



Shire of
Katanning
Heart of the Great Southern

‘A prosperous, vibrant and diverse community working together.’

**MIINUTES OF
ORDINARY COUNCIL MEETING**

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on
Thursday 23 September 2021 in the Shire of Katanning Council Chambers,
52 Austral Terrace, Katanning.

DISCLAIMER

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

PRESIDING MEMBER _____

DATE SIGNED _____



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PLEASE NOTE:

Council Meetings are recorded for accuracy of minute taking.

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.00 pm.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Liz Guidera - President

Members: Cr John Goodheart – Deputy President
Cr Danny McGrath
Cr Serena Sandwell
Cr Martin van Koldenhoven
Cr Owen Boxall
Cr Kristy D’Aprile
Cr Mark Stephens
Cr Ernie Menghini

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

Gallery: Matt Collis
Tony Noonan

Media: Tom Shanahan

Apologies:

Leave of Absence:

3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**President Liz Guidera made the following statement:**

Good evening, I would like to acknowledge the traditional owners of the land on which we meet tonight and pay our respects to their elders past and present.

Tonight is the final meeting for 5 of our Councillors.

I would like to acknowledge the record their contribution to our community and thank them on behalf of the community for their service.

Last on and first off is Councillor Mark Stephens, Mark joined us in 2019 and has contributed through Regional Road Group and the Cinema Group, we know you are disappointed to be leaving and we wish you and your family good health.

Ernie Menghini was elected in 2017, Ernie has been able to add the real practical know how of projects, his opinion and comment is greatly appreciated, Ernie also is very involved in groups such as speedway and his network in the community have many people contacting him when there are problems knowing that he will, 1 pass them on and 2 know how to fix them.

Martin van Koldenhoven is our elder statesman and completes 6 years of service in this current block but has previously served from 1992 to 1994 and 2003 to 2006. Over your lifetime Martin you have contributed so much to our community, you have one of the oldest businesses in Katanning in Katanning Stock and Trading and have still found time to put your hand up to serve as a councillor.

Owen Boxall has served 8 years and contributed through the Saleyards Management Committee, Regional Road Group, Bush Fire Committee and others. Owen has also brought a practical approach to decision making.

Danny McGrath was also elected in 2013 and has served 8 years, Danny's contribution to the Roadwise Committee and Townscape Committee has been invaluable, as an active Rotary Katanning member has provided a valuable link between the Council and this great service Club.

I note that Danny and Owen have seen it all on local government and I think if we added the dollar value of the projects that have been completed in their time it would be substantial and I would guess the highest ever in an 8 year period, thank you for keeping that ship steady through all those years. Together we have achieved some much needed projects for our community.

Local government doesn't work if there are no Councillors, it also doesn't work if Councillors are driven by ego or self-interest, or they are on a one topic band wagon as we sometimes see in other Councils.

I can attest to the authenticity of every single one of our Councillors approach to their role at Shire of Katanning, the only reason why any of you, our should I say us, is here is because we believe in our community, we love living in Katanning and we are prepared to put in the commitment in ensuring that Katanning's future is bright.

To all 5 of you; Danny, Owen, Martin, Ernie and Mark, your well-rounded knowledge and support will be missed, but I know where to find you if need be.

We wish you all the best for the future.

So, in October we don't have an election, this is a rare event in the history of the Katanning Shire Council but I for one am very pleased with the result we have 4 Councillors- elect that represent different sectors of our community and we look forward to working with you to continue to build Katanning's future.

Cr Kristy D'Aprile returns after an excellent contribution in the last 4 years, Matt Collis, Michelle Salter and Adrian Edwards have been elected unopposed. I thank you for your willingness to contribute to the community and look forward to working with you and our whole team in the future

4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

10.1.3 Cr Danny McGrath Disclosure of Financial Interest

6. PUBLIC QUESTION/STATEMENT TIME

Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following Motions 9.1 to 9.3 were carried en-bloc.

9.1 Ordinary Council Meeting – Tuesday 24 August 2021

(SEE ATTACHED MINUTES)

Voting Requirement: Simple Majority

MOVED: CR MARK STEPHENS

SECONDED: CR KRISTY D'APRILE

OC107/21 That the minutes of the Ordinary Council Meeting held on Tuesday 24 August 2021 confirmed as a true record of proceedings.

