning Country Club**  
(ATTACHMENT)

**File Ref:** FM.LN.2  
**Reporting Officer:** Denise Gobbart, Executive Manager Corporate & Community  
**Date Report Prepared:** 21 April 2022  
**Disclosure of Interest:** No Interest to disclose

**ATTACHMENTS**

**Issue:**

For Council to consider approval of a self-supporting loan application by the Katanning Country Club Inc. (KCC) for the KCC Redevelopment Project.

**Body/Background:**

The KCC have written to the Shire advising that the Redevelopment Project is close to completion. Acknowledging that the scope of the project has grown significantly since its inception.

The KCC is seeking a self-supporting loan of \$250,000 for a period of 10 years. They are confident that they can meet an estimated annual payment of \$30,000 with an increase in venue hire and increased turnover by hosting large sporting events. It is also proposed for a modest increase in membership and fundraising, as well as a reduction in costs through volunteer work.

KCC advises that the spend for the project is expected to be:

Bowls Relocation	\$ 794,937
A Laurino & Co - Contract	\$ 857,000
A Laurino & Co - Variations to Contract	\$ 535,500
Courtech Squash Courts	\$ 132,000
Tennis Fencing, Lights, Playground, BBQ etc	\$ 180,000
Floor Coverings	\$ 50,000
	<u>\$ 2,549,437</u>

This is to be offset with the following funding sources:

Shire Heritage Precinct Project	\$ 1,000,000
GSDC	\$ 170,000
DLGSC	\$ 160,000
Sport Australia	\$ 248,000
GSDC	\$ 100,000
Shire - Donation	\$ 50,000
Shire - Water Tanks	\$ 40,000
KCC	\$ 363,000
Pending Loan	\$ 250,000
	<u>\$ 2,381,000</u>

From the figures provided there is a funding shortfall of \$168,437. Clarification is being sort from the KCC to identify this how this is funded. This information is yet to be received.

To support the KCC borrowings application they presented the copies of the following documents.

- KCC Budget 2022 to 2035
- KCC Strategic Business Plan 2022 to 2035
- KCC Financial Statements 2019, 2020 & 2021

**Officer's Comment:**

On receiving the application for a self-supporting loan follow-up information was requested with the KCC response in *italic*.

- When will payment of the current outstanding balance of \$257,209.96 be made.  
*Payment of \$115,701.30 will be made as soon as possible. (Received 19 May 2022)  
Payment of \$141,507.66 has caused much grief to all concerned, was delayed while we try to recover as much of the lost funds as possible. This has been an extremely taxing process and remains unresolved.*
- With another \$350,000 outstanding on the project when is it anticipated that these funds will be repaid.  
*\$100,000 will be paid when invoiced. The remaining \$250,000 will be repaid over the life of the loan is our loan application is successful.*
- It is noted that the Strategic Business Plan shows a loss of \$95,197.73 in 2021, how are you going to meet your current cashflow needs.  
*The Strategic Business Plan also shows a \$94,722.45 fraudulent payment. We remain Optimistic this won't be repeated.*
- The Strategic Business Plan or proposed budget doesn't appear to give any consideration to Asset Replacement for any Infrastructure, Plant and Equipment.  
*The only plant and equipment that may need to be upgraded in the near term is golf course maintenance equipment. We hope to cover these contingencies from accumulated profit.*
- The CSRFF funding agreement had a requirement to establish an Asset replacement Fund for the replacement of the Squash Court playing surface by 15 June in the year the grant was offered. Has this been considered in the Strategic Business Plan or the Proposed Budget?  
*Its omission is an oversight that needs rectifying. The previous court surface lasted 43 years. Given that the walls are now expected to last much longer than the previous walls we would be looking to fundraise for floors only at a current cost of approximately \$15,000 per court. For four courts the is approximately \$1,400 per year. We will again apply for government assistance with surface replacement at this time. If the one third model still applies, then we need to budget for \$500 per annum.*

In relation to the outstanding payment of \$141,507.66 that was lost in a digital fraud matter. We were advised on the that \$50,505.21 was deposited into the KCC on 17 November 2021 by Digital Fraud NSW. These funds have not been received by the Shire to offset the outstanding balance. The KCC have also been advised they were receiving a goodwill payment of \$12,500 by the Commonwealth Bank on 9 March 2022.

Additional information was also sort in relation to Policy 2.12 Self Supporting Loans.

- You have identified the need for a loan – we require information on your inability to obtain alternative funds.

*The club has successfully applied for \$678,000 worth of State and Federal funding. We have committed all our reserves which was built up over many years. We have had excellent support from our members and saved a lot of money through busy b's and donations. We believe that by taking a loan for 10% of the value of the project are spreading the burden of the redevelopment across a greater number of members who will benefit from the improved facilities.*

*If we have unforeseen expenses in the future, we still have the option of going to members to raise money in the form of debentures or prepaid subscriptions.*

- Name(s) of private guarantor(s) and/or details on security property needs to be submitted.

