



Shire of
Katanning
Heart of the Great Southern

‘Katanning is a safe, sustainable and prosperous community.
We respect and celebrate our diverse culture.’

**MINUTES OF THE
ORDINARY COUNCIL MEETING**

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on
Monday 25 November 2024 in the Shire of Katanning’s Council Chamber,
52 Austral Terrace, Katanning.

DISCLAIMER

Any applicant or members of the public is advised to wait for written advice from the Council before taking any action on an application or a Council decision.

PRESIDING MEMBER _____

DATE SIGNED _____



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PLEASE NOTE:

Council Meetings are recorded for accuracy of minute taking.

1. DECLARATION OF OPENING/ ACKNOWLEDGEMENT OF COUNTRY

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

Acknowledgement of Country

The Shire of Katanning acknowledges the Goreng Noongar people as the traditional custodians of the land that we live and work on. We recognise their cultural heritage, beliefs, and continuing relationship with the land and pay our respects to Elders past and present.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Kristy D'Aprile - President

Members: Cr Liz Guidera – Deputy President
Cr John Goodheart
Cr Matt Collis
Cr Ian Hanna
Cr Paul Totino
Cr Michelle Salter

Council Officers: Peter Klein, Chief Executive Officer
David Blurton, Executive Manager Corporate Services
Lindsay Morrison, Acting General Manager Assets & Operations
Denise Gallanagh-Wood, Executive Manager Community Development
Taryn Human, Executive Assistant to CEO

Gallery: Graham Barnes

Media: Nil.

Apologies: Nil.

Leave of Absence: Nil.

3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Good evening and welcome.

I'd like to extend my heartfelt thanks to our Councillors and staff for their flexibility in rescheduling the Ordinary Council Meeting to accommodate the Renewable Energy Meeting on Wednesday.

It was an honour to speak at the recent White Ribbon March. Participating in such an important event was truly a privilege, and we are fortunate to have the support of dedicated agencies that do outstanding work in our community.

4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

13.2 Cr Matt Collis Disclosure of Interest Affecting Impartiality

6. PUBLIC QUESTION/STATEMENT TIME

Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE**7.1 Application for Leave of Absence Cr Paul Totino**

Voting Requirement: Simple Majority

MOVED: CR LIZ GUIDERA

SECONDED: CR IAN HANNA

OC141/24 That Council grants Cr Paul Totino leave of absence from 01/03/2025-23/03/2025.

CARRIED:7/0

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MATT COLLIS, CR IAN HANNA, CR MICHELLE SALTER, CR PAUL TOTINO
AGAINST: NIL.**

8. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**9.1 Ordinary Council Meeting – Wednesday 23 October 2024**
(SEE ATTACHED MINUTES)

Voting Requirement: Simple Majority

MOVED: CR MATT COLLIS

SECONDED: CR PAUL TOTINO

OC142/24 That the minutes of the Ordinary Council Meeting held on Wednesday 23 October 2024 are confirmed as a true record of proceedings.

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MATT COLLIS, CR IAN HANNA, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST: NIL.

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 EXECUTIVE MANAGER CORPORATE SERVICES

10.1.1 Schedule of Accounts – October 2024 (ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: Patrick Kennedy, Manager Finance
Date Report Prepared: 07 November 2024
Disclosure of Interest: No Interest to disclose.

Issue:

To receive the Schedule of Accounts Paid for the period ending 31 October 2024.

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 2024/25	EFT Payments 2024/25	Direct Debits 2024/25	Credit Card 2024/25	Payroll 2024/25	Total Payments 2024/25
July	\$4,136.00	\$684,927.78	\$124,124.10	\$5,494.87	\$242,598.67	\$1,061,281.42
August	\$218.00	\$682,403.96	\$130,875.64	\$11,493.47	\$354,282.34	\$1,179,273.41
September	\$848.25	\$706,783.05	\$78,163.61	\$6,702.68	\$230,693.76	\$1,023,191.35
October	\$865.95	\$1,061,303.44	\$98,988.32	\$6,238.29	\$252,178.79	\$1,419,574.79
Total	\$5,202.25	\$2,074,114.79	\$333,163.35	\$23,691.02	\$827,574.77	\$3,263,746.18

Officer's Comment:

The schedule of accounts for the month of October 2024 is attached.

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 —
- is incurred in a financial year before the adoption of the annual budget by the local government; or
 - is authorised in advance by resolution*; or
 - 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

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 PAUL TOTINO

SECONDED: CR MICHELLE SALTER

OC143/24 That Council endorses the Schedule of Accounts as presented, being EFT payments 38569 - 38726 totalling \$1,061,303.44, Cheques 42487-42489 totalling \$865.95, Payroll payments totalling \$252,178.79 Direct Debit payments totalling \$98,988.32, Credit Cards (September) totalling \$6,238.29, all totalling \$1,419,574.79, authorised and paid in October 2024.

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MATT COLLIS, CR IAN HANNA, CR MICHELLE SALTER, CR PAUL TOTINO

AGAINST: NIL.

10.1.2 Monthly Financial Report – October 2024 (ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: David Blurton, Executive Manager Corporate Services
Report Prepared: 15 November 2024
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 31 October 2024.

The report includes information which meets the statutory requirements of the Local Government Act and Financial Management Regulations. Other relevant financial information is provided to Elected Members to compare finance performance of the various business functions of the Shire against adopted budgets.

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 Report 3 of the Monthly Financial Report.

Officer's Comment:

Below are the highlights for this reporting period:

Revenue from Operating Activities

- Rates levied is \$138,139 (or 2.68%) more than budget. This will decrease as the year progresses as budgeted rates figure includes an expected \$100,000 write off in rates of which only \$29,192 has been processed to date. The actual YTD figure includes an additional \$65,530 in rates attributed to A2140 – WAMMCO property. The GRV valuation for this assessment was received separately from the GRV roll and therefore treated as an interim rate through the rating process.
- Grants, subsidies and contributions \$537,343 under budget or (47.49%) under budget. The YTD budget anticipated quarterly payment of the full amount of general-purpose grants and local roads grants from the Grants Commission (\$2.9m in total) to the end of October, however \$2.517 of the Council's 24-25 grant allocation was prepaid on 28 June 2024. This will be adjusted in the mid-year budget review.
- Fees and charges income is \$128,825 (or 10.39%) over budget which relates to the following items
 - KLC kiosk sales, entry fees, gym fees, membership fees \$21,310 more than YTD budget
 - Refuse site disposal fees \$27,882 more than budget
 - Planning Fees \$11,926 more than budget
 - Yarding Fees \$78,078 and truck wash fees \$6,629 at the Katanning Saleyards are more than budget to the end of October, reflecting greater numbers of sheep being processed at the facility.

