



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
Tuesday 27 September 2016, in the Shire of Katanning Council Chambers,
14 Austral Terrace, Katanning, commencing at 6:00pm.

Julian Murphy
CHIEF EXECUTIVE OFFICER
Thursday 22 September 2016

DISCLAIMER

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

PRESIDING MEMBER _____

DATE SIGNED _____



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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS

The Presiding Member declared the meeting open at ____ pm.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Liz Guidera - President

Members: Cr Craig McKinley - Deputy President
Cr Alep Mydie
Cr Danny McGrath
Cr Richard Kowald
Cr Serena Sandwell
Cr Martin Van Koldenhoven
Cr John Goodheart
Cr Owen Boxall

Council Officers: Julian Murphy, Chief Executive Officer
Andrew Holden, Deputy Chief Executive Officer
Uwe Striepe, Director Engineering & Development
Services
Sam Davis, Executive Manager, Projects and Community Building
Diana Marsh, Finance Manager
Tessa Flugge, Administration Officer

Gallery:

Media:

Apologies:

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 – 23 August 2016
(SEE ATTACHED MINUTES)**

OC/16 That the minutes of the Ordinary Council Meeting held on Tuesday 23 August 2016 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 ENGINEERING & DEVELOPMENT SERVICES REPORTS****10.1.1 Amherst Village - Endorsement of Residency Agreements
(ATTACHMENT)**

File Ref: A2831
Reporting Officer: U Striepe, Director of Engineering and Development Services
Date Report Prepared: 20 September 2016

Issue:

To endorse the residency agreements for Unit 6 and Unit 7, Amherst Village and authorise the use of the common seal of Council.

Body/Background:

Amherst Village is a 13 Unit Seniors Retirement facility that was built and is currently owned and managed by the Shire of Katanning.

Tenants purchase a License to Occupy when they move into the village with units allocated to the highest bidder under an expression of interest system as defined by Council Policy 6.6 Allocation of Units at Amherst Village.

There are currently two units in the Village that require approval of new residency agreements. The vacancies have been advertised in the Great Southern Herald, Seniors and Have a Go. Community members on the "Waiting List" have also received letters informing them of the vacancies.

The Estates of the previous tenants are keen to see the units sold so that they can receive their outstanding funds which are not released until such time as a new tenant moves in.

Amounts outstanding to each Estate are determined by the type of agreement that the tenant was on, the amount of their initial capital outlay (price paid to purchase license to occupy) and the amount received from a new tenant.

Officer's Comment:

Shire Staff have adopted the process defined by Council Policy 6.6 and this has generated possible tenants for Unit 6 and Unit 7, Amherst Village. The Expression of Interest request generated a value of \$130,000 for Unit 7 and \$150,000 for Unit 6. Unit 6 attracted a higher value as it is slightly larger.

Attached as Appendix 1 and Appendix 2 are the proposed residency agreements for Unit 6 and Unit 7.

Statutory Environment:

Local Government Act 1995 – Section 9.49A Execution of documents

- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.

- (3) The common seal of the local government is to be affixed to a document in the presence of —
- (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer,
- each of whom is to sign the document to attest that the common seal was so affixed.

Policy Implications:

Shire Staff applied Council Policy no. 6.6 Allocation of Units at Amherst Village

Financial Implications:

Shire will receive the funds as described in the Residency Agreements appended to this report.

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023

Community & Culture

- Lifestyle

Officer's Recommendation/Council Motion:

OC/16

That Council:

- 1) endorses the residency agreements for Unit 6 and Unit 7, Amherst Village;
and**
- 2) authorises the President and Chief Executive Officer sign the agreements
and affix the common seal.**

Voting Requirement: Simple Majority

CARRIED/LOST:

**10.1.2 Shire of Katanning Local Planning Scheme No. 5 Consideration of Submissions
(ATTACHMENT)**

File Ref: AT/0020 and AT/0015
Reporting Officer: D Baesjou, Consultant Planner
Date Report Prepared: 20 September 2016

Issue:

To consider the submissions received during formal advertising of Local Planning Scheme No. 5 (LPS5) and determine whether to support the draft scheme with or without modification.

Body/Background:

At its meeting held on 15 December 2015 the Shire of Katanning Council endorsed the revised Local Planning Scheme No. 5 (LPS5) for formal advertising. (Item 10.1.1 refers). The following resolution was adopted:

OC122/15 That Council:

- 1) Pursuant to section 72 of the *Planning and Development Act 2005* and Regulation 19(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the Shire of Katanning Local Planning Scheme No. 5, as revised to comply with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the entire area within the Shire of Katanning as shown on the Scheme Area Map.**
- 2) Subsequent to submission of the Scheme to the Western Australian Planning Commission for examination and advice in accordance with Regulation 21(4) whether modification of the documents is required and the Commission's confirmation that the local planning scheme is suitable to advertise, Pursuant to Regulation 21(1) proceeds to advertise the Local Planning Scheme No. 5.**

The draft scheme was referred to the Western Australian Planning Commission (WAPC)/Department of Planning (DoP) on 18 December 2015. On 26 April 2016 the DoP advised that the Statutory Planning Committee had determined that LPS5 was suitable for advertising, subject to modifications. These minor, predominantly inconsequential textural refinements were completed and the revised Draft LPS5 document was tabled at the May 2016 Council Forum. The formal advertising of LPS5 commenced on 19 May 2016.