CARRIED 9/0

9.2 Special Council Meeting – Tuesday 31 August 2021

(SEE ATTACHED MINUTES)

Voting Requirement: Simple Majority

MOVED: CR MARK STEPHENS

SECONDED: CR KRISTY D'APRILE

OC108/21 That the minutes of the Ordinary Council Meeting held on Tuesday 31 August 2021 confirmed as a true record of proceedings.

CARRIED 9/0

9.3 Special Council Meeting - Wednesday 8 September 2021

(SEE ATTACHED MINUTES)

Voting Requirement: Simple Majority

MOVED: CR MARK STEPHENS

SECONDED: CR KRISTY D'APRILE

OC109/21 That the minutes of the Ordinary Council Meeting held Wednesday 8 September 2021 confirmed as a true record of proceedings.

CARRIED 9/0

10. REPORTS OF COMMITTEES AND OFFICERS

Nil

10.1 EXECUTIVE MANAGER INFRASTRUCTURE AND ASSETS

10.1.1 Development Application – Three Grouped Dwellings, Lot 78 (17) Charles Street, Katanning (ATTACHMENTS)

File Ref: A899 DA Ref 12M
Reporting Officer: Delma Baesjou, Consultant Planner
Date Report Prepared: 13 September 2021
Disclosure of Interest: No interest to disclose

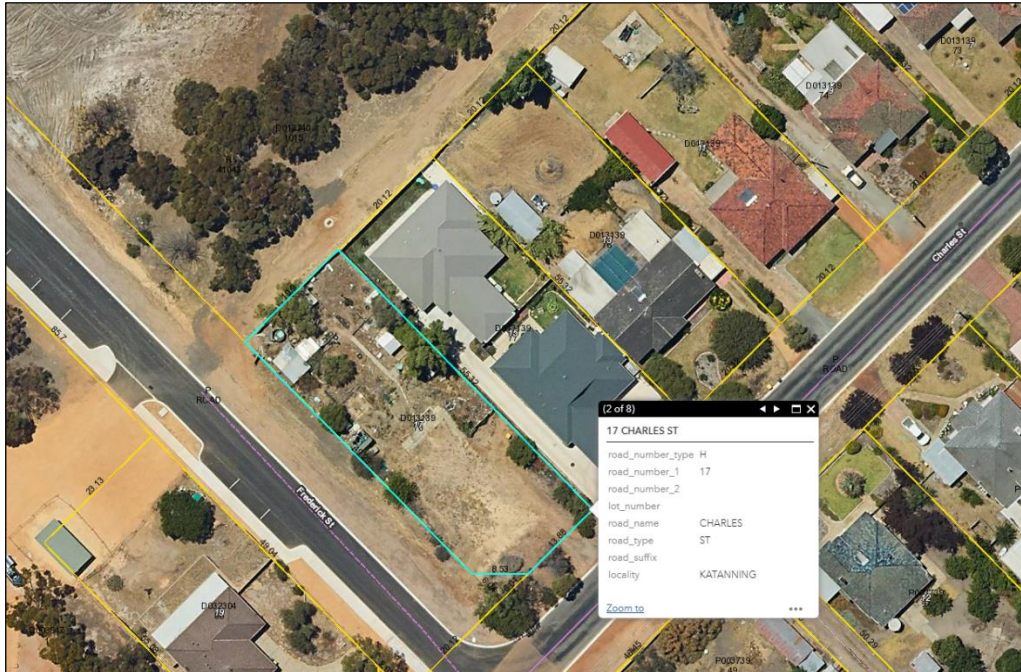
Issue:

To consider an application for three (3) single storey three-bedroom Grouped Dwellings on Lot 78 (17) Charles Street, Katanning. (Refer attached plans and elevations).

Elements of the proposed development do not satisfy the deemed-to-comply provisions of the R-Codes. The variations require determination by the Council.

Body/Background:

Lot 78 is 1083m² and has frontage to Charles Street and Frederick Street along the full length of the eastern and southern boundaries respectively. A dwelling was recently demolished and the site is now vacant.