- Property lease fees are \$15,561 more than budget relating to invoices for the last 5 years for the lease agreement between the Shire and DPIRD for the use of lot 508 Police Pools Road.
- Standpipe income is \$11,492 less than expected to the end of October.
- Interest Revenue is \$28,746 less than budgeted due to the timing of reserve term deposits.
- Profit on sale of asset disposals is \$11,545 or 100% less than budget as no asset disposals have been processed yet. Processing will commence on the audit of 23-24 accounts is complete.

Expenditure from Operating Activities

- Employee costs underbudget by \$213,822 reflecting several key officer and other vacancies which remain vacant as at the end of October 2024. This is expected to change as officers are appointed.
- Materials and Contracts are \$235,340 below budget which mainly relates to the following items;
 - Software subscriptions \$28,252. This is a timing issue and full expenditure of the budget is expected by the end of financial year.
 - Refuse site material costs \$13,073 under budget
 - Works program – other reserves material component \$47,221 under budget
 - Debt collection legal expenses is \$33,349 under budget which is also a timing issue.
 - Audit fees are \$30,330 under budget
 - Tennis club resurfacing contribution \$25,000
 - Consultants admin is \$38,798 over budget. This will be reduced moving forward as appointment of new rates/debtors officer will reduce reliance on contractors.
 - Road Maintenance material component \$31,977 under budget
 - Expensed Minor asset purchase \$16,664 under budget
 - KAC maintenance expense \$71,151 under budget.
 - Fire mitigation expenses \$26,664 under budget
 - Fuel and oil purchases \$30,154 under budget
 - Plant repairs \$32,726 over budget
- Utility Charges are \$49,547 under budget. A refund of \$18,662 has been received from Watercorp related to Amherst village. KAC is under budget by \$3,432 and housing utilities are underbudget by \$4,820
- Depreciation costs of \$1,829,352 are underbudget as depreciation for 24/25 will not be processed until the 23/24 financial report is finalised.
- Finance costs are \$29,574 underbudget as the YTD loan budget relating to loan 158 – New admin building requires adjustment as it is currently allocated over 12 months rather than semi annual.

- Other expenditure is underbudget by \$51,574 relating to Councillor donations \$10,749, and a suspense account deposit of \$55,418 (GL1123) which is unclaimed funds relating to the sale of lot 885 Wanke St. This amount will be paid to the public trustee in due course.
- Loss on sale of asset is \$10,000 under budget as no asset transactions have been processed to date.
- Non-Cash Amounts excluded from operating activities relate to depreciation and profit and loss on sale transactions.
- Proceeds from capital grants, subsidies and contributions are \$126,347 underbudget. This relates to Roads to recovery grant income \$173,247 which has not yet been claimed and cultural project grants \$35,500 which were expected to be claimed by the end of October 24.
- Payments for property, plant and equipment and infrastructure are both below budget as at the end of October 24 reflecting a delayed start to some projects.
- Transfer to reserves is \$72,315 less than budget which relates to interest on term deposits which were expected to be received by 30 October and transferred to reserve, however the maturity date of reserve term deposit (\$6.07m) is 16 December 2024.
- Opening Surplus is \$2.787m more than anticipated, which reflects pre-payment of 75% of Federal Assistance Grants on 28 June 2024 of \$2.517m. This will be adjusted during the mid-year budget review process. Closing surplus to end of October is \$3.3m more than anticipated for the reasons outlined above.

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)

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.

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 "Low" and will 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 LIZ GUIDERA

SECONDED: CR IAN HANNA

OC144/24 That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receives the Monthly Statement of Financial Activity for the period ending 31 October 2024, as presented.

CARRIED:7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MATT COLLIS, CR IAN HANNA, CR MICHELLE SALTER, CR PAUL TOTINO
AGAINST: NIL.

Cr Liz Guidera spoke for the motion.

10.1.3 Katanning Lions Club Inc Lease – A2244, 30 Cornwall Street, Katanning

File Ref: CP.AL.4
Reporting Officer: David Blurton, EMCS
Date Report Prepared: 16 October 2024
Disclosure of Interest: No Interest to disclose

Issue:

Council to consider a new lease agreement for 30 Cornwall Street, Katanning to the Katanning Lions Club Incorporated.

Body/Background:

The Council has freehold ownership of 30 Cornwall Street (lot 420 on deposited plan 222687) and the Katanning Lions Club has occupied the site since 1999 (15 years). Whilst the current lease does not nominate an expiry date, it is considered prudent to develop a new agreement to reflect updated legislation and to ensure Council's risks are adequately addressed.

FIGURE 1 A2244, 30 CORNWALL STREET, KATANNING



A new lease agreement has been drafted and discussed with the Lions Club and is now presented to the Council for endorsement.

Officer's Comment:

Officers have considered the previous lease agreement and Council's existing policy 2.10 to develop the new draft lease. Key lease terms are as follows:

	Draft lease	Previous lease
Term	10 years with 5-year option	Monthly basis with 2 months' notice required for eviction
Annual Fee	75% of minimum rates	Minimum rates until 2022 and since then \$1,000/yr. (C/22/2871)
Lease area	Building and Grounds	Building only
Agreed use	Workshop & storage facility	Workshop & storage facility
Outgoings	Lessee to pay all outgoings and maintenance	Lessee to pay all outgoings and maintenance

Statutory Environment:

Local Government Act 1995 S3.58 – Disposal of Property requires any disposal of property (including leases) to undergo a process including either disposal by highest bidder at public auction (2a) or tender (2b), or by giving public notice in prescribed form (3a).

However, the following exemptions apply as per regulation 30 of Local Government Act (Functions and General) Regulations

(2) A disposition of land is an exempt disposition if —

(a) the land is disposed of to an Council of adjoining land (in this paragraph called the transferee) and —

(i) its market value is less than \$5 000; and

(ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;

or

(b) the land is disposed of to a body, whether incorporated or not —

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

In this case, Regulation 30(2)(b) would apply.

Policy Implications:

Shire of Katanning Policy 2.10 Lease or License to Occupy Community Assets has been used as a basis to develop the draft lease agreement.

Comment – The capital contribution made by the Katanning Lions Club to the building since 1999 is difficult to determine.

Financial Implications:

There are minimal financial implications for this report. Annual lease fee is proposed to be \$864 in 24/25 (75% of minimum rates).

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria and is considered to present a low risk.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area Social

Aspiration Katanning is a vibrant, active place that encourages its community to thrive.

Objective To provide support for the physical and mental health and wellbeing of our community.