In accordance with the Regulations, Notice of the draft Scheme was published in the local newspaper and on the Shire's website and displayed in the Administration Office.

Landowners and public authorities were invited to view and comment on the draft scheme. Copies of the scheme text and zoning maps, information sheets and submission forms were available at the Administration Office, the Library and on-line.

LPS5 was advertised concurrently with the draft Structure Plans; a joint information workshop was held on 21 June 2016.

The formal, 90 day submission period for LPS5 closed on 19 August 2016.

The attached Schedule lists and summarises the submissions received during advertising, together with one submission from the DoW on 14 September. Clause 25, Subregulation (2) (b) gives Council discretion to consider submissions received after the closing date.

The local government has 120 days to consider the submissions and determine whether to support the draft Scheme, with or without modification.

Officer's Comment:

The Council must consider all submissions, decide on any modifications and refer to draft Scheme to the WA Planning Commission for determination. Once it is finalised Local Planning Scheme No. 5 (LPS5) will replace the existing Town Planning Scheme No. 4 (TPS4) as the main planning instrument for the Shire of Katanning.

The thirteen submissions received are listed in the attached Schedule which includes recommendations relevant to each submission. The majority of the submissions support LPS5, in particular the creation of an 'Enterprise' zone. Modifications are recommended in response to the submissions from the Department of Lands, the Katanning Country Club and the Department of Water.

Statutory Environment:

The requirements and procedures associated with advertising and consideration of submissions are set out in Subclauses 22 and 25 respectively of Division 2, Part 4 of the LPS Regulations and Sections 81 and 82 of the Planning Act.

Policy Implications:

Nil.

Financial Implications:

There will be costs to the Shire of Katanning associated with administration, any modifications prescribed by the WAPC and publication in the Government Gazette.

The 2016/2017 Annual Budget includes grant income and expenditure allocation in regard to SuperTowns Projects.

Strategic Implications:

Preparation of a new Planning Scheme for the Shire of Katanning fulfils key recommendations of the *Shire of Katanning Strategic Plan 2013 – 2023*, the 2012 SuperTown Growth Plan and the 2013 Local Planning Strategy:

Environment & Land Use – Land Use Development:

- Introduce urban expansion areas for residential and industrial development [CBP Ref. O8.5.1]
- Flexible Land Use Planning – Facilitate Development and Encourage progressive consolidation and Redevelopment [CBP Ref. P8.5.2 and O8.5.1]
- Establish a minimal hierarchy of plans required to facilitate development

Economic Development

- Locate an agrifood precinct that takes into account the location and linkages with WAMMCO [CBP Ref. P6.5.2 P6.5.10]
- Identify and compile sufficient land to accommodate new services and business opportunities [S6.5.6 O6.5.3]

Development & Leadership - Governance:

Legal & Ethical Compliance [CBP Ref. P10.5.3]

Officer's Recommendation/Council Motion:

OC/16 **That Council endorses:**

- 1) The submissions lodged on Local Planning Scheme No. 5 be received and noted.**
- 2) Local Planning Scheme No. 5 be adopted with the modifications listed in the Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Minister for Planning.**
- 3) Authority be granted to the President and the Chief Executive Officer to affix the Common Seal of the Council to Local Planning Scheme No. 5 once approved by the Honourable Minister.**

Voting Requirement: Simple Majority

CARRIED/LOST:

10.1.3 Development Application – Outbuilding, Lot 220 (78) Richardson Street, Katanning
(ATTACHMENT)

File Ref: A1401
Reporting Officer: D Baesjou, Consultant Planner
Date Report Prepared: 31 August 2016

Issue:

To consider an application for an Outbuilding with nil setbacks on the secondary street and rear laneway at Lot 220 (78) Richardson Street, Katanning.

Body/Background:

A Development Application was received on 30 July 2016.

The subject land is zoned Residential, with an R12.5/25 density coding under Town Planning Scheme No. 4 (TPS4). 'Single House' (and by association 'Outbuilding') is permitted (P) in the Residential zone, subject to compliance with the Residential Design Codes (R-Codes) and relevant Council Policy.