*Prepared to enter in the loan agreement, giving the Shire of Katanning permission to lodge an absolute caveat over certificate of title.*

### **Statutory Environment:**

Local Government Act 1995

Subdivision 3 – Borrowings

6.20 Power to Borrow

- (1) Subject to this Act, a local government may —
  - (a) borrow or re-borrow money; or
  - (b) obtain credit; or
  - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (**power to borrow**) and details of that proposal have not been included in the annual budget for that financial year —
  - (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
  - (b) the resolution to exercise that power is to be by absolute majority.
- (3) Where a local government has exercised a power to borrow and —
  - (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
  - (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized, the local government may resolve\* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.  
*\* Absolute majority required.*
- (4) A local government is not required to give local public notice under subsection (3) —
  - (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
  - (b) in such other circumstances as are prescribed.

Local Government (Financial Management) Regulations 1996

- 20 When local public notice not required for exercise of power to borrow (Act s. 6.20(2)(a))
- (1) In this regulation — **major variation** means a variation in the terms of a loan or other financial accommodation which is —
- (a) a capitalisation of interest accruals; or
  - (b) an increase in the term of the loan or other financial accommodation;
- re-finance**, in relation to a loan or other financial accommodation (the **existing loan**), means to borrow an amount (the **new loan**) which is, at the date of the new loan —
- (a) equal to the principal amount owing on the existing loan; or
  - (b) not more than \$5 000 more or less than the principal amount owing on the existing loan,
- for the principal purpose of paying out the existing loan or preserving the credit originally provided by the existing loan.
- (2) A local government is not required to give local public notice of a proposal to exercise a power to borrow where —
- (a) the power is to be exercised to re-finance a loan or to continue other financial accommodation (whether with the same or another bank or financial institution); and
  - (b) the re-financing or continuation is not a major variation.
- (3) A local government is not required to give local public notice of a proposal to exercise a power to borrow where each of the following conditions is satisfied —
- (a) a decision to exercise the power is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;
  - (b) the local government considers that the borrowing is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates;
  - (c) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.

#### Local Government Act 1995

##### 1.7 Local public notice

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

#### Local Government (Administration) Regulations 1996

##### 3A Requirements for local public notice (Act s. 1.7)

- (1) For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —
- (a) the period specified in or under the Act in relation to the notice; or
  - (b) if no period is specified in relation to the notice — a period of not less than 7 days.
- (2) For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —
- (a) publication in a newspaper circulating generally in the State;
  - (b) publication in a newspaper circulating generally in the district;
  - (c) publication in 1 or more newsletters circulating generally in the district;
  - (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
    - (i) the period specified in or under the Act in relation to the notice; or
    - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;



- (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;
- (f) exhibition on a notice board at the local government offices and each local government library in the district for —
  - (i) the period specified in or under the Act in relation to the notice; or
  - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
- (g) posting on a social media account administered by the local government for —
  - (i) the period specified in or under the Act in relation to the notice; or
  - (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

**Policy Implications:****Policy 2.12 Self Supporting Loans**

*Policy Statement:* Council in general, will only consider approving a self-supporting loan to a maximum of \$150,000 for any one applicant.

*Objectives:* is to ensure that the recipient of a Council provided self-supporting loan has the capacity and capability to repay the loan and associated costs.

**Financial Implications:**

As of 16 May 2022, an indicative quote provided by the Western Australian Treasury Corporation (WATC) for \$250,000 with 20 Semi Annual repayments has an interest rate of 3.6811% per annum. This would require semi-annual repayments of \$15,055.

This repayment does not include the Government Guarantee Fee, which is invoiced separately by WATC and is subject to change in accordance with government policy. The rate is currently 0.70%. If the rate remains unchanged the Guarantee Fee will be a total of \$9,730 over the life of the loan. This rate is calculated on the principal outstanding, so the annual repayment amount diminishes over the life of the loan.

From 1 July 2022, the WATC revised local government lending framework becomes effective. They will be considering the following criteria:

- Governance Considerations – supported through improved engagement with the Department of Local Government, Sport and Culture (DLGSC). Consideration to the appropriateness of the loan purpose.
- Qualitative Criteria – for example: size, growth rate, operational characteristics, vulnerability to external developments, Year to Date performance vs. budget.
- Quantitative Criteria – Profitability, Serviceability, Liquidity & Leverage.

The combination of these three components of the lending evaluation process provides an enhanced view of risk to inform the lending decision.

The WATC will implement a structured local government (LG) loan monitoring framework to enable them to be proactive in the management of LG loans should financial performance deteriorate. It is expected that all LG borrowing clients will be subject to a credit review at least every three years.

If a credit review identifies a material issue the WATC may:

- Engage with the Council to determine the cause of any issue and agree with the LG a plan to address the issue.

- Proactively monitor the LG on a more frequent basis in line with the agreed plan to address the issue.
- Escalate the issue to DLGSC where there are concerns for the ongoing sustainability of the LG.

**Risk Implications:**

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Medium" risk and may require the allocation of additional own source funding to address any payment defaults on the proposed self-supporting loan.