Aerial view of Subject Land– Source: Landgate (Jan 2021)

Proposed Unit 1 has internal floor area of 159m², together with a 44m² Garage/Store, 6m² front porch and 17m² Alfresco area. Units 2 & 3 each have an internal floor area of 157m², together with a 36m² Carport, 6m² Store, 6m² front porch and 16m² Alfresco area. Materials include face brick, rendered upper front walls, corbels, window sills & headers and colorbond® roofing. Sheet metal fencing 1.8m and .75m in height is proposed.

The site plans show three double driveways and proposed fill and retaining walls in excess of 500mm.

The subject land is zoned Residential under Local Planning Scheme 5 (LPS5). The R30 Density Code applies. Grouped Dwelling is a 'D' (Discretionary) land use under LPS5: Development Approval is required.

The surrounding lots are zoned Residential. Two Grouped Dwellings have been developed on the adjoining lot. Lot 1015, Reserve 41043 is vested with the Shire of Katanning; the current purpose is Hospital and allied purposes. It contains sewer and drainage infrastructure and serves as an informal laneway.

Officers Comment

In addition to satisfying the requirements of the Local Planning Scheme (LPS5) and the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, all residential development is required to comply with the Western Australian Planning Commission (WAPC) State Planning Policy 3.1 Residential Design Codes (R-Codes).

The applicant has completed the R-Codes Residential Development Compliance Checklist (copy attached). Notwithstanding the proposed variations to minimum Open Space, Vehicle Access and fill in excess of 500mm, the development accords with the minimum site area requirements, setbacks and other relevant principles set out in the R-Codes.

The following summary lists the non-compliant Design Principles and Deemed-to-comply (C) references contained in the R-Codes relevant to this proposal, together with the Officer's assessment/comment.

R-Codes Evaluation - Proposed Grouped Dwellings, Lot 78 Charles Street				
Design Principle	Deemed-to-comply reference	Requirement	Proposal	Comment/Assessment
5.1.4 Open Space	C4 Units 2 & 3	45%	44%	<i>Minor Non-Compliance, Regarded as acceptable.</i>
5.3.1 Outdoor Living Area	C1.1 Min Area 2/3 unroofed	24m ² 16m ²	29 – 31m ² 44-48%	<i>Compliant Non-compliant</i>
5.3.5 Vehicular Access	C5.1	Access from Secondary Street	Units 2 & 3 Frederick St. Unit 1 Charles St (Primary frontage)	<i>Compliant Non- Compliant Acceptable: legible and safe</i>
	C5.2	Minimal crossovers. Maximum aggregate driveway width 9m for any one property.	3 crossovers 5.5m – Charles St 11m - Frederick. Total 16.5m	<i>Non-Compliant Would be acceptable for 3 freehold lots.</i>
5.3.7 Siteworks and Retaining Walls	C7.1 & C7.2	Not more than 500mm fill	Fill in excess of 500mm and Retaining walls up to 1m	<i>Non-compliant Acceptable given site conditions. Not detrimental to adjoining properties.</i>

The aspects of Clauses 5.1.4 Open Space, 5.3.5 Vehicular Access and 5.3.7 Siteworks and Retaining Walls that do not satisfy the deemed-to-comply provisions of the R-Codes (aka variations) require 'the exercise of judgement' by the decision maker. The proponent's justifications for the variations are set out in the attached supporting report and email.

The plans indicate six (6) on-site soakwells. Officers consider that because of the soil and site conditions, proximity to groundwater and intensity of development, connection to the local stormwater network is required. Calculations relating to on-site stormwater management and connection to the local drainage network have not been provided by the applicant. Should the Council choose to support the proposed development, supplementary information can be provided subsequent to Council's determination of this Development Application. Clause 74 - Approval subject to later approval of details of the LPS regulations sets out:

- (1) The local government may grant development approval subject to a condition that further details of any works or use specified in the condition must be submitted to, and approved by, the local government before the developer commences the development.
- (2) The local government may only impose a condition referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not substantially change the development approved.

The Officer Recommendation contains a condition relating to the submission of further details. The onus is on the applicant to provide the required technical detail prior to the issue of a Building Permit.