Lot 220 has frontage to both Richardson Street and Clarence Street; there is also constructed rear laneway. It is serviced by two existing crossovers onto Clarence Street.

Existing development on Lot 220 includes a single storey dwelling, outbuildings and domestic garden/private open space.

The proposed 10m x 11m Outbuilding has an internal floor area of 111m² and a 2m x 11m lean-to; the combined floor area being 133m². The proposed wall height is 3.6m. The height of the central ridge/top of the gable is 4.75m. The proposed building is to be located in the north-west corner of the lot.

The submitted plan also shows a proposed 8m x 14.5m patio extension to the rear of the existing dwelling. The existing outbuildings will be demolished to make way for the proposed patio and Outbuilding. The applicant has advised the outbuilding will be used to garage private vehicles and for storage.



Aerial image of Lot 220 (78) Richardson Street and surrounds



Image of northern corner of Lot 220 (78) Richardson Street showing existing Outbuilding (to be removed) and site of proposed Outbuilding with nil setbacks to Clarence Street and laneway.

Officers Comment:

A site inspection was conducted on 17 August 2016, supplementary information was subsequently provided by the applicant and letters of no objections were received from three (3) neighbours. The subject land is of sufficient size to accommodate the proposed development. The Outbuilding is to be located in a similar position to the existing shed which has a negligible setback to Clarence Street. Given the style and height of boundary fences and the nature of other development in this area it is considered the appearance, size and bulk of the proposed Outbuilding will have no significant impact on adjoining land.

The proposal is considered to meet the scheme objectives and for the residential zone set out in both TPS4 and the draft Local Planning Scheme 5. Planning approval is recommended, subject to conditions.

Statutory Environment:

Shire of Katanning Town Planning Scheme No. 4

The Planning and Development (Local Planning Schemes) Regulations 2015

The Residential Design Codes

The application was assessed, based on the requirements set out in TPS4, the Planning and Development (Local Planning Schemes) Regulations 2015 and the R-Codes.

Clauses 6.1.1 and 6.1.2 of TPS4 sets out the following Objectives and Requirements for the Residential Zone:

Objectives

- (a) to retain the single house as the predominant form of residential development in the town.
- (b) to provide for lifestyle choice in and around the town with a range of residential densities.
- (c) to allow for the establishment of non-residential uses subject to local amenities not being adversely affected.
- (d) to achieve a high standard of residential development.

Site and Development Requirements

As outlined in the R-Codes, based on the dimensions of the proposed outbuilding, the following minimum building setbacks are applicable:

Richardson Street/Primary Street/Front: 6.0m	Proposed: 50.35	Complies
Clarence Street/Second Street and Right of Way: 1.5m	Proposed: Nil	Variations
Other/Rear (Wall 3.6m high, 10m long): 1.5m	Proposed: 7.12m	Complies

Clause 2.5.2 of the R-Codes provides discretion for Council to vary selected standards as follows:

In making a decision on the suitability of a proposal, the decision-maker shall exercise its judgement, having regard to the following:

- (a) any relevant purpose, objectives and provisions of the scheme;
- (b) any relevant objectives and provisions of the R-Codes;
- (c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and
- (d) orderly and proper planning.

Policy Implications:

The Shire of Katanning Town Planning Scheme Policy No. 1 Outbuildings (SoK Policy 1) provides for Outbuildings in the Residential zone up to 3.6m in wall height and a maximum cumulative total floor area of 100m². Criterion 11) gives latitude to approve proposals that 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. Applications that do not meet the policy criteria shall be referred to the Council for its determination.

The average height of the rear wall, allowing for the ridge and height above natural ground level is 4.175m. The height is within the 20% variation provided for by the policy and the proposed nil setback is a variation that may be determined by Council.

The proposed internal floor area of 110m² is greater than the 100m² provided for by the policy, but is within the 20% variation that would not otherwise require determination by Council. The additional 22m² of roof area/verandah is marginally above this, however is readily accommodated on the subject land.

The minimum boundary setback specified in table 1 of the R Codes for a secondary street, including a right-of-way, is 1.5m (refer Deemed-to-comply requirement 5.2.1 C1.4). The proposed nil setbacks from both Clarence Street (the secondary street) and the rear laneway/Right of Way require a variation.

Letters of no objection have been provided by three (3) neighbours.

Given the precedent set by the existing outbuilding, the relative height of the existing fences and the size of the lot, the nil setbacks are considered acceptable.

The proposal for the oversize outbuilding with nil setbacks to the secondary street and laneway is considered acceptable when assessed against TPS4, the R-Codes and SoK Policy 1.

Financial Implications:

The applicant has paid the \$147 planning application fee, as set out in Council's schedule of fees and charges.

