



Shire of
Katanning
heart of the great southern

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

**MINUTES OF A
ORDINARY COUNCIL MEETING**

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on
Tuesday 24 November 2015, in the Shire of Katanning Council Chambers,
14 Austral Terrace, Katanning, commencing at 6:00pm.

DISCLAIMER

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

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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS

The Presiding Member declared the meeting open at 6pm.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Deputy President – Cr Craig McKinley

Members: Cr Danny McGrath
Cr Owen Boxall
Cr Richard Kowald
Cr Alep Mydie
Cr Serena Sandwell
Cr Martin Van Koldenhoven

Council Officers: Julian Murphy, Chief Executive Officer
Andrew Holden, Deputy Chief Executive Officer
Uwe Striepe, Director of Engineering & Development Services
Sam Davis, Executive Manager – Strategic Projects

Council Observer: Taryn Human, PA to the CEO

Gallery: Matt Collis
Issy Collis

Media:

Apologies: President – Cr Liz Guidera
Sarah Taylor, Director of Corporate and Community Services
Diana Marsh, Manager of Finance

Leave of Absence:

3. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

Nil.

5. PUBLIC QUESTION/STATEMENT TIME

Matt Collis started off by congratulating the new administration and Council and said that the community groups he is involved in have positive feedback to say.

Questions Piesse Park:

Have concerns about the walls and reed beds:

1. Safety issues if a child was to get into the reed beds for some reason the vertical nature of the walls and the soft ground, it would be hard or impossible to get out.
2. Wildlife in the area, any flying wildlife is trapped in the reed beds by the nature of the walls. Piesse Lake success is due to the wildlife and the aquatic cover provided within the lake. I believe creating a fully segregated area is a mistake. Piesse Park has the potential to be a great asset for the community and wildlife but it has to be done right and the needs to each group needs to be addressed.

Answer by CEO Julian Murphy

The walls are sheer and made of concrete as they are currently constructed. We are working with Katanning Landcare to come up with a best practice design to allow for the wildlife, there are still turtles, frogs etc in the lake, but we are very conscious that we have to provide habitat for that wildlife.

We are also conscious of the safety aspect if a person, a child or a dog fell into the lake. We are looking at sloping the reed bed floor around the edges of the reed bed to make it easier to walk out. We are also looking at a second wall in front of the castellated concrete wall that allows water to flow into the lake. The second wall will be at a lower level which will be naturally landscaped with foliage plants to create habitat for the turtles and the frogs and to be aesthetically more pleasing.

The wall around the general part of the lake will have a different number of finishes to have a natural look. This will also allow for any recreational use, anything that floats would be acceptable such as paddle boats, and to provide a landing area to allow for that type of use.

At this stage it's a work-in progress but we are looking at the design to address all the matters that you have raised.

Question Projects

With the change of administration and leadership are there any plans to reduce the number of projects on the go by completing some of them. Personally I believe on a whole with the exception of Clive Street and Piesse Park, the projects are carried out and planned well and executed well however the amount of current projects it is hard for the

community to see results. An example is the bus shelter, a couple of months ago it needed a few touches yet we will still be waiting.

Answer by CEO Julian Murphy

Council has appointed a Projects Manager who is in the process of doing a full review of all the projects including all the resources available to complete these.

It is a struggle with the resources that we have but that doesn't mean to say we cannot bring more resources in or use alternative methods to achieve this. At this stage we are reviewing this and aim to complete what we can complete before starting the new projects.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**8.1 Ordinary Council Meeting – 28 October 2015
(SEE ATTACHED MINUTES)**

MOVED: CR OWEN BOXALL

SECONDED: CR SERENA SANDWELL

OC114/15 That the minutes of the Ordinary Council Meeting held on Wednesday 28 October 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED: 6/0

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Firstly, I wish Liz and family all the best with her mother and hoping for a positive outcome.

Thoughts go to The Shire of Esperance who has endured fires resulting with loss of lives, homes, farms, Crops and livestock.

Now for local matters.

I attended Katanning Senior High School Year 12 valedictorian and presented Katanning Shire Sports Citizen of the Year Award to Sajad Nazary.

Congratulations go to Dux award winner Digby Patterson and all other award winners.