The subject land is within 140m of the creekline and approximately 50m the mapped Flood Extent (Flood prone area). By extrapolating the anticipated 1 in100 flood level, based on the 2013 Shire of Katanning Flood Assessment, the flood edge in the vicinity is estimated to be 307m AHD. The site plan shows natural ground levels of 308 to 309m and nominates Finished Floor Levels (FFL) of 309.1m for the proposed Grouped Dwellings. Although the subject land is not flood prone, the FFL of the development achieves the 500mm clearance from known flood level, as set out in part 3(a) in Table 8 of LPS5.

Table 2 of LPS5 includes the following relevant Objectives for the Residential Zone:

- To provide for a range of housing and a choice of residential densities to meet the needs of the town and its anticipated growth in population.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas that
 - Maintains the character and amenity of established residential areas and ensures that new development, including alterations and additions, is sympathetic with the character and amenity of those areas;
 - Incorporates energy efficient design principles; and
 - Where appropriate, facilitates ageing in place through the incorporation of adaptable housing design.

The proposal is considered to meet the Objectives of the Residential zone. Following conferral with the Development Services Team it is recommended that the development be supported subject to conditions.

Statutory Environment:

Shire of Katanning Local Planning Scheme No. 5
 The Planning and Development (Local Planning Schemes) Regulations 2015
 WACP - SPP 7.3 Residential Design Codes (R-Codes)

The application was assessed, based on the procedures and requirements set out in LPS5, the Planning Regulations and the current R-Codes.

Policy Implications:

There are no policy implications for this report.

Financial Implications:

Based on the nominated Development Value of \$600k and in accordance with the published schedule of Fees and Charges, the Planning Application Fee is \$1,957.00. An amount of \$75 was paid in July (Receipt number 268999) The balance of the Planning Fee is outstanding.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The risk relates to Financial and Reputational Consequences, in the event the Applicants exercise their right to apply for a review by the State Administrative Tribunal (SAT) should they be aggrieved by the determination for the proposed Development.

In this case, the perceived risk is considered to be "Low (2)" based on the "Minor" consequences (2) and the "Rare" likelihood (1) that the Applicant would challenge the Council's decision to grant development approval subject to standard conditions, in accordance with Local Planning Scheme No. 5 and the R-Codes. The "Low" risk rank is considered acceptable with adequate controls, managed by routine procedures.

Alternatively, should the Council decide to refuse to grant development approval, the perceived risk is considered to be "High (12)" based on the "Moderate" consequences (3) and the "likelihood" (4) that the Applicant might challenge the Council's decision on a Discretionary use given the general compliance and relatively minor variations sought to the Deemed Provisions of the R-Codes.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY		BUILT ENVIRONMENT
ASPIRATION	B2	Places for the community to live, work and connect
OBJECTIVE	B2.3	Orderly development (Town Planning)
PRIORITY		ECONOMIC
ASPIRATION	E3	Sustainable economic and population growth
OBJECTIVE	E3.2	Continue to build Katanning's reputation as a strategic sub-regional service centre and economic hub
OBJECTIVE	E3.2.2	Ensure land use planning for commercial, industrial and residential development.
OBJECTIVE	E3.2.3	Attract business and investment opportunities

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:**MOVED: CR ERNIE MENGHINI****SECONDED: CR OWEN BOXALL**

OC110/21 That Council grants Development Approval for Lot 78 (17) Charles Street, Katanning for the purpose of three grouped dwellings, subject to the following conditions:

1. Development to be generally in accordance with the approved plans.
2. Vehicle crossovers in Charles Street and Frederick Street are to be constructed to the specification and satisfaction of the Local Government.
3. The construction and maintenance of internal driveways and accessways is the responsibility of the landowner.
4. All stormwater resulting from the development must be adequately contained on-site and disposed of via connection to the existing drainage system to the satisfaction of the CEO of the Shire of Katanning in accordance with Engineering requirements and design guidelines.
5. Prior to lodging an application for a building permit, stormwater management and disposal plans, details and calculations must be submitted for approval by CEO of the Shire of Katanning and thereafter implemented, constructed and maintained to the satisfaction of the CEO of the Shire of Katanning.
6. Any fences / walls in the front setback of the property must comply with the provisions of the Residential Design Codes, which require front walls and fences to be visually permeable:
 - 1.2 metres above natural ground level within the primary street setback area; and
 - 0.75 metres above natural ground level within 1.5 metres of the intersection of a driveway and a public street or where two streets intersect.
7. The approved landscaping is to fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the CEO of the Shire of Katanning.
8. Each Grouped Dwelling is to be provided with a mobile rubbish bin and bin storage area as indicated on the approved plans

Advice Notes

- I. Construction and siting of any proposed crossover requires prior approval and is to be in accordance with Shire of Katanning specifications and requirements.**
- II. Any damage or disruption to infrastructure within the road reserves is to be remediated at the proponent's cost.**
- 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 statutes.**

CARRIED 9/0

Cr Owen Boxall spoke for the motion.