Strategic Implications:

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

Shire of Katanning Community Strategic Plan 2013 – 2023

Environment & Land Use – Land Use Development:

- Flexible Land Use Planning [CBP Ref. P8.5.2]

Development & Leadership - Governance:

- Legal & Ethical Compliance [CBP Ref. P10.5.3]

Officer's Recommendation/Council Motion:

OC/16 **That Council approves the Development Application for Lot 220 (78) Richardson Street, Katanning for the purpose of outbuilding, in accordance with Clause 7.2.2 of Town Planning Scheme No. 4 and clause 2.5.2 of the R-Codes, with reduced (nil) secondary street boundary setbacks subject to the following conditions:**

1. Development is to be generally in accordance with approved plans.
2. Maintenance of the crossover is the responsibility of the developer.

Advice Notes

- I. All stormwater runoff from the new structure to be adequately detained and controlled on-site. Any connection to the district drainage system to the satisfaction of the Director of Engineering Services.
- II. Any alterations or upgrading of the crossover to be in accordance with Shire of Katanning specifications and requirements.
- III. This development approval does not constitute a building permit.
- IV. Future use and development is to comply with the building code of Australia and the requirements of relevant health and environmental statutes.

Voting Requirement: Simple Majority

CARRIED/LOST:

10.1.4 Advertising Signage at Lot 5 (10) Amherst Street, and Lot 2 (145) Clive Street, Katanning

File Ref: A3318, A168
Reporting Officer: D Baesjou, Consultant Planner
Date Report Prepared: 20 September 2016

Issue:

To consider an application for advertising signage at Lot 5 (10) Amherst Street, and Lot 2 (145) Clive Street, Katanning, under the Local Planning Scheme and the Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting (Signs Local law).

Body/Background:

An application for two advertising signs for RSM Australia was received on 19 August 2016. It is proposed to erect one free-standing sign (approximately 1.5 by 1.2m) within the front landscaped area of Lot 5. Approval is also sought for a remote “Portable” sign (60cm by 99cm) to be located on Lot 2 at the corner of Clive Street and Amherst Street.

The subject land is zoned Commercial under the Shire of Katanning Town Planning Scheme No. 4 (TPS4). The adjoining property is special use site 2 and contains the Katanning Club which is classified by the National Trust, is permanent entry number 3274 on the Register of Heritage Places and on the Shire of Katanning Municipal Inventory. Lot 2 is zoned town centre.



2016 Aerial image of Lot 5 (10) Amherst Street, Lot 2 cnr Clive Street and surrounds

Officer’s Comment:

Officer level conferral and consultation with the applicant has occurred regarding the proposed signage and the implications of Local Law.

The Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting reference the Local Government Act 1995 (as amended) and cite a resolution of 26 February 1987. Since that time, TPS4 has been adopted, and subsequently amended to include replacement Schedules 6, 7 and 8 relating to advertising signage definitions and approval procedures.

More recently, as a consequence of the deemed provisions introduced through the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations), elements of TPS4 are supplanted. Many of the definitions and dimensions prescribed in the Local Law are relevant and have been applied, however the licensing requirements are considered cumbersome and somewhat redundant. Contemporary forms, procedures and guidelines have been used to assess this proposal.

As specified in Clause 7.11.4, in determining signage,

The Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

The proposed advertising signage at the front of Lot 5 Amherst Street is considered to meet the scheme objectives and for the zone as set out in both TPS4 and the draft Local Planning Scheme 5. Given the setting, purpose, size and position it is considered the sign will not detract from the amenity of the surrounding area. Planning Approval is recommended, subject to conditions.

The proposed remote Portable "A" frame sign does not satisfy the definition and requirements of Clause 2.1 of the Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting, in particular:

- a) *Located entirely within the boundaries of land owned or occupied by a person who erected or who has maintained the sign;*
- b) *Only advertising a product or services available within the boundaries of the land upon which the sign is located.*

Notwithstanding the non-compliance with the Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting, the proposed sign is considered to be consistent with objectives of TPS4. As indicated by the applicant, there are a number of remote signs displayed along the Main Street and approach roads to Katanning. Although most are within verges or footpaths, therefore in reserved land and thoroughfares that are under Council management responsibility, rather than within freehold land (as is the case with this proposed remote sign) this application highlights inconsistencies and challenges in interpreting and applying the 1987 Local Law. Rescission of the Signs Local Law is recommended.

Statutory Environment:

Town Planning Scheme No. 4

Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting

Policy Implications:

Nil.

Financial Implications:

The Planning Application Fee is yet to be paid

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023

Environment & Land Use

- Land Use

Officer's Recommendation/Council Motion:

OC/16 That Council notwithstanding Clause 2.1 of the Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting, grants Development Approval for advertising signage at Lot 5 (10) Amherst Street, and Lot 2 (145) Clive Street, Katanning subject to the following conditions:

- 1) Development to be in accordance with the approved plans.
- 2) No part of the sign is to extend beyond the boundary of the subject lots.
- 3) Signage to be maintained in good repair, at the proponent's cost.