I also attended the Remembrance Day service along with Shire President and Shire staff. It was well attended and organised and thanks go to Amy and her team.

10. REPORTS OF COMMITTEES AND OFFICERS

Nil.

10.1 DIRECTOR OF ENGINEERING & DEVELOPMENT SERVICES REPORTS

10.1.1 Clive Street review of speed zoning

File Reference: TS/98/0210
Reporting Officer: U Striepe, Director of Engineering and Development Planning
Report Prepared: 13 November 2015

Issue:

To consider a reduction in the speed limit from 50km/h to 40km/h along a section of Clive St, extending from Carew St to Beaufort St.

Body/Background:

Main Roads WA controls speed limits on all roads within Western Australia. There is a concern that with the revitalization of Clive St, the statutory 50km/h in built up areas is no longer applicable along a section of Clive St, from Carew St to Beaufort St. In order to review the speed zoning, the Shire needs to submit an application to Main Roads WA speed zoning section.

Officer's Comment:

A previous application for reduction in the speed zoning along Clive St has been submitted some years ago with no success. The effective narrowing of a section of Clive St with the construction of the tree pits has a significant effect. There is a chance that on this occasion Main Roads WA Officials may approve the application.

Statutory Environment:

Western Australia Road Traffic Code 2000

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Officer's Recommendation/Council Motion:

MOVED: CR MARTIN VAN KOLDENHOVEN SECONDED: CR DANNY MCGRATH

OC115/15 That Council submits an application to Main Roads WA speed zoning section to request the reduction in the speed zoning for a section of Clive St, from Carew St to Beaufort St, from 50km/h to 40km/h.

Voting Requirement: Absolute Majority

CARRIED: 6/0

Cr Martin Van Koldenhoven spoke for the motion.

Cr Danny McGrath spoke for the motion.

10.2 DIRECTOR OF CORPORATE AND COMMUNITY SERVICES REPORTS

10.2.1 Monthly Financial Reports (SEE ATTACHED FINANCIAL REPORTS)

File Ref: FS/0021
Reporting Officer: D Marsh, Manager Finance
Report Prepared: 23 October 2015

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 Plan 2013 – 2023
Development and Leadership

- Governance

Officer's Recommendation/Council Motion:**MOVED: CR MARTIN VAN KOLDENHOVEN SECONDED: CR SERENA SANDWELL****OC116/15 That Council:****Adopts the Statement of Financial Activity for the month ending 31 October 2015, as presented, and notes any material variances.****Voting Requirement:** Simple Majority

CARRIED: 6/0

Cr Martin Van Koldenhoven spoke for the motion.
Cr Alep Mydie joined the meeting at 6:12pm.

10.2.2 Schedule of Accounts
(SEE ATTACHED)

File Ref: FS/0021
Reporting Officer: D Marsh, Manager Finance
Report Prepared: 23 October 2015

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.

Officer's Comment:

The schedule of accounts for month of September 2015 is attached.

Statutory Environment:

Local Government (Financial Management) Regulations

Policy Implications:

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

Financial Implications:

Expenditure in accordance with the 2015/2016 Annual Budget.

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023
Development and Leadership

- Governance

Officer's Recommendation/Council Motion:**MOVED: CR RICHARD KOWALD****SECONDED: CR OWEN BOXALL****OC117/15 That Council:****Endorses the Schedule of Accounts for October 2015, as presented.****Voting Requirement:** Simple Majority

CARRIED: 7/0

10.3 EXECUTIVE MANAGER – STRATEGIC PROJECTS

Nil.

10.4 DEPUTY CHIEF EXECUTIVE OFFICER**10.4.1 Delegation – Town Planning powers and duties****File Ref:** YB/11/0003**Reporting Officer:** D Baesjou, Consultant Planner**Date Report Prepared:** 17 November 2015**Issue:**

To readopt the Shire of Katanning town planning delegations in accord with the 2015 Planning Regulations.

Body/Background:

The Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) came into effect on 19 October 2015 and introduced 'deemed provisions' that now apply to all planning schemes throughout Western Australia. The new clauses relating to delegation of power override those in the current Town Planning Scheme 4 (TPS4) which was adopted under the 1967 Regulations. As a consequence, the Shire of Katanning's town planning delegations are ineffective. To be operable, the planning delegations are required to be reviewed to accord with the new Regulations and readopted.