PROCEDURAL MOTION:

Voting Requirement: Simple Majority

MOVED: CR LIZ GUIDERA

SECONDED: CR JOHN GOODHEART

OC145/24 That Council suspends standing orders.

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER

AGAINST: NIL

PROCEDURAL MOTION:

Voting Requirement: Simple Majority.

MOVED: CR LIZ GUIDERA

SECONDED: CR JOHN GOODHEART

OC146/24 That Council resumes standing orders.

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER

AGAINST: NIL

Officer's Recommendation:

That Council authorise the use of the common seal and resolve to lease Lot 30 Cornwall Street, Katanning to the Katanning Lions Club Inc. with the following key terms

1. 10-year term with a 5-year option
2. Annual Fee for 2024/25 to be \$864 (75% of minimum rates)
3. Lease area to be the whole site including grounds and buildings
4. Other matters as per the Council policy.

COUNCIL MOTION**MOVED: CR PAUL TOTINO****SECONDED: CR**

OC147/24 That Council authorise the use of the common seal and resolve to lease Lot 30 Cornwall Street, Katanning to the Katanning Lions Club Inc. with the following key terms

1. 12 month lease with no option.
2. Annual Fee for 2024/25 to be \$864 (75% of minimum rates)
3. Lease area to be the whole site including grounds and buildings
4. Other matters as per the Council policy.

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10.1.4 Department of Primary Industries and Regional Development (DPIRD) Lease – Lot 508 Police Pools Road, Katanning

File Ref: LS.AA.2
Reporting Officer: David Blurton, EMCS
Date Report Prepared: 8 November 2024
Disclosure of Interest: No Interest to disclose

Issue:
 Council to consider a new lease agreement for Lot 508 Police Pools Road, Katanning to the Department of Primary Industries and Regional Development.

Body/Background:
 The Council has freehold ownership of Lot 508 on Deposited Plan 227518 and DPIRD and the former Department of Agriculture have used the site since 2014 for agricultural & research purposes. The previous lease expired in 2019 and a new lease agreement is required.

FIGURE 2 LOT 508 POLICE POOLS ROAD, KATANNING



A new lease agreement has been drafted and discussed with DPIRD representatives and is now presented to Council for endorsement. This process has also involved appointing a certified valuer to determine the annual rental market rate of the land.

Officer’s Comment:
 Officers have considered the previous lease agreement and Council’s existing policy 2.10 to develop the new draft lease. Key lease terms proposed are as follows:

	Draft lease	Previous lease
Term	5 years with 5-year option	5 years
Annual Fee	\$6,500 + GST as determined by valuation with CPI increases	\$2,941 + GST with CPI increase (24/25 year)

Lease area	Whole site	Whole site
Agreed use	Agricultural Purposes and Research Studies	Agricultural Purposes and Research Studies
Outgoings	Lessee to pay all outgoings and maintenance	Lessee to pay all outgoings and maintenance

Statutory Environment:

Local Government Act 1995 S3.58 – Disposal of Property requires any disposal of property (including leases) to undergo a process including either disposal by highest bidder at public auction (2a) or tender (2b), or by giving public notice in prescribed form (3a).

The Council will be required to undergo a period of local public notice. If any submissions are received then the matter will be referred to Council, otherwise it is recommended that the lease proceed to execution.

Policy Implications:

Shire of Katanning policy 2.10 Lease or License to Occupy Community Assets has been used as a basis to develop the draft lease agreement however, the policy is mainly focused on leases with not for profits and community groups.

Financial Implications:

There are minor costs associated with advertising and legal fees with drafting a new agreement. It is recommended that the Council levy an annual lease fee equivalent to current market rate as determined by the independent valuer (\$6500 + GST).

DPIRD has recently been invoiced and have paid for the last five years use of the site.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area	Social
Aspiration	Katanning is a vibrant, active place that encourages its community to thrive.
Objective	To provide support for the physical and mental health and wellbeing of our community.

Officer's Recommendation:

That Council

1. In accordance with S3.58(3)(a) undertake local public notice of its intention to lease lot 508 Police Pools Road, Katanning to the Department of Primary Industry and Regional Development for agricultural production and research purposes with and the following key terms and conditions
 - a. 5-year term with a 5-year option
 - b. 2024/25 Annual Fee to be \$6500 ex GST & increase annually by CPI
 - c. Lease area to be the whole site including grounds and buildings
 - d. Lessee to pay any maintenance and outgoings
2. Authorise the use of the Council's common seal to execute the lease agreement should there be no objection received during the public consultation period.

COUNCIL MOTION:**MOVED: CR LIZ GUIDERA****SECONDED: CR MICHELLE SATLER****OC148/24 That Council**

1. **In accordance with S3.58(3)(a) undertake local public notice of its intention to lease lot 508 Police Pools Road, Katanning to the Department of Primary Industry and Regional Development for agricultural production and research purposes with and the following key terms and conditions**
 - a. **5-year term only with no option.**
 - b. **2024/25 Annual Fee to be \$6500 ex GST & increase annually by CPI**
 - c. **Lease area to be the whole site including grounds and buildings**
 - d. **Lessee to pay any maintenance and outgoings**
2. **Authorise the use of the Council's common seal to execute the lease agreement should there be no objection received during the public consultation period.**

LOST:0/7**FOR: NIL.****AGAINST: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER**

Cr Liz Guidera spoke for the motion.

Cr Paul Totino spoke for the motion.

COUNCIL MOTION:**MOVED: CR PAUL TOTINO****SECONDED: CR LIZ GUIDERA****OC149/24 That Council**

- 1. In accordance with S3.58(3)(a) undertake local public notice of its intention to lease lot 508 Police Pools Road, Katanning to the Department of Primary Industry and Regional Development for agricultural production and research purposes with and the following key terms and conditions**
 - a. 3-year term only with no option.**
 - b. 2024/25 Annual Fee to be \$6500 ex GST & increase annually by CPI**
 - c. Lease area to be the whole site including grounds and buildings**
 - d. Lessee to pay any maintenance and outgoings**
- 2. Authorise the use of the Council's common seal to execute the lease agreement should there be no objection received during the public consultation period.**

CARRIED: 7/0**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER****AGAINST: NIL**

Cr Paul Totino spoke for the motion.

Cr Liz Guidera spoke for the motion.

10.2 CHIEF EXECUTIVE OFFICER’S REPORTS

10.2.1 Christmas/New Year Opening Hours

File Ref: GV.CM.1
Reporting Officer: Peter Klein, Chief Executive Officer
Date Report Prepared: 29 October 2023
Disclosure of Interest: No interest to disclose.

Issue:
 To approve the closure of Council facilities over the Christmas/New Year period.