Cr John Goodheart spoke for the motion.

Cr Kristy D'Aprile spoke for the motion.

10.1.2 Application for approval to register three dogs

File Ref: A835
Reporting Officer: Cherrie Campbell, Executive Officer Infrastructure
Date Report Prepared: 10 September 2021
Disclosure of Interest: No interest to disclose

Issue:

To consider the application of three dogs to be housed on a property in the Shire of Katanning subject to certain conditions.

Body/Background:

The Shire of Katanning *Dog Local Law 1986, as amended 1995* limits the number of dogs kept on any premises to two dogs over the age of three months and the young of those dogs under that age.

Stuart Taylor residents of Katanning have requested an exemption to keep three dogs be considered by Council in accordance with the provisions of section 26 of the *Dog Act 1976*, which allows a local government to consider and grant such an exemption to its local law.

Once a decision has been made by Council, any person who is aggrieved by conditions imposed by the decisions or the refusal of a local government to grant an exemption may appeal in writing to the State Administrative Tribunal for a review of the decision.

Officer's Comment:

Currently there is no provision in the *Dog Act 1976* allowing a local government to delegate authority to council officers regarding these matters, and all applications must be considered by the Council.

Statutory Environment:

Under Section 26 of the *Dog Act 1976*, Subsection (1) states that a local government may, by a local law under this Act-

- (a) *Limit the number of dogs that have reached 3 months of age that can be kept in premises in the local government's district:*

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". The "Low" risk rank is considered acceptable with adequate controls, managed by routine procedures.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	BUILT ENVIRONMENT	
ASPIRATION	S2	A SAFE COMMUNITY
OBJECTIVE	S2.1	Strive for a community where people feel safe and secure.

Voting Requirement: Simple Majority**Officer's Recommendation/Council Motion:****MOVED:** CR SERENA SANDWELL**SECONDED:** CR JOHN GOODHEART

OC111/21 That Council pursuant to the provisions of the *Dog Act 1976* and the *Shire of Katanning Dog Local Law 1986 as amended 1995*, approve the application for an exemption to keep three dogs on a property currently occupied by Stuart Taylor, 49 Bokarup Street Katanning being:

- 1 female dog 13 years, breed Kelpie, registered with Shire of Katanning, sterilized, microchipped & vaccinated
- 1 female dog 5 years, breed Chihuahua, registered with Shire of Katanning, sterilized, microchipped & vaccinated
- 1 female dog 9 months, breed Chihuahua, microchipped & sterilized, on approval of application

This approval is subject to the following conditions:

1. Only the dogs subject to this exemption are to be kept at this property;
2. All dogs are to have their registrations along with microchip details transferred to the Shire of Katanning in accordance with the *Dog Act 1976*;
3. Fences are to be maintained in order to secure the dogs on the property;
4. The yard area of the property where the dogs are kept is to be maintained in a clean and tidy condition;
5. Dog faeces are to be disposed of in the weekly refuse service or by other approved means;
6. Dogs kept at the property are not permitted to bark so as to create a nuisance;
7. The exemption relates to the individual dogs' subject to this application *only*. The applicant will not be permitted to register more than the prescribed number of dogs upon any of these dogs no longer being in the applicant's care, control and/or possession; and
8. On receipt of a justifiable complaint, Council may revoke or vary the exemption at any time

CARRIED 9/0

Cr Serena Sandwell spoke for the motion.

Cr Danny McGrath disclosed a financial interest to Item 10.1.3 as he is purchasing an aircraft hanger and left the room at 6.11pm.

10.1.3 Reserve 37629, Katanning Airstrip & 37809 Communication Infrastructure – Modify Management Order to include Power to Lease
(ATTACHMENTS)

