



# Shire of Katanning

*heart of the great southern*

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

## **NOTICE OF A ORDINARY COUNCIL MEETING**

Dear Council Member

The next Ordinary Council Meeting of the Shire of Katanning will be held on Wednesday 23 September 2015, in the Shire of Katanning Council Chambers, 14 Austral Terrace, Katanning, commencing at 6:00pm.

Julian Murphy  
**CHIEF EXECUTIVE OFFICER**  
Friday 18 September 2015

### DISCLAIMER

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

Cr Alan McFarland  
SHIRE PRESIDENT

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

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

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

Presiding Member: Shire President - Cr Alan McFarland

Members: Cr Robert Godfrey  
Cr Danny McGrath  
Cr Craig McKinley  
Cr Owen Boxall  
Cr Richard Kowald  
Cr Leisha Wood  
Cr Alep Mydie  
Cr Heather McCarley

Council Officers: Julian Murphy, Chief Executive Officer  
Sarah Taylor, Director of Corporate and Community Services  
Uwe Striepe, Director of Engineering & Development Services  
Sam Davis, Executive Manager – Strategic Projects  
Diana Marsh, Manager of Finance

Council Observer: Sarah Taylor, Director of Corporate and Community Services

Gallery:

Media:

Apologies: Andrew Holden, Deputy Chief Executive Officer

Leave of Absence:

**3. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE****4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS****5. PUBLIC QUESTION/STATEMENT TIME****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. PETITIONS/DEPUTATIONS/PRESENTATIONS****8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****8.1 Ordinary Council Meeting – 26 August 2015  
(SEE ATTACHED MINUTES)**

**OC/15** That the minutes of the Ordinary Council Meeting held on Wednesday 26 August 2015 be confirmed as a true record of proceedings.

**Voting Requirement:** Simple Majority

CARRIED/LOST:

**8.2 Audit and Risk Committee Meeting – 17 December 2014  
(SEE ATTACHED MINUTES)**

**OC/15** That the minutes of the Audit and Risk Committee Meeting held on Wednesday 17 December 2014 be confirmed as a true record of proceedings.

**Voting Requirement:** Simple Majority

CARRIED/LOST:

**9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****10. REPORTS OF COMMITTEES AND OFFICERS**

**10.1 DIRECTOR OF ENGINEERING & DEVELOPMENT SERVICES REPORTS****10.1.1 Proposed Outbuilding and Rural Home Business Lot 637 (52)  
Tree Street, Katanning  
(SEE ATTACHMENT)**

**File Ref:** A937  
**Reporting Officer:** D Baejou, Consultant Planner  
**Date Report Prepared:** 15 September 2015

**Issue:**

To consider an application for the planning approval for a 140m<sup>2</sup> Outbuilding and Rural Home Business at Lot 637 (52) tree Street, Katanning.

The recommendation is that the application be approved subject to conditions.

**Body/Background:**

A planning application has been received for an oversize outbuilding, setback relaxation and Rural Home Business.

The subject land is zoned Special Rural - Area 2 under Town Planning Scheme No. 4 (TPS4).

Records show the land owners to be Grahame J Green and Susan M Green.

The site contains a single storey dwelling, outbuildings, domestic garden areas, water tanks and a fenced dam. The site has frontage to Tree Street and Mills Street. It is serviced by an existing crossover. The property is well maintained, including internal accessways, parking and manoeuvring areas. Shire records and correspondence dated July 2013, January 2014 and November 2014 relates to previous approvals for a shed and shed extension on the subject land. The existing outbuildings total approximately 250m<sup>2</sup>. Removal of a 6m x 8m 'lean-to' on the northern end of the existing shed is proposed to facilitate access to the new shed.

The proposed "Wide Span, skillion shed" has a floor area 10m x 14m, is 4.85m high at the front (east) and 2.7m high at the rear (west). The four bay steel-framed shed is to be metal clad using 'Evening Haze' colorbond® and 'Woodland Grey' roller doors. It is intended to locate the outbuilding in the north-west corner of Lot 637, 1.5m from the common boundary with Lot 167.

The applicant has advised the outbuilding will be used to garage the following:

- Isuzu truck with Hiab (9.1m long, 2.8m wide, 2.8m high)
- Ford Trader Dual Cab (7.1m long, 2.4m high)
- Leisure boat (9.5m long, 2.4m wide, 3.4m high)
- Trailer, motor bikes and firefighting equipment

The two trucks are commercial vehicles associated with the home-based regional contracting business, operating as PLJ Maintenance. The landowner is the agent for Wide Span Sheds and is the preferred installer for Westeel Grain Bins. A limited amount of equipment is stored at the Tree St property; the majority of the materials are delivered directly to farms. Work is seasonal, predominantly July to December.