OC/16 That Council:

- 1) undertakes a review of the Shire of Katanning Local Laws Part XIV – Signs, Hoardings and Bill Posting Local Law; and
- 2) Staff prepare a draft Advertising Signage Policy setting out Objectives and appropriate Guidelines for consideration by Council, prior to public consultation.

Voting Requirement: Simple Majority

CARRIED/LOST:

10.2 DIRECTOR OF CORPORATE SERVICES REPORTS**10.2.1 Monthly Financial Reports**
(ATTACHMENTS)

File Ref: FS/0021
Reporting Officer: D Marsh, Manager Finance
Report Prepared: 16 September 2016

Body/Background:

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

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

Officer's Comment:

A variance report is included with the monthly financial statements.

Statutory Environment:

Local Government (Financial Management) Regulations 1996.

Policy Implications:

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

Financial Implications:

Monthly Statement of Financial Activity.

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

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:

OC/16 That Council adopts the Statement of Financial Activity for the months ending 31 July and August 2016, as presented, and notes any material variances.

Voting Requirement: Simple Majority

CARRIED/LOST:

10.2.2 Schedule of Accounts
(ATTACHMENTS)

File Ref: FS/0021
Reporting Officer: D Marsh, Manager Finance
Report Prepared: 16 September 2016

Body/Background:

This information is provided to Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for, which money or other benefits may be obtained.

Officer's Comment:

The schedule of accounts for month of August 2016 are attached.

Statutory Environment:

Local Government (Financial Management) Regulations

Policy Implications:

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

Financial Implications:

Expenditure in accordance with the 2015/2016 Annual Budget.

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:

OC/16 That Council endorses the Schedule of Accounts for August 2016, as presented.

Voting Requirement: Simple Majority

CARRIED/LOST:

10.2.3 Review of Purchasing Policies (ATTACHMENT)

File Ref: GV.PO.1
Reporting Officer: Sue Eastcott, Procurement & Executive Support Officer
Date Report Prepared: 15 September 2016

Issue:

To consider the Shire of Katanning policies relating to purchasing, credit card usage and buying locally.

Body/Background:

The Shire of Katanning Purchasing Policy is the key document that outlines the application of best practice, for staff with purchasing authority, when purchasing goods and services. The policy aligns with the principles of transparency, probity and good governance and aims to ensure compliance with the *Local Government Act 1995* and the *Local Government (Functions & General) Regulations 1996*.

The current purchasing policy incorporates policies relating to:

- Purchasing;
- Use of corporate credit cards; and
- Regional price preference.

A recent probity audit report provided by the Department of Local Government and Communities recommended that Council undertake a review of its purchasing and use of credit cards policies to ensure alignment of the policies with the *Local Government Act 1995 and Regulations*, and departmental operational guidelines.

Staff have undertaken a review of council's purchasing policies and have developed individual policies for the following:

- Purchasing;
- Use of corporate credit cards; and
- Regional price preference.

Copies of the proposed new policies are attached for Council consideration.

Officer's Comment:

The new policies align with current legislation and provide a clear framework for purchasing, the use of credit cards and supporting local businesses when purchasing goods and services for the Shire.

Statutory Environment:

Local Government Act 1995

Local Government (Functions & General) Regulations 1996

Policy Implications:

Review of policies relating to:

- Purchasing;
- Use of corporate credit cards; and
- Regional price preference.

Financial Implications:

Nil.

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:

OC/16 **That Council adopts the following Policies as proposed:**

- 1. Purchasing Policy**
- 2. Corporate Credit Card Policy**
- 3. Buy Locally – Regional Price Preference**

Voting Requirement: Simple Majority

CARRIED/LOST:

10.3 EXECUTIVE MANAGER, PROJECTS AND COMMUNITY BUILDING REPORTS

See confidential item

10.4 EXECUTIVE MANAGER, PROPERTY & ASSETS REPORTS

10.4.1 Town Hall External Paint Colour Scheme (ATTACHMENT)

File Ref: A2254
Reporting Officer: S King Ching, Executive Manager Property and Assets
Date Report Prepared: 20 September 2016

Issue:

The Katanning Town Hall is programmed for external re-painting this financial year 2016/17. The proposed colour scheme is different to the existing paint colours and requires Council endorsement.

Body/Background:

The Katanning Town hall has been a permanent entry on the state register of heritage places since November 2000 (place number 03960). Works having a heritage impact to the Town hall requires referral to the State Heritage Council.