Body/Background:
 Council is required to approve changes to the Shire’s normal operating hours during the Christmas/New Year period.

Officer’s Comment:
 It is recommended that the closure period for the 2024/25 Christmas/New Year period be from COB Monday 23 December 2024 until Friday 3 January 2025, reopening for business on Monday 6 January 2025.

Month	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Dec 2024		24	25	26	27	28	29
Jan 2025	30	31	1	2	3	4	5
	6						

A small number of works crew and other staff will be on-call throughout the closure.

The following public holidays fall during this period:

Christmas Day Holiday	Wednesday	25 December 2024
Boxing Day Holiday	Thursday	26 December 2024
New Year's Day	Wednesday	1 January 2025

Statutory Environment:
Local Government Act 1995

Policy Implications:
 There are no policy implications for this report.

Financial Implications:
 Staff (except for skeleton or called out support) will be accessing approved leave during the closure. There will be minor reductions in overheads due to offices not being open.

Risk Implications:
 This item has been evaluated against the Shire of Katanning’s Risk Assessment and Acceptance Criteria. The perceived level of risk is “Low” and can be managed by routine procedures within current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

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 PAUL TOTINO

SECONDED: CR MICHELLE SALTER

OC150/24

That Council:

1. Authorises a variation to normal opening hours for Council facilities during the 2024/25 Christmas/New Year period as follows:
 - Tuesday 24 December 2024 – closed
 - Friday 27 December 2024 – closed
 - Monday 30 December 2024 – closed
 - Tuesday 31 December 2024 – closed
 - Thursday 2 January 2025 – closed
 - Friday 3 January 2025 - closed
2. Advertises the modified opening hours in the lead up to the Christmas closure.

CARRIED:6/1

FOR: CR KRISTY D'APRILE, CR JOHN GOODHEART, CR MATT COLLIS, CR IAN HANNA, CR MICHELLE SALTER, CR PAUL TOTINO
AGAINST: CR LIZ GUIDERA

Cr Paul Totino spoke for the motion.

Cr Liz Guidera spoke against the motion.

10.2.2 Council Meeting Dates 2025 (ATTACHMENT)

File Ref: GV.CM.1
Reporting Officer: Peter Klein, Chief Executive Officer
Date Report Prepared: 29 October 2024
Disclosure of Interest: No Interest to disclose

Issue:

To confirm the dates for Ordinary Council Meetings for the 2025 calendar year.

Body/Background:

In 2023 Council held ordinary meetings at 6.00pm on the fourth Thursday of each month except January. Council is required to give notice of its meeting dates at least once each year.

Officer's Comment:

The following meeting dates and times are proposed for the coming year:

Wednesday	26 February 2025	6.00pm
Wednesday	26 March 2025	6.00pm
Wednesday	23 April 2025	6.00pm
Wednesday	28 May 2025	6.00pm
Wednesday	25 June 2025	6.00pm
Wednesday	23 July 2025	6.00pm
Wednesday	27 August 2025	6.00pm
Wednesday	24 September 2025	6.00pm
Wednesday	22 October 2025	6.00pm
Wednesday	26 November 2025	6.00pm
Wednesday	17 December 2025	6.00pm

Council meetings are open to the public and held in the Shire of Katanning Administration and Civic Centre, Council Chambers, 52 Austral Terrace Katanning.

Changes to the meeting days and starting times are proposed to meet the needs and availability to the current Councillor cohort.

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 financial implications in relation to this matter.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To facilitate diversity and representation within the decision-making process.

PROCEDURAL MOTION:

Voting Requirement: Simple Majority

MOVED: CR LIZ GUIDERA

SECONDED: CR PAUL TOTINO

OC151/24 That Council suspends standing orders.

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER
AGAINST: NIL

PROCEDURAL MOTION:

Voting Requirement: Simple Majority.

MOVED: CR LIZ GUIDERA

SECONDED: CR IAN HANNA

OC152/24 That Council resumes standing orders.

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER
AGAINST: NIL

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR IAN HANNA

OC153/24

That Council:

- 1) **Holds Ordinary Meetings of Council commencing at 6.00pm in the Council Chambers, 52 Austral Terrace, Katanning on the following dates for the coming year:**

Wednesday	26 February 2025	6.00pm
Wednesday	26 March 2025	6.00pm
Wednesday	23 April 2025	6.00pm
Wednesday	28 May 2025	6.00pm
Wednesday	25 June 2025	6.00pm
Wednesday	23 July 2025	6.00pm
Wednesday	27 August 2025	6.00pm
Wednesday	24 September 2025	6.00pm
Wednesday	22 October 2025	6.00pm
Wednesday	26 November 2025	6.00pm
Wednesday	17 December 2025	6.00pm

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

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER
AGAINST: NIL

Cr Paul Totino spoke for the motion.

10.2.3 Shire of Katanning Facilities Closure 6 December 2024

File Ref: GV.CM.1
Reporting Officer: Peter Klein, Chief Executive Officer
Date Report Prepared: 29 October 2024
Disclosure of Interest: No interest to disclose.

Issue:

To approve the closure of Council facilities to accommodate the 2024 Christmas function.

Body/Background:

The proposal before Council is for the event to be held on Friday 6 December 2024 from 1:00pm to 4:00pm to facilitate staff attendance. This decision would require a variation to the Shire's normal operating hours on Friday 6 December 2024 to be closed from 12:00pm until 5:00pm.

Officer's Comment:

It is recommended that the closure of Council facilities occur on 6 December from 12:00pm until 5:00pm, reopening for business, as normal on Monday 9 December 2024.

Statutory Environment:

Local Government Act 1995

Policy Implications:

There are no policy implications for this report.

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" and can be managed by routine procedures within current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

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 LIZ GUIDERA

SECONDED: CR IAN HANNA

OC154/24 That Council authorises a variation to normal opening hours for Council facilities on Friday 6 December 2024 from 12:00pm until 5:00pm subject, to the modified opening hours being advertised.

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER

AGAINST: NIL

Cr Liz Guidera spoke for the motion.

10.2.4 **Proposed new Dogs Local Law** (ATTACHMENT)

File Ref: GR.LG.2
Reporting Officer: Chris Liversage, Contractor
Date Report Prepared: 30 July 2024
Disclosure of Interest: No Interest to disclose

Issue: To consider the new Dogs Local Law

Body/Background:

The *Municipality of the Shire of Katanning By-laws relating to Dogs* was published in the Government Gazette on 18 July 1986 and amended on 26 January 1990, 15 September 1995 and 12 December 1997.

It requires amendment, to the extent that it is more efficient to make a new local law. A draft is attached.