Officers Comment

As with most Local Governments the Shire of Katanning has previously delegated various planning powers and responsibilities to the chief Executive Officer. This enables timely processing of routine, non-contentions planning applications and commencement of public advertising. The alternative is longer processing times and for those matters requiring advertising, presentation for consideration by Council at two separate meetings. A relatively quick turn-around, afforded by delegation, is appreciated by rate payers.

Delegations 10 Ancillary Accommodation & Grouped Dwellings and 11 Approval / Refusal of Development Applications, were established under Clause 9.7 of TPS4. Former Delegation 10 is redundant due to the new 'deemed provisions' and R Codes. In respect of Ancillary Accommodation, the Shire no longer has discretion to determine this use in R Coded areas.

The intent of Delegation 11 is replicated in the delegation set out in the officer recommendation, taking account of the terminology and procedures contained in the 2015 LPS Regulations.

Approvals issued under delegation are required to be reported to the Council.

Statutory Environment:

Clauses 82 and 84 of Part 9, Division 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 set out the following:

82. Delegations by local government

- 1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.
- 2) A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.
- 3) The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.

84. Other matters relevant to delegations under this Division

The *Local Government Act 1995* sections 5.45 and 5.46 apply to a delegation made under this Division as if the delegation were a delegation under Part 5 Division 4 of that Act.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

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

Shire of Katanning Strategic Plan 2013 – 2023

Land Use Development:

- Establish a minimal hierarchy of plans required to facilitate development

Community Objectives:

- To actively promote Katanning as a regional centre.

Leadership and Development:

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

Officer's Recommendation/Council Motion:**MOVED: CR DANNY MCGRATH****SECONDED: CR SERENA SANDWELL****OC118/15 That Council:**

In accordance with Clause 82, Division 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, authority is hereby delegated to the Chief Executive Officer of the Shire of Katanning to exercise the following powers and duties:

- 1) Determine applications for Development Approval involving such uses listed in the Zoning Table as 'P' (unless exempt under Clause 61, Part 7) or 'AA', in accordance with the procedures set out in Part 9, Schedule 2 of the LPS Regulations, providing they are not contentious.
- 2) Undertake advertising of a proposed extension of a non-conforming use, 'SA' and non-listed uses that are considered to be consistent with the zone objectives, in accordance with Clause 64 (3), Part 8, Schedule 2 of the LPS Regulations.

Voting Requirement: Absolute Majority

CARRIED: 7/0

10.5 CHIEF EXECUTIVE OFFICER'S REPORTS**10.5.1 Council Meeting Dates**

File Ref: AG/98/0005
Reporting Officer: J Murphy, Chief Executive Officer
Date Report Prepared: 17 November 2015

Issue:

To confirm the dates for Ordinary Council Meetings for the coming year.

Body/Background:

At its Ordinary Meeting held on 28 October 2015 Council resolved to hold ordinary meetings on the fourth Tuesday of each month except January.

Officer's Comment:

Meetings scheduled for December 2015 and 2016 and April 2016 will occur on or close to public holidays for Christmas and Easter respectively. It is recommended that Council holds meetings in these months a week earlier than scheduled to avoid any potential clashes with holiday periods. This will allow staff adequate time to prepare meeting reports and agendas for Council.

The following meeting dates are proposed for the coming year:

Tuesday 15 December 2015

Tuesday 23 February 2016
Tuesday 22 March 2016
Tuesday 19 April 2016
Tuesday 24 May 2016
Tuesday 28 June 2016
Tuesday 26 July 2016
Tuesday 23 August 2016
Tuesday 27 September 2016
Tuesday 25 October 2016
Tuesday 22 November 2016
Tuesday 20 December 2016

Statutory Environment:

Local Government Act 1995, section 5.3(2) Ordinary and special council meetings - Ordinary meetings are to be held not more than 3 months apart.

Local Government (Administration) Regulations, Regulation 12(1) Meetings, public notice of - At least once each year a local government is to give local public notice of the dates on which and the time and place at which the ordinary council meetings.

Policy Implications:

There are no policy implications in relation to this matter.