On February 2015, Hocking Heritage Studio undertook paint scraping of the exterior and found that the original colour of the façade was a shade of white. Hocking heritage studio also stated that many of the former brick buildings of similar age within the town have also been painted white. Hocking Heritage Studio then recommended 2 options for external paint. These options were:

Option 1	Rendered sections of the elevation	Porcelain Pink Quarter (Dulux A138/P11F1Q)
	Details	Porcelain Pink Full (Dulux A138/P11F1)
	Windows (if timber frames have been reinstated)	Norfolk Green (Dulux P25B9)
Option 2	Rendered sections of the elevation	Natural White (Dulux B1/PN1E1)
	Details	Off White (Dulux B3/P1N1E3)
	Windows (if timber frames have been reinstated)	Indian Red (Dulux O49)

The findings and recommendations by Hocking Heritage Studio were referred to the State Heritage Office (SHO).

On 24 April 2015, Shire of Katanning received confirmation of the State Heritage Office's support of the proposed external scheme option 2 (Refer to file A2254, letter from SHO for details).

Officer's Comment:

The new colour scheme of the Katanning Town Hall is *restricted* to natural white and off white. These colours were based on physical and documentary evidence as gathered and reported by Hocking Heritage Studio and supported by the State Heritage Office.

Statutory Environment:

Heritage of Western Australia Act 1990

Section 11 of the Heritage of Western Australia Act 1990 requires local governments to refer planning applications and other proposals that 'may affect' a registered place to the Heritage Council and the Heritage Council must provide its advice. While the final decision on the proposal remains with the local government, it must be consistent with the Heritage Council's advice unless there is no feasible and prudent alternative.

Policy Implications:

Nil.

Financial Implications:

The painting programme and budget was sought during the 2016/17 budget approval process. This painting work is to be completed by the Shire's internal painter.

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023

- Facilities and Services P6.5.7
 - Upgrading and adaption of the Town Hall as regional entertainment centre

Officer's Recommendation/Council Motion:

OC/16 **That Council proceeds with natural white and off-white external colour scheme to the Katanning Town Hall in accordance with the recommendation of the State Heritage Office.**

Voting Requirement: Simple Majority

CARRIED/LOST:

10.5 DEPUTY CHIEF EXECUTIVE OFFICER**10.5.1 Extended Retail Trading Hours Christmas 2016**

(ATTACHMENT)

File Ref: AD/09/0033
Reporting Officer: A Holden, Deputy Chief Executive Officer
Date Report Prepared: 19 September 2016

Issue:

To consider Christmas/New Year trading hours for 2016/17.

Body/Background:

In the past, each year the Minister for Commerce would announce a package of standard trading hour extensions for the Christmas/New Year period. This package usually included extended weekday and Saturday trading until 9pm & trading from 10am-5pm on Sundays during December.

The Christmas trading hour package as announced was automatically available to regional localities without the need for further action by each Local Government. In recent years, as a consequence of regular Sunday and Public Holiday Trading in the Perth metropolitan area there has been no need for a metropolitan package of Christmas trading hour extensions. However the Department of Commerce has advised, in a letter (attached) dated 15 September 2016, that regional local governments may accept a package of extended trading hours that are consistent with that available in the metropolitan area. If accepted the package will be ratified by the Department without the need for separate ministerial consideration.

Consequently, if Council wishes to extend trading hours over the forthcoming Christmas/New Year period either the standard package must be accepted or a Temporary/Short Term Adjustment application form will need to be completed and forwarded to the Department of Commerce.

Normal trading hours within the Shire of Katanning are:

Monday, Tuesday, Wednesday & Friday	8:00am to 6:00pm
Thursday	8:00am to 9:00pm
Saturday	8:00am to 5:00pm
Sunday	Closed

Officer's Comment:

Historically the Shire of Katanning has requested advice from the Katanning Regional Business Association (KRBA) regarding the extended trading hours to be implemented locally.

The KRBA considered the issue of extended Christmas trading hours at its AGM on 16 August 2016 and unanimously agreed that approval for the following additional hours be sought:

Sunday 27 November 2016	10:00am to 4:00pm
Sunday 4 December 2016	10:00am to 4:00pm
Sunday 11 December 2016	10:00am to 4:00pm
Sunday 18 December 2016	10:00am to 4:00pm

In addition, the KRBA is holding the annual 'Christmas on Clive' event on Saturday 10 December 2016; and thus require the normal Saturday trading hours to be varied as follows:

Saturday 10 December 2016	8.00am to 9.00pm
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The request from KRBA varies from the standard package offered by the Department of Commerce in that Sunday 27 November 2016 is prior to the commencement of the package and that the period from 5:00pm to 9:00pm on Saturday 10 December is not within the standard package. It should be noted that the restriction on trading on those days/times do not generally apply to the majority of Katanning retail businesses because they are tied to the number of employees a business has and thus only apply to Katanning's larger retailers.