Local governments must also now give local public notice of areas where dogs are prohibited from being, and where dogs may be exercised off lead instead of including them in a local law.

Officer's Comment:

Several activities dealt with by this local law have been affected by changes to other legislation and in particular changes to the *Dog Act 1976* and the *Dogs Regulations 2013*. This includes:

- Registration of dogs;
- 'Dangerous dogs' as defined by the Act;
- Operation of dog management facilities (pounds), including:
 - Issues in relation to the impounding of dogs;
 - Attendance of a pound keeper at the pound; and
 - Release of impounded dogs is dealt with by the Dog Act 1976, and section 29.
- Registration fees (although fees for the seizure and impounding of a dog may be set by a local government in its annual budget under section 6.16 of the Local Government Act 1995);
- How off leash dog exercise areas are established;
- Dogs wandering at large;
- Dogs not under control;
 - Dog attacks;
 - Provisions about assistance animals such as guide dogs; and
 - Modified penalties applicable for minor offences.

The only matters that a local government may now make local laws about are listed in section 51 of the Dog Act:

51. Local law making powers

A local government may so make local laws —

- (a) *providing for the registration of dogs;*

- [(b) deleted]*
- (b) specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;*
- (c) requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;*
- (d) providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;*
- (e) providing for the detention, maintenance, care and release or disposal of dogs seized;*
- (f) as to the destruction of dogs pursuant to the powers hereinbefore conferred;*
- [(h) deleted]*
- (g) providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.*

It is only necessary to make a local law that deals with confinement, the requirement to pick up dog excreta, and kennels.

In addition, areas where dogs are prohibited and where dogs may be exercised off leash are now set by Council resolution and by the giving of local public notice under s31(3A) of the Dog Act 1976.

Clauses 18 – 20 of the current Dogs local law provide that:

18. The Council of a dog shall prevent that dog from entering or being in any of the following places:

- (a) a public building;*
- (b) a theatre or picture garden;*
- (c) a house of worship;*
- (d) a food shop or other public business premises;*
- (e) a public swimming pool;*
- (f) an area set aside for public recreation where the appropriate signing prohibiting dogs is erected.*

19. The Council of a dog shall prevent that dog from entering or being in any of the following places unless on a leash held by a person:

- (a) a sports ground;*
- (b) a children's playground; (and)*
- (c) a car park.*

20. Guide Dogs are exempt from clauses 18 and 19.

Dog exercise areas are also part of the local law in clauses 20A and the Fourth Schedule and are:

- The Piesse Dam - Portion of Kojonup Location 1619 and portion of each of Katanning Town Lots 421 and 458 and being Lot 79, and portion of Katanning Town Lots 421 and 422 and being part of Lot 1;

- Thomson Park - Reserve 14814, excluding those areas set aside for specific recreation purposes being the Katanning Aquatic Centre, Thomson Park Tennis Club and Katanning Croquet Club; and
- Balston Reserve - Reserve 35409.

The required resolution and notice is reflected in the recommendation to council below.

Statutory Environment:

The Dog Act and its associated regulations apply; relevant passages are as listed in the comments above.

Policy Implications:

Nil.

Financial Implications:

There are costs associated with the drafting, advertising for public comment, and if adopted by Council after considering comments, Gazettal and giving notice of the local law coming into effect.

Risk Implications:

Section 51 of the Dog Act 1976 provides that a local government may make local laws about dogs using the process set out in section 3.12 of the Local Government Act 1995.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears. A copy is also to be sent to the Minister for Local Government.

The purpose and effect of the proposed Shire of Katanning Dogs Local Law is:

Purpose

To make provisions about the confinement of dogs, control the number of dogs that can be kept on premises in the district, and to require removal of dog excreta.

Effect

To extend the controls over dogs which exist under the Dog Act 1976 and Regulations.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

In addition, as noted above local public notice is required of areas where dogs are prohibited and where they may be exercised off leash under s 31(3A) of the Dog Act is also required. There is no requirement to receive feedback, simply the giving of notice.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area	Social
Aspiration	Katanning is a vibrant, active place that encourages its community to thrive.
Objective	To provide support for the physical and mental health and wellbeing of our community.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR PAUL TOTINO

SECONDED: CR MATT COLLIS

OC155/24 That Council

1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, local public notice be given stating that:
 - a. It is proposed to make a *Shire of Katanning Dogs Local Law* and a summary of its purpose and effect;
 - b. Copies of the proposed local law may be viewed on the Shire's website and inspected at the Shire offices during normal opening hours;
 - c. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;
2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
3. In accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
4. The results of the public consultation be presented to Council for consideration of any submissions received; and
5. Local public notice under s31(3A) of the Dog Act 1976 of the areas where dogs are prohibited and where dogs may be exercised off leash as listed in the report be given.

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER

AGAINST: NIL

Cr Paul Totino spoke for the motion.

10.2.5 Review of Local Laws under s3.16 of the Local Government Act 1995

File Ref: GR.LG.2
Reporting Officer: Chris Liversage, Contractor
Date Report Prepared: 22 October 2024
Disclosure of Interest: No Interest to disclose

Issue:

Section 3.16 of the Local Government Act 1995 (the Act) requires local governments to review local laws at least once every eight years. Part of that process requires calling for submissions from the public, after which council may decide to amend a local law using the process required by s3.12.

Body/Background:

The Shire has the following local laws on foot:

Local Law	When originally Gazetted and/or amended
Health Local Laws 1998	1/12/1998, p6385-6
Refuse, Rubbish and Disused Materials Removal of, 1998	15/9/1998, p5091-2
Airport - Katanning 1997	12/12/1997, p7273-4
Saleyards 1997	12/12/1997, p7271
Dogs 1986	18/7/1986, p3432-34, 15/9/1995, p4305-6; 12/12/1997, p7272
Extractive Industries 1997	12/12/1997, p4743-58; 23/10/1969, p3309
Fencing 1986	18/7/1986, p2429-31
The Shire of Katanning Local Law 1997 dealing with: <ul style="list-style-type: none"> – Parking; – The Katanning Swimming Pool; – Halls, Equipment and Property (Management and Control); – Camping – Parking – Management and Use of Reserves; – Thoroughfares, Lawns and Gardens; – Trading in Public Places; – Refuse and Recycling Facility; and – Fencing This local law also amended the Shire's <i>Standing Orders Local Law 1996</i> and the <i>Signs, Hoardings and Bill Posting Local Law 1987</i> .	22/08/1997, p4743-58

Local Law	When originally Gazetted and/or amended
Cemetery - Katanning Public	22/08/1997, p4759-64; 19/7/1978, p2005-6
Saleyards	12/12/1997, p7271
Pest Plants	9/11/1979 p3563-4, 9/03/1984 p668
Standing Orders	29/10/1996, p5729-39

At its meeting held on 31 July 2024 council resolved to initiate the review and to call for submissions from members of the public (item 12.1 refers), which closed on 17 October 2024.