Financial Implications:

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

Strategic Implications:***Shire of Katanning Strategic Plan 2013 – 2023***

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:

MOVED: CR OWEN BOXALL

SECONDED: CR DANNY MCGRATH

OC119/15 That Council:

- 1. Holds Ordinary Meetings of Council commencing at 6.00pm at the Council Chambers, Austral Terrace, Katanning on the following dates for the coming year:**

**Tuesday 15 December 2015
Tuesday 23 February 2016
Tuesday 22 March 2016
Tuesday 19 April 2016
Tuesday 24 May 2016
Tuesday 28 June 2016
Tuesday 26 July 2016
Tuesday 23 August 2016
Tuesday 27 September 2016
Tuesday 25 October 2016
Tuesday 22 November 2016**

Tuesday 20 December 2016

2. Gives public notice of the Ordinary Meeting dates, time and place in accordance with Local Government (Administration) Regulations.

Voting Requirement: Simple Majority

CARRIED: 7/0

Cr Danny McGrath spoke for the motion.

10.5.2 Purchasing Policy

File Ref: AC/00/007
Reporting Officer: J Murphy, Chief Executive Officer
Date Report Prepared: 19 November 2015

Issue:

To consider amendments to Council's purchasing policy.

Body/Background:

In accordance with the Local Government (Functions & General) Regulations 1996, a local government is required to prepare, adopt and implement a purchasing policy in relation to contracts for other persons to supply goods or services.

Council's purchasing policy provides for the following requirements for the following purchasing thresholds:

Amount of Purchase	Policy
Up to \$5,000	Direct purchase from suppliers, using local suppliers where price, quality and service are considered adequate.
\$5,001 to \$20,000	Obtain two verbal quotes. If the goods and services are regularly supplied by the same provider then alternate quotes to be obtained once per annum to ensure continued value for money is being provided.
\$20,001 to \$50,000	Obtain at least two written quotations
\$50,001 to \$99,999	Obtain at least three written quotations containing price and specification of goods and services with the purchasing decision to be based on all value for money considerations (and subject to Local Government Tender Regulations).

\$100,000 and above	Conduct a public tender process.

Recent changes to the Local Government (Functions & General) Regulations 1996 has increased the value of when a local government must invite tenders before it enters into a contract for another person to supply goods or services from \$100,000 to \$150,000.

Council's purchasing policy currently requires tenders to be called for purchases of or more than the value of \$100,000.

Officer's Comment:

It is recommended that Council review and update the purchasing policy to reflect the increase in value for when a tender for purchasing is required from \$100,000 to \$150,000 in accordance with the Local Government (Functions & General) Regulations 1996 and increases the range for the requirement to obtain three written quotations to \$50,001 to \$149,999.

Statutory Environment:

Local Government (Functions & General) Regulations 1996

- Regulation 11A – Purchasing policies for local governments
- Regulation 11 – When tenders have to be publicly invited

Policy Implications:

Proposed changes to Council's purchasing policy to reflect the increase in the threshold for when public tenders must be invited for the purchase of goods and services.

Financial Implications:

Nil.

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:

MOVED: CR MARTIN VAN KOLDENHOVEN SECONDED: CR SERENA SANDWELL

OC120/15 That Council:

1. Amends the purchasing policy to reflect the increase in value for when a tender for purchasing is required from \$100,000 to \$150,000 in accordance with the Local Government (Functions & General) Regulations 1996; and
2. Adopts the following requirements for the following purchasing thresholds within the purchasing policy:

Amount of Purchase	Policy
Up to \$5,000	Direct purchase from suppliers, using local suppliers where price, quality and service are considered adequate.
\$5,001 to \$20,000	Obtain two verbal quotes. If the goods and services are regularly supplied by the same provider then alternate quotes to be obtained once per annum to ensure continued value for money is being provided.
\$20,001 to \$50,000	Obtain at least two written quotations
\$50,001 to \$149,999	Obtain at least three written quotations containing price and specification of goods and services with the purchasing decision to be based on all value for money considerations (and subject to Local Government Tender Regulations).
\$150,000 and above	Conduct a public tender process.

Voting Requirement: Simple Majority

CARRIED: 7/0

Cr Martin Van Koldenhoven spoke for the motion.
Cr Serena Sandwell spoke for the motion.

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

Nil.

13. CONFIDENTIAL ITEM

Nil.

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:16pm.