Statutory Environment:

If the Shire wishes to extend trading hours in line with the request from the KRBA the Department of Commerce must be notified using the appropriate application form to obtain Ministerial consent.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Support for extended Christmas trading hours is consistent with the Leadership and Development objectives of the Katanning Community Plan 2013 – 2023.

Officer's Recommendation/Council Motion:

OC/16 That Council:

Advises the Department of Commerce that the Shire of Katanning wishes to vary Christmas/New Year trading hours to extend as follows;

Sunday 27 November 2016	10:00am to 4:00pm
Sunday 4 December 2016	10:00am to 4:00pm
Saturday 10 December 2016	8.00am to 9.00pm
Sunday 11 December 2016	10:00am to 4:00pm
Sunday 18 December 2016	10:00am to 4:00pm

Voting Requirement: Simple Majority

CARRIED/LOST:

10.5.2 Katanning Arts and Craft Society Inc. - Request for Rates Reduction or Exemption, 7 Dore Street Katanning
(ATTACHMENT)

File Ref: A884
Reporting Officer: A Holden, Deputy Chief Executive Officer
Date Report Prepared: 19 September 2016

Issue:

To consider a request from the Katanning Arts and Crafts Society Inc. for a reduction in the rates, or full exemption from rates, on its property at 7 Dore Street, Katanning.

Body/Background:

The Katanning Arts and Crafts Society Inc. (KACSI) is the freehold owner of the property located at the corner of Dore and Baker Streets being 7 Dore Street, Katanning.

KACSI has, in every year since at least 2000, paid the amount due on each year's rates assessment notice by the due date and thus have accessed relevant annual discount for prompt payment. The Chief Executive Officer has received a letter dated 23 August 2016 from the Secretary of KACSI (see attached) advising that, while in past years, members raised funds through the sale of art and craft items at an annual open day each November, due to difficulties associated with the aging of their membership that open day would not continue. The letter states that, as a consequence, the financial capacity of KACSI will be reduced and has asked for the rates to be reduced or removed. The current 49 members pay an annual subscription of \$40 plus \$3 for each craft group they attend and KACSI suggest any further charge would be an impost on their mostly senior citizen members.

The 2016/17 rates assessment notice has a total of \$1,306.73 payable after a discount of \$18.57 if received by 30 September 2016. The rates component of that \$1,306.73 is \$909.73 (see attached).

Officer's Comment:

The collection of rates from rateable land is an integral part of the resourcing of Local Government activity for the benefit of the community. It is therefore important that all owners of rateable land do make a contribution through the payment of rates.

However the Local Government Act 1995 (Act) in Section 6.26 provides for limited circumstances where owners of land will be exempt from the payment of rates including that available under section 6.26 (2)(g) for 'land used exclusively for charitable purposes'. It is the opinion of the writer that while the activities of KACSI would be beneficial to the health and social welfare of members, that in itself, does not constitute a charitable purpose and thus it would not be appropriate to deem the property exempt from rates.

In addition, Section 6.47 of the Act provides Council the option to resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge. Council has exercised this provision in regard to only one property in the past being in regard to A2823 owned by the Katanning Country Club Inc. (KCC). It was first resolved (per OC197/05) to provide a 50% discount in the rate that otherwise would apply for the 2004/05 rate assessment and future years. That concession was reaffirmed by Council for a further ten years in 2014 (OC46/14) and thus the concession will apply each year until being reconsidered

before the 2024/25 rates are determined. The reason this concession was applied was that the rates would otherwise have more than doubled in 2004/05 as a result of an external revaluation the impact of which was outside any control of the KCC.

In contrast, KACSI's approach to Council is the result of an internal decision to reduce activity that will lead to a reduction in income. Their request for Council to reduce rates is one means of "balancing the books". Clearly there are other means of either replacing the income or reducing expenditure but KACSI have expressed that members have little capacity to contribute a further \$18.55 per annum each that the \$910 of rates equates to.

In the circumstances it is this officer's opinion that an ongoing waiving or concession of the rates on A884 is not warranted and would create an unwanted precedent that over time could be used to significantly erode the rate base. However, should Council consider some form of financial support is warranted then a resolution to provide a donation of some amount to be applied against the 2016/17 rates assessment would be the best mechanism. The provision of a donation would neither create an unwanted precedent nor necessarily make any ongoing commitment.

Statutory Environment:

Section 6.26 (2) states the following (inter alia):

'6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land -
 - (a) land which is the property of the Crown and -
 - (i) is being used or held for a public purpose; or
 - (ii) is unoccupied, except -
 - (I) where any person is, under paragraph (e) of the definition of "owner" in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or
 - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of "owner" in section 1.4 occupies or makes use of the land;
 - (g) Land used exclusively for charitable purposes;'

Section 6.47 of the Local Government Act states:

Subject to the rates and charges (rebates and deferments) act, a Local Government may, when imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

Policy Implications:

Nil.