**Strategic Implications:**

Shire of Katanning Strategic Community Plan 2022 – 2032

**Focus Area** Leadership

**Aspiration** Katanning is an inclusive and respectful community.

**Objective** To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

**PROCEDURAL MOTION:**

**Voting Requirement:** Simple Majority

**MOVED: CR JOHN GOODHEART**

**SECONDED: CR MATT COLLIS**

**OC56/22 That Council suspends standing orders.**

CARRIED: 7/0

**PROCEDURAL MOTION:**

**Voting Requirement:** Simple Majority

**MOVED: CR SERENA SANDWELL**

**SECONDED: CR JOHN GOODHEART**

**OC57/22 That Council resumes standing orders.**

CARRIED: 7/0

**Voting Requirement:** Absolute Majority

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

**MOVED: CR ADRIAN EDWARDS**

**SECONDED: CR KRISTY D'APRILE**

**OC58/22**

**That Council, authorises the Chief Executive Officer:**

- 1. In accordance with the requirements of s6.20(2) of the Local Government Act 1995, to give one (1) month's local public notice of the Shire's intention to borrow \$250,000 at the estimated rate of 3.7% for the term of ten (10) years for the Katanning Country Club Redevelopment Project.**
- 2. To investigate options for securing the loan.**

**CARRIED BY ABSOLUTE MAJORITY: 7/0**

**10.3 CHIEF EXECUTIVE OFFICER'S REPORTS**

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**

Nil.

**13. CONFIDENTIAL ITEMS****PROCEDURAL MOTION****MOVED: CR SERENA SANDWELL****SECONDED: CR KRISTY D'APRILE****OC59/22 That Council closes the meeting to the public to consider the following items:**

- **Write-off Rates & Charges – A332.**
- **Write-off Sundry Debts – Certa Civil Works Pty Ltd**
- **Piesse Lake Subdivision**

CARRIED: 7/0

Sean Van Der Wielen, Great Southern Herald left the room at 7.21pm.

**13.1 Write-off Rates & Charges – A332****File Ref:** A332**Reporting Officer:** Denise Gobbart, Executive Manager Corporate & Community**Date Report Prepared:** 22 April 2022**Disclosure of Interest:** No Interest to disclose**Reason For Confidentiality**

The report is confidential in accordance with section 5.23 (2) (e) (iii) a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.

**Voting Requirement:** Simple Majority**Officer's Recommendation/Council Motion:****MOVED: CR SERENA SANDWELL****SECONDED: CR MICHELLE SALTER****OC60/22 That Council approves the write-off of emergency services levy and interest charges of \$395.60 that is outstanding on assessment A332.**

CARRIED: 7/0

**13.2            Write-off Sundry Debts – Certa Civil Works Pty Ltd**

**File Ref:** FM.DT.3  
**Reporting Officer:** Denise Gobbart, Executive Manager Corporate & Community  
**Date Report Prepared:** 27 April 2022  
**Disclosure of Interest:** No Interest to disclose

**Reason For Confidentiality**

The report is confidential in accordance with section 5.23 (2) (e) (iii) a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.

**Voting Requirement:** Simple Majority

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

**MOVED: CR KRISTY D'APRILE**

**SECONDED: CR MATT COLLIS**

**OC61/22        That Council approves the write-off of sundry debtor charges of \$1,980.32 that is outstanding for Certa Civil Works Pty Ltd.**

**CARRIED: 7/0**

Cr Kristy D'Aprile spoke for the motion.

**13.3**            **Piesse Lake Subdivision**

**File Ref:** CP.RP.4  
**Reporting Officer:** Julian Murphy, Chief Executive Officer  
**Date Report Prepared:** 19 May 2022  
**Disclosure of Interest:** Nil

**Reason For Confidentiality**

The Chief Executive Officer's Report is confidential in accordance with section 5.23(2)(c) of the Local Government Act because it deals with matters to do with a contract which may be entered into by the local government. The Chief Executive Officer's Report has been provided to Council under separate cover.

**Voting Requirement:** Simple Majority

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

**MOVED: CR KRISTY D'APRILE**

**SECONDED: CR SERENA SANDWELL**

- OC62/22**        **That Council with respect to the land at Piesse Lake Residential Subdivision:**
- 1. Retains vacant lots 5/1, 5/4, 25/3 & 25/4 Kaatanup Loop for future development of Shire housing in addition to the land already built on as part of the Great Southern Housing Initiative;**
  - 2. Sets the (reserve) sale price of the lots at the Piesse Lake Subdivision at \$60/m<sup>2</sup>; and**
  - 3. Authorises the CEO to advertise the sale of land by public tender.**

CARRIED: 7/0

Cr Kristy D'Aprile spoke for the motion.

**PROCEDURAL MOTION**

**Voting Requirement:** Simple Majority

**MOVED: CR KRISTY D'APRILE**

**SECONDED: CR SERENA SANDWELL**

- OC63/22**        **That Council reopens the meeting to the public.**

CARRIED: 7/0

**14. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 7.26pm.