***Aerial Image of Lot 63752 (52) Tree Street***

**Officer's Comment:**

The subject land is considered to be of sufficient size to accommodate the proposed development [Rural Home Business and oversize Outbuilding] without adversely impacting on the amenity of the area.

The use of part of the proposed Outbuilding for parking vehicles associated with the Rural Home Business is supported. The proposal is considered to be compatible with other uses in this area. There are a number of expansive home based commercial activities in the vicinity and there is a clear precedent for approval. At its meeting held 26 June 2013 the Council resolved to issue planning approval for a 364m<sup>2</sup> Outbuilding an adjacent property, Lot 623, to be used for storage of machinery and commercial purposes (including parking of vehicles).

The applicants have notified the affected adjoining landowner of this proposal. A letter of support for the 10m x 14m Outbuilding and 1.5m setback was provided with the application.

Given the written support from the adjoining landowner most likely to be impacted, the lot size, prevailing land use and the nature of the Home Base Business in relation to the surrounding development it is considered appropriate to allow a reduced boundary setback and to vary the 200m<sup>2</sup> floor area Policy requirement in this case.

The proposal is considered to meet the Scheme Objectives for the Special Rural zone set out in TPS4 and the intent of the Katanning Local Planning Strategy. The land use is consistent with the draft Local Planning Scheme 5, and more particularly the definition and criteria for Rural Home Business contained in the recently released Model Scheme Text. Planning Approval is recommended, subject to conditions.

### **Statutory Environment:**

Town Planning Scheme No. 4 (TPS4) is an operative local planning scheme under the *Planning and Development Act 2005* and associated Regulations. Clause 6.7 of TPS4 sets out the following Objectives and Requirements for the Special Rural Zone:

#### Objectives

- a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

#### Site and Development Requirements

The following minimum building setbacks shall apply:

Front : 15.0m

Rear : 10.0m

Side : 10.0m

As set out in Clause 6.7.4.2, in considering an application for planning approval within the Special Rural zone, Council shall have regard to the following:

- a) the colour and texture of external building materials;*
- b) building size, height, bulk, roof pitch;*
- c) setback and location of the building on its lot;*
- d) architectural style and design details of the building;*
- e) relationship to surrounding development;*
- f) provision to be made for bush fire control; and*
- g) other characteristics considered by the Council to be relevant*

As set out in Schedule 1 – Definitions of TPS4

**Rural Home Business:** *means a business, service, or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:*

- (a) does not employ more than 2 people not members of the occupier's household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 200 square metres;*
- (d) does not involve the retail sale, display, or hire of goods of any nature;*
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of more than 3 vehicles, with vehicles not being more than 25 tonnes gross weight; and*
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone*

Rural Home Business is listed in the Zoning Table as 'SA' (discretionary) within the Special Rural zone. 'SA' means that the use is not permitted unless the Council has granted planning approval after giving notice. Notice of the proposal has been published [advertised] in the local Newspaper, in accordance with Clause 8.3.3 b) of TPS4. The advertising period closed on 15 August 2015. No submissions were received.

Given the pending introduction of Draft LPS5, which will likely incorporate the recently released Model Provisions for Local Planning Schemes, being Part 6, Division 2 of the 2015 Planning and Development Regulations, the following definition is considered pertinent to this proposal:

- rural home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —
- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
  - (c) does not occupy an area greater than 200 m<sup>2</sup>; and
  - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
  - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
  - (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

The criteria listed in TPS4 and the 2015 Model Provisions are generally consistent, however the allowable vehicle size is more generous at 30 tonnes.

### **Policy Implications:**

The Shire of Katanning Town Planning Scheme Policy No. 1 Outbuildings (SoK Policy 1) provides for Outbuildings in the Special Rural zone up to 4.2m in height and a maximum cumulative total floor area of 200m<sup>2</sup>. Criteria 4) give latitude for reduced boundary setbacks, subject to written support from the adjoining landowner and compliance with the Building Code. As set out in Policy Criteria 11) there is scope to approve proposals where they exceed the above standards by up to 20% on the basis of adjoining landowners support and "no adverse visual impact on the amenity of the locality".