Financial Implications:

A donation of an amount up to the \$928.30 of rates raised on the 2016/17 rate notice would be provided from Councillor Donations budget line per the adopted 2016/17 budget.

Strategic Implications:

Any decision by Council to provide an exemption or ongoing waiving or concession on rates may create a precedent that could become a risk to the rate base.

Officer's Recommendation/Council Motion:

OC/16 **That Council:**

- 1) Acknowledges the valued contribution the activities of the Katanning Arts and Craft Society Inc. makes to the social cohesion of the Katanning Community in particular for seniors;**
- 2) Declines the request from the Katanning Arts and Craft Society Inc. to waive or provide an ongoing concession of the rates payable on the property at 7 Dore Street, Katanning (A884) in regard to the 2016/17 and future years;**
- 3) Provides a donation of \$464.15 being equivalent to 50% of the rates component assessed in regard to A884 on the 2016/17 rate notice.**

Voting Requirement: Absolute Majority

CARRIED/LOST

10.6 CHIEF EXECUTIVE OFFICER'S REPORTS**10.6.1 Old Katanning Hotel – License to Occupy
(ATTACHMENT)**

File Ref: CP.RP.7
Reporting Officer: J Murphy, Chief Executive Officer
Date Report Prepared: 20 September 2016

Issue:

To consider the proposal from the Katanning Regional Business Association to occupy the reception and office facilities at the Old Katanning Hotel.

Body/Background:

The Shire of Katanning purchased the Katanning Hotel in Austral Terrace, Katanning as part of plans to redevelop the site for use as offices to promote business development and innovation in Katanning.

The two story building has office/retail spaces on the ground floor with common areas including a kitchen and toilet facilities. The first floor is similar to the ground floor and is suitable for use as offices. The building is listed on the Shire of Katanning Municipal Inventory of heritage places.

The adjoining site is also owned by the Shire and is currently set aside for the development of a new administration and civic centre for the Shire of Katanning.

Works are nearing completion on the renovation of the Old Katanning Hotel with building works expected to be completed within the next month.

The Katanning Regional Business Association is seeking to rent the main reception/office space from Council to accommodate their office and business development officer.

Officer's Comment:

The Shire of Katanning is a financial member of the Katanning Regional Business Association and the Chief Executive Officer represents the Shire of Katanning on the Association's Committee.

The Katanning Regional Business Association is a good fit for the intended use of the building to promote business development and innovation. Council will be able to build on its relationship with the business association to continue to develop business innovation programs to be run out of the renovated Katanning Hotel.

Proposals are still being developed for the activation and use of the remaining office/retail spaces on the ground floor and offices on the first floor.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Financial Implications:

Income from rental of office space at the Old Katanning Hotel

Strategic Implications:***Shire of Katanning Strategic Plan 2013 – 2023*****Development and Leadership**

- Economic Development

Officer's Recommendation/Council Motion:**OC/16****That Council:**

- 1. Agrees to lease the main reception/office space to the Katanning Regional Business Association; and**
- 2. Authorises the Chief Executive Officer to negotiate a License to Occupy with the Katanning Regional Business Association for the next three years.**

Voting Requirement: Simple Majority

CARRIED/LOST:

10.7 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****13. CONFIDENTIAL ITEM****13.1 Operation and Management of the Katanning Aquatic Centre Tender
RFT 06-2016**

File Ref: A3098
Reporting Officer: S Davis, Executive Manager Projects & Community Building
Date Report Prepared: 21 September 2016

REASONS FOR CONFIDENTIALITY

The Officer's report is confidential because it deals with a matter relating to a contract to be entered into by Council in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*.

Officer's Recommendation/ Council Motion:

OC/16 That Council accepts the tender from Young Men's Christian Association of Perth for Tender 06-2016 – Operation and Management of the Katanning Aquatic Centre, and negotiates appropriate operating hours as part of the establishment of a management plan.

Voting Requirement: Simple Majority

CARRIED/LOST:

13.2 **Extension to the Katanning Leisure Centre**
(ATTACHMENT)

File Ref: CP.DE.4
Reporting Officer: S King Ching, Executive Manager Property and Assets
Date Report Prepared: 20 September 2016

REASONS FOR CONFIDENTIALITY

The Officer's report is confidential because it deals with a matter relating to a contract to be entered into by Council in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*.

Officer's Recommendation/Council Motion:

OC/16 That Council accepts the tender submission from Wauters Enterprises Pty Ltd for Tender 04/2016 for the construction of the gym extension to the Katanning Leisure Centre as per the schedule of prices submitted.

Voting Requirement: Simple Majority

CARRIED/LOST:

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at ___ pm