One submission was received in relation to a land use/ zoning matter (truck parking in a residential area). This is under investigation and can be dealt with under the Shire's Local Planning Scheme.

As advised in the previous report to council, there are several changes needed to the Shire's local laws to ensure they remain up to date. Issues identified include:

- The State Government is undertaking a review of the *Cemeteries Act 1986*. This may affect the *Shire of Katanning Cemeteries Local Law 1997*. In the meantime, there is no point amending the local law;
- The State has advised that it intends to replace Standing Orders or Meeting Procedures Local Laws with uniform Regulations that will apply to all local governments. The timing of when this may come into effect or what they might include is not yet known but similarly, there is little point in amending the *Shire of Katanning Standing Orders Local Law 1996* in the meantime;
- The Shire made a wide-ranging local law published in the Gazette on 22 August 1997 which dealt with parking, the swimming pool, camping, parking, use of reserves, thoroughfares, trading in public places and the refuse and recycling facility. There have been several legislative changes in these areas of activity which may affect the local law;
- Dog exercise areas are now established by a council resolution and local public notice not by local law which will require an amendment to the *Shire of Katanning Dogs Local Law 1986*;
- Cats are regulated under the *Cat Act 2011* rather than the *Public Health Act 2016* which may require a new local law; and
- Local laws relating to rubbish collection, removal and disposal are now dealt with under the *Waste and Resource Recovery Act 2007* under which the Shire should consider making a Waste Local Law.

Officer's Comment:

Issues relating to these matters and any potential amendments to local laws required are being assessed and suggested changes are being presented to council in due course.

In addition, it will be necessary to re-make the *Shire of Katanning Bush Fire Brigades Local Law* (items 10.3.1 council meeting 21 Dec 2023 and 10.4.1 council meeting 25 August 2024) due to procedural issues encountered during its making.

Statutory Environment:

Section 3.16 of the Act provides that:

3.16. Periodic review of local laws

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give local public notice stating that —

(a) the local government proposes to review the local law; and

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

The Shire has now dealt with the requirement under s3.16 of the Act. Any consequential amendments to the Shire's local laws must then be undertaken using the process set out in s3.12 of the Act. As noted above, suggested amendments required will be presented to council in due course.

Policy Implications:

Nil.

Financial Implications:

There are costs associated with the review, advertising for public comment, amendment and/or making of existing or new local laws and their eventual Gazettal.

Risk Implications:

The Shire should take all reasonable measures to ensure its local laws are up to date. This review will mitigate the possibility of any issues arising as a result of their being possibly not being aligned with other legislation.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area Social

Aspiration Katanning is a vibrant, active place that encourages its community to thrive.

Objective To provide support for the physical and mental health and wellbeing of our community.

Voting Requirement: Absolute Majority

Officer's Recommendation/Council Motion:

MOVED: CR PAUL TOTINO

SECONDED: CR MICHELLE SALTER

OC156/24 That Council:

- 1. Notes the outcomes of the review of the Shire's local laws under s3.16 of the Local Government Act 1995; and**
- 2. Notes proposals to amend local laws under s3.12 of the Act will be presented to Council for consideration in due course.**

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER

AGAINST: NIL

Cr Paul Totino spoke for the motion.

10.2.6 Endorsement of the Bushfire Brigade Guidelines and Standard Operational Procedures (ATTACHMENT)

File Ref: ES.AT.1
Reporting Officer: Cindy Pearce, Community Emergency Services Manager
Date Report Prepared: 4 November 2024
Disclosure of Interest: No Interest to disclose

Issue:

Council to endorse the updated Bushfire Brigade Guidelines & Standard Operational Procedures.

Body/Background:

The Bushfire Brigade Guidelines and Standard Operational Procedures provide the structure that the Bushfire Brigade volunteers work under and aim to deliver a safe working environment.

The updated Standard Operational Procedures more detailed guidance and information to brigade members. These activities can include though are not limited too, how meetings are conducted, servicing of equipment including fire appliance, how to access peer support, fire incident reporting and driver guidelines to name a few.

There one new Standard Operational Procedure in this update that have been endorsed by the Bushfire Advisory Council Meeting held on the 14 October 2024. This item is as follows:

1. Standard Operational Procedure 19 – Lithium-ion Battery Fires
To provide a standard process for Incident Controllers and brigade members to follow due to the high number of Lithium-ion Battery fires that are accruing across the State.
2. There are several word changes throughout the guidelines due to agency renaming and terminology changes, they are as follows:
 - Page 5 - Acronyms – DBCA
 - Page 12 – Wording added – *Refer to the Shire of Katanning Code of Conduct page 47-63*
 - Page 13 – Section 5.4 Rural Fire Awareness have included a time frame – *within 4 months of becoming a member.*
 - Page 15 – Section 6.5 (h) Fails to meet the membership criteria – with the following wording – *having not completed basic training within nominated time frame.*
 - Page 18 – Section 13 included the wording – *FES Act 1998.*
 - Page 23 – Included in the BOP Contents under B18 added the year 1972 after Aboriginal Cultural Heritage Act.
 - Page 23 – Included the heading – *Shire of Katanning – Code of Conduct page 47.*
 - Page 24 – Added an additional point 1.5 – *As soon as practicable the Incident Controller is to request that all non-trained (spontaneous volunteers) leave the fire ground.*
 - Page 25 – Included in the heading – *in a DFES Appliance.*
 - Page 28 – Changed Acronym – DBCA.
 - Page 36 – changed wording to *OSH Committee.*

Officer's Comment:

It is recommended that Council endorse the updated Bushfire Brigade Guidelines and Standard Operational Procedures to make for a safer working environment and community.

Statutory Environment:

The updated Bushfire Brigade Guidelines and Standard Operational Procedures are complimentary to, and should be read in conjunction with, the Shire's Bushfire Brigade Local Law.

Policy Implications:

The Bushfire Brigade Guidelines and Standard Operational Procedures are provided to assist local bushfire brigade members to comply with relevant State and Local Government legislation when undertaking brigade activities.

Financial Implications:

Nil

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 will be managed by the implementation of these guidelines & procedures.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area Social

Aspiration Katanning is a vibrant, active place that encourages its community to thrive.

Objective To provide a safe place to live, work and play.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR JOHN GOODHEART

OC157/24 That Council endorses the 24/25 Bushfire Guidelines and Standard Operational Procedures.

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER

AGAINST: NIL

10.2.7 Proposed Shire of Katanning Bush Fire Brigades Local Law (ATTACHMENT)

File Ref:	ES.AT.1
Reporting Officer:	Chis Liversage, Contractor
Date Report Prepared:	11 November 2024
Disclosure of Interest:	No Interest to disclose (to be stated or if you have an interest this must be stated at this point)

Issue:

Local governments that have established bush fire brigades also require a local law under the Bush Fires Act. The process recently used to make the *Shire of Katanning Bush Fire Brigades 2024* did not comply with a few procedural requirements and must be re-made.

Body/Background:

Where a local government decides to establish a bush fire brigade, it must do so via a local law under s41 of the Bush Fires Act 1954.

This requires using the process set out in s3.12 of the Local Government Act 1995 (the Act).

The Shire of Katanning recently made a Bush Fire Brigades Local Law (items 10.3.1 council meeting 21 Dec 2023 and 10.4.1 council meeting 25 August 2024). It has not yet been published in the published in the *Government Gazette*.

There were some procedural matters that were not complied with when the local law was considered and made:

- When considering whether to advertise a proposed local law for public comment by a council, s3.12(2) requires that the agenda of the meeting must include any matters that may be prescribed, which includes the purpose and effect of the proposed local law in a 'prescribed manner.' Regulation 3 of the *Local Government (Functions and General) Regulations 1996* provides that this is to be included in the agenda and minutes of the meeting at which the local law is initially considered.
- The purpose and effect of the local law was not included in the agenda or minutes of the council meeting of 21 Dec 2023 when it was initially adopted or the meeting of 24 August 2024 when it was 'made';
- Section 3.12(3)(b) of the Act requires a copy of the draft local law to be sent to the Minister for Local Government as well as the Minister responsible for the legislation under which the local law was made (in this case, the Minister for Emergency Services). A copy was not sent to the Minister for Local Government; and
- The minutes of the council meeting of 25 August 2024 refer to an amendment to the draft local law; it is not clear whether the principal local law was ever adopted.

Officer's Comment:

The cumulative effect of this is that there is a risk that the local law may not have been properly made, to the extent that it is considered necessary to re-start the process. A draft Shire of Katanning Bush Fire Brigades Local Law is attached.

It is based on a model made by the WA Local Government Association and used by several local governments.

Statutory Environment:

As noted above, where a local government decides to establish a bush fire brigade, it must do so via a local law under s41 of the Bush Fires Act 1954. This requires using the process set out in s3.12 of Act:

The purpose and effect of the proposed *Shire of Katanning Bush Fire Brigades Local Law* is:

Purpose

To regulate the appointment, employment, payment, dismissal and duties of bush fire control officers; the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by the Bush Fires Act 1954 that are to be dealt with by a local law;

Effect

The matters that the Bush Fires Act 1954 requires to be regulated by local law are dealt with by a local law.

The results of the community consultation and feedback from the Minister(s) are to be considered by Council before it makes the local law.

Policy Implications:

Nil.

Financial Implications:

There are costs associated with the process to re-make the local law, including advertising it for public comment and publication in the Government Gazette.

Risk Implications:

As noted above, the Bush Fires Act requires local governments who have bush fire brigades also have a local law. The consequence associated with non-compliance is considered low, but it is considered that the Shire should ensure it meets its statutory obligations.

Strategic Implications:

Nil.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area Social

Aspiration Katanning is a vibrant, active place that encourages its community to thrive.

Objective To provide a safe place to live, work and play.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR IAN HANNA

SECONDED: CR MATT COLLIS

OC158/24 That Council:

1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice stating that:
 - (a) It is proposed to make a *Shire of Katanning Bush Fire Brigades Local Law* and a summary of its purpose and effect;
 - (b) Copies of the proposed local law may be inspected at the Shire offices during normal opening hours;
 - (c) Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;
2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given the CEO send a copy of the proposed local law to the Ministers for Local Government and Emergency Services;
3. In accordance with s3.12(3)(c) of the Act, notes that a copy of the proposed local law is to be supplied to any person requesting it; and
4. Notes that the results of the public consultation are to be presented to Council for consideration of any submissions received.

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER

AGAINST: NIL

Cr Ian Hanna spoke for the motion.

10.2.8 Staff Discount on Leisure Centre & Aquatic Centre Memberships (ATTACHMENT)

File Ref: GV.PO.1
Reporting Officer: Peter Klein
Date Report Prepared: 13 November 2024
Disclosure of Interest: No Interest to disclose
Attachments Amended Policy - marked-up and clean versions

Issue:
Periodic review of Shire policies.

Body/Background:
The Council reviewed this policy during the October Council meeting but officers have subsequently proposed amended wording to clarify membership arrangements for the pool.

Officer's Comment:
The aim of this policy is to promote and enhance health, fitness, and wellbeing among councillors and council staff. Management has reviewed the policy and requests that the Council consider adopting the proposed amendments.

Statutory Environment:
Under the Local Government Act 1999, clause 2.7(2)(b) the council is responsible for determining the local government's policies.

Policy Implications:
Subject to Council approval the current policy will be updated & replaced.

Financial Implications:
Although a discount to a class of users is being offered, by encouraging more memberships this policy aims to have a positive financial outcome.

Risk Implications:
Low.

Strategic Implications:
Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area	Leadership
Aspiration	Katanning is an inclusive and respectful community.
Objective	To facilitate diversity and representation within the decision-making process.

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:

MOVED: CR MICHELLE SALTER

SECONDED: CR IAN HANNA

OC159/24 Council approves the amended Staff Discount on Leisure Centre & Aquatic Centre Memberships policy.

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER

AGAINST: NIL

Cr Ian Hanna spoke for the motion.

10.2.9 **Policy Review** (ATTACHMENT)

File Ref: GV.PO.1
Reporting Officer: Peter Klein
Date Report Prepared: 21 November 2024
Disclosure of Interest: No Interest to disclose

Issue:
Periodic review of Shire policies.

Body/Background:

The Council's policies are key governance documents and are the mechanism by which councillors direct the values & performance of Council staff and ensure a consistent approach across the organisation to solving problems.

The Katanning Shire Council has a list of 48 policies and these are currently required to be reviewed by Councillors, on an annual basis.

To make this process manageable, several policies will be presented to each council meeting.

This month the three policies presented for review are;

- 1) Community Grants Program Policy
- 2) Lease or Licence to Occupy Community Assets Policy
- 3) Self Supporting Loans Policy

Officer's Comment:

Management has reviewed these policies and has not recommended any material change to their operation.

Statutory Environment:

The Australian Citizenship Ceremonies Code (the Code) follows the Australian Citizenship Act 2007 and sets out the legal and other requirements for conducting citizenship ceremonies as well as the roles and responsibilities for those involved in citizenship ceremonies.

The Council must comply with the State Records Act 2000.

The State Ombudsman has produced a Practice Manual titled "Managing unreasonable complainant conduct" and it is recommended that our policy align with this manual, although it is not compulsory that it does so.

Policy Implications:

Subject to council approval the current policies will be updated & replaced.

Financial Implications:

Nil.

Risk Implications:

Low.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To facilitate diversity and representation within the decision-making process.

PROCEDURAL MOTION:**Voting Requirement:** Simple Majority**MOVED: CR JOHN GOODHEART****SECONDED: CR MATT COLLIS****OC160/24 That Council suspends standing orders.****CARRIED: 7/0****FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER****AGAINST: NIL****PROCEDURAL MOTION:****Voting Requirement:** Simple Majority.**MOVED: CR JOHN GOODHEART****SECONDED: CR LIZ GUIDERA****OC161/24 That Council resumes standing orders.****CARRIED: 7/0****FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER****AGAINST: NIL**

Voting Requirement: Simple Majority.

Officer's Recommendation:

OC/24 That Council approves the following amended policies;
1) Community Grants Program Policy
2) Lease or Licence to Occupy Community Assets Policy
3) Self Supporting Loans Policy

COUNCIL MOTION

MOVED: CR JOHN GOODHEART

SECONDED: CR IAN HANNA

OC162/24 That Council approves the following amended policies;
1) Community Grants Program Policy
2) Self Supporting Loans Policy

CARRIED: 7/0

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL
TOTINO, CR MATT COLLIS, CR MICHELLE SALTER**

AGAINST: NIL

Cr Liz Guidera spoke for the motion.

Cr Paul Totino spoke for the motion.

11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****13. CONFIDENTIAL ITEMS****PROCEDURAL MOTION****MOVED: CR LIZ GUIDERA****SECONDED: CR IAN HANNA**

OC163/24 That Council closes the meeting to the public to consider the following item relating to:

- Reserves 7120 and 18246 Murdong Pools Road, Ewlyamartup.
- Katanning Community Citizen of the Year Awards 2025.
- Amherst Village Management Contract

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER

AGAINST: NIL

Members of the public left the room at 6:51pm.

13.1 Reserves 7120 and 18246 Murdong Pools Road, Ewlyamartup

File Ref: R7120/R18246
Reporting Officer: David Blurton, Executive Manager of Corporate Services
Date Report Prepared: 8 October 2024
Disclosure of Interest: No disclosure of interest

Reason for Confidentiality

The Officer's Report is confidential in accordance with section 5.23(2)(b) of the Local Government Act because it deals with the personal affairs of persons. The Officer's Report has been provided to Council under separate cover.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR IAN HANNA

SECONDED: CR JOHN GOODHEART

OC164/24 That Council

- 1. Seek a market valuation of the cleared areas of reserves 7120 and 18246**
- 2. Request the Minister for Lands add the power to lease to the management order for Reserve 18246.**
- 3. Subject to the approval of the Minister for Lands, offer the neighbouring property Owner a lease of the cleared portions of Reserves 7120 and 18246 at market rates for a period of 5 years in accordance with section 3.58 of the Act.**
- 4. Refer the matter back to Council should the neighbouring property Owner be unwilling to lease the land.**

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER

AGAINST: NIL

Cr Ian Hanna spoke for the motion.

Cr Matt Collis declared an interest affecting impartiality as he is a committee member of the organisation in the motion.

13.2 Katanning Community Citizen of the Year Awards 2025
(ATTACHMENT)

File Ref: CR.AW.2
Reporting Officer: Shelley Daniels, Community Development/Public Relations Officer
Date Report Prepared: 4 November 2024
Disclosure of Interest: No interest to disclose

Reason for Confidentiality

The Officer's Report is confidential in accordance with section 5.23(2)(b) of the Local Government Act because it deals with the personal affairs of persons. The Officer's Report has been provided to Council under separate cover.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR LIZ GUIDERA

SECONDED: CR IAN HANNA

OC165/24 Council endorses the Shire of Katanning Honours and Awards Committee's recommendations for the 2025 Community Citizen of the Year Awards and the Katanning Community Long Service Award.

CARRIED: 7/0

FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER
AGAINST: NIL

Cr Liz Guidera spoke for the motion.

13.3 Amherst Village Management Contract

File Ref: CP.RE.1
Reporting Officer: David Blurton, Executive Manager Corporate Services
Report Prepared: 21 November 2024
Disclosure of Interest: No Interest to disclose

Reason For Confidentiality

This 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.

PROCEDURAL MOTION:

Voting Requirement: Simple Majority

MOVED: CR LIZ GUIDERA

SECONDED: CR IAN HANNA

OC166/24 That Council suspends standing orders.

CARRIED: 7/0

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL
TOTINO, CR MATT COLLIS, CR MICHELLE SALTER
AGAINST: NIL**

PROCEDURAL MOTION:

Voting Requirement: Simple Majority.

MOVED: CR LIZ GUIDERA

SECONDED: CR IAN HANNA

OC167/24 That Council resumes standing orders.

CARRIED: 7/0

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL
TOTINO, CR MATT COLLIS, CR MICHELLE SALTER
AGAINST: NIL**

Voting Requirement: Absolute Majority.

Officer’s Recommendation/Council Motion:

MOVED: CR PAUL TOTINO

SECONDED: CR IAN HANNA

OC168/24 That Council

- 1. By absolute majority, approve the contract with Village Solutions Australia for the management of Amherst Village units on its behalf for a three-year period**
- 2. Provide a budget line item of up to \$54,084 in its 24-25 budget representing estimated management fees in the 24-25 financial year.**
- 3. Note that a revised operating budget and schedule of accounts for Amherst Village will be developed and presented as part of the 24-25 budget review process.**

CARRIED: 7/0

FOR: CR KRISTY D’APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER
AGAINST: NIL

Cr Paul Totino spoke for the motion.
Cr Ian Hanna spoke for the motion.
Cr Kristy D’Aprile spoke for the motion.

PROCEDURAL MOTION

Voting Requirement: Simple Majority

MOVED: CR LIZ GUIDERA

SECONDED: CR PAUL TOTINO

OC169/24 That Council reopens the meeting to the public.

CARRIED: 7/0

FOR: CR KRISTY D’APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR IAN HANNA, CR PAUL TOTINO, CR MATT COLLIS, CR MICHELLE SALTER
AGAINST: NIL

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7:02pm.