The proposal for the Rural Home Business, oversize Outbuilding and reduced setback is considered acceptable when assessed against Clause 6.7.4.2 of TPS4 and SoK Policy 1. The wall height at 4.85m is within the 20% variation provided for by the Policy. The cumulative floor area of approximately 340m<sup>2</sup> and a reduction of the 10m boundary setback nominated in Clause 6.7.3 of TPS4 is unlikely to adversely affect local amenity. Notice was given; no objections were received. Written support has been received from the neighbour.



**Financial Implications:**

The applicants have paid \$152 advertising costs. The Planning Application Fee of \$222, as set out in Council's Schedule of Fees and Charges, is yet to be paid.

**Strategic Implications:**

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

***Shire of Katanning Strategic Plan 2013 – 2023****Economy Objectives*

- To assist business to create and maintain sustainable employment opportunities for residents.

*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.

The proposal is also considered to be consistent with the Katanning SuperTown Growth and Implementation Plan.

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

**OC/15** That Council approves the planning approval be granted for Lot 637 (52) Tree Street, Katanning to be used for the purpose of Rural Home Business and oversize Outbuilding (10m x 14m) setback 1.5m from the western lot boundary, subject to the following conditions:

- 1) Development to be generally in accordance with the approved plans.
- 2) Stormwater runoff from the new structure and associated hardstand to be adequately contained on-site.
- 3) On-site parking for up to three vehicles is to be provided and maintained by the developer.
- 4) The outbuilding may be used for storage of machinery and vehicles associated with the Rural Home Business however it is not to be used as a habitable room.
- 5) Advertising signage to have regard for the character and amenity of the locality and shall not exceed 0.2sqm.

**Advice Notes**

- I. This Planning Approval does not constitute a Building Permit
- II. Future development is required to comply with the Building Code of Australia and relevant statues.

**Voting Requirement:** Simple Majority

CARRIED/LOST:

**10.2 DIRECTOR OF CORPORATE AND COMMUNITY SERVICES REPORTS****10.2.1 Receipt of Financial Reports**  
(SEE ATTACHED FINANCIAL REPORTS)**RECOMMENDATION****OC/15 That Council:**

- 1. Receives the Schedule of Accounts for August 2015.**
- 2. Receives the Financial Statement for July and August 2015**

**Voting Requirement:** Simple Majority

CARRIED/LOST:

**10.2.2. Purchasing Policy Update**  
(SEE ATTACHMENT)

**File Ref:** AC/00/0007  
**Reporting Officer:** S Taylor, Director of Corporate and Community Services  
**Date Report Prepared:** 17 February 2015

**Issue:** To consider amendments to the Council Purchasing Policy.

**Body/Background:**

A review of the Purchasing Policy has highlighted that a number of position titles and purchasing limits of authorised purchasers and corporate card holders require updating, and in some instances deleting, to reflect the positions held in the current organisational structure.

It has also identified a need to provide a purchasing authority for the position of Project Manager, Administration Assistant to the Director of Corporate and Community Services, and the Administration Assistant to the Director of Engineering and Development Services. In addition these positions will require access to a corporate credit card for minor purchases.

**Officer's Comment:**

The recommended changes are required in order for the purchasing policy to continue to regulate Shire purchasing effectively, allowing easy recognition of authorised officers and setting clear purchasing limits.

The addition of the Project Manager, the Administration Assistant to the Director of Corporate and Community Services, and the Administration Assistant to the Director of Engineering and Development Services the purchasing policy will allow the employees to efficiently carry out their duties resulting in a more efficient process of budget management under the control of this role.

**Statutory Environment:**

Section 2.7 of the Local Government Act includes the determining of the Local Government's policies as a role of the Council.

**Policy Implications:**

Policies are to be amended, deleted or added as detailed per attached draft purchasing policy.

**Financial Implications:** Nil.

**Strategic Implications:** Nil.

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

**OC/15 That Council adopts the following changes to its purchasing policy:**

- 1. Adds the Project Manager, Administration Assistant to the Director of Corporate and Community Services, and the Administration Assistant to the Director of Engineering and Development Services positions to the list of authorised purchasers and corporate credit card holders under Purchasing Policy 3.17.**
- 2. Updates Purchasing Policy 3.17 to reflect the position titles and purchasing limits of authorised purchasers and corporate card holders as per the draft attached.**

**Voting Requirement:** Simple Majority

CARRIED/LOST:

**10.3 EXECUTIVE MANAGER – STRATEGIC PROJECTS**

**10.4 ACTING/DEPUTY CHIEF EXECUTIVE OFFICER**

**10.5 CHIEF EXECUTIVE OFFICER'S REPORTS**

**10.6 ADVISORY COMMITTEE MEETING**

**11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****PROCEDURAL MOTION**

**OC/15** That the urgent business of 12.1 be accepted at tonight's meeting.

**Voting Requirement: Simple Majority**

CARRIED/LOST:

**12.1** **St Patrick's School Katanning – Adopt A Spot**  
(SEE ATTACHMENT)

**File Ref:** CS/12/0002  
**Reporting Officers:** S E Davis, Executive Manager of Strategic Projects  
J P Murphy, Chief Executive Officer  
**Date Report Prepared:** 23 September 2015

**Issue:**

A formal decision from Council is sought regarding the retention of the fir tree located on the corner of Clive Street and Taylor Street as part of the St Patricks School - Adopt-A-Spot Initiative.

**Body/Background:**

In March 2015 early plans for an Adopt-A-Stop initiative were put forward by St Patricks Primary School and the Katanning Action Network. The initiative proposed that the students and staff of the School would adopt the area located at the corner of Clive and Taylor Streets with the intention to undertake low maintenance improvement and enhancement to the site's gardens and associated areas.

A Memorandum of Understanding (MOU) agreement was signed by the Shire of Katanning and the School on 18 May 2015. Under the MOU the School presented detailed plans to the Shire for initial assessment by Senior Shire Officers, and for general information circulation to Councillors.

After discussion among Councillors, the Shire formally requested that the School hold off on enacting any plans to remove the Fir Tree due to its history until Council had an opportunity to discuss the matter in an appropriate Council Forum.

Cr Godfrey provide the following background on the tree: "The fir tree was planted in 1994/1995 as part of the first townscape plan to replace the old pine tree that was used as the Christmas tree, the old pine tree had a string of party lights that were hung in it. The Christmas tree was removed as it was dying and was becoming unsafe and had many dead/dying branches in it. Due to the fact it was close to a hundred years old, it was not able to be returned to health or have the dying wood removed and thus it was removed along with four very large sugar gums opposite the town hall (where the heritage garden is now). These trees were cut down in February/March 1995 either side of Cyclone Bobby passing through (how do I know, I cut them down, with my work colleagues).

The decision to plant the fir was taken, knowing it would take 30/40 years to grow to a height that would be suitable to be used as a Christmas Tree, the site was chosen as it was close to the main intersection of town and a prominent location, also it was not in the same ground/soil where the other tree/s had been removed from” – Cr Robert Godfrey, May 2015.

Council considered this matter at its ordinary meeting held on 26 August 2015 where it made the following decision:

**OC88/15 That Council:**

**MOVED: CR ROBERT GODFREY**

**SECONDED: CR RICHARD KOWALD**

1. **Acknowledges the work of its project partners, the St Patrick’s School Katanning and the Katanning Action Network in developing the initiative and positively anticipates the project’s fruition.**
2. **Further discussion to take place with St Patrick’s School as to the removal or transplanting of the Fir Tree**

**Voting Requirement:** Simple Majority.

**CARRIED: 8/0**

The matter was discussed at the Council Forum on 9 September 2015 with representatives from St Patrick’s School. The three options for the tree were considered:

1. Retain the fir tree
2. Translocate the tree; or
3. Remove the tree.

The translocation of the tree is considered unfeasible because of its size, the potential cost and the lack of expertise available to successfully transplant the tree.

There is mixed support for the retention or removal of the tree.

**Officer’s Comment:**

To ensure clarity about the future of the fir tree it is recommended that Council formalise its position on the retention of the fir tree.

**Statutory Environment:**

Nil.

**Policy Implications:**

Nil.

**Financial Implications:**

The proposed plans for the development of the Adopt-A-Spot site present no implications to Council’s budget.

**Strategic Implications:**

Council Officers have assessed the schools plans for the site and have only identified the Fir Tree as having potential strategic implications due to the history and original reasons for planting.

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

**OC/15 That Council:**

1. **Confirms that the fir tree will be retained in its current location on the corner of Clive Street and Taylor Street; and**
2. **That the Shire will assist with the removal of the flagpoles and clearing of the site in support of the St Patricks School - Adopt-A-Spot Initiative.**

**Voting Requirement:** Simple Majority.

CARRIED/LOST:

**13. CONFIDENTIAL ITEM**

**14. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at \_\_\_\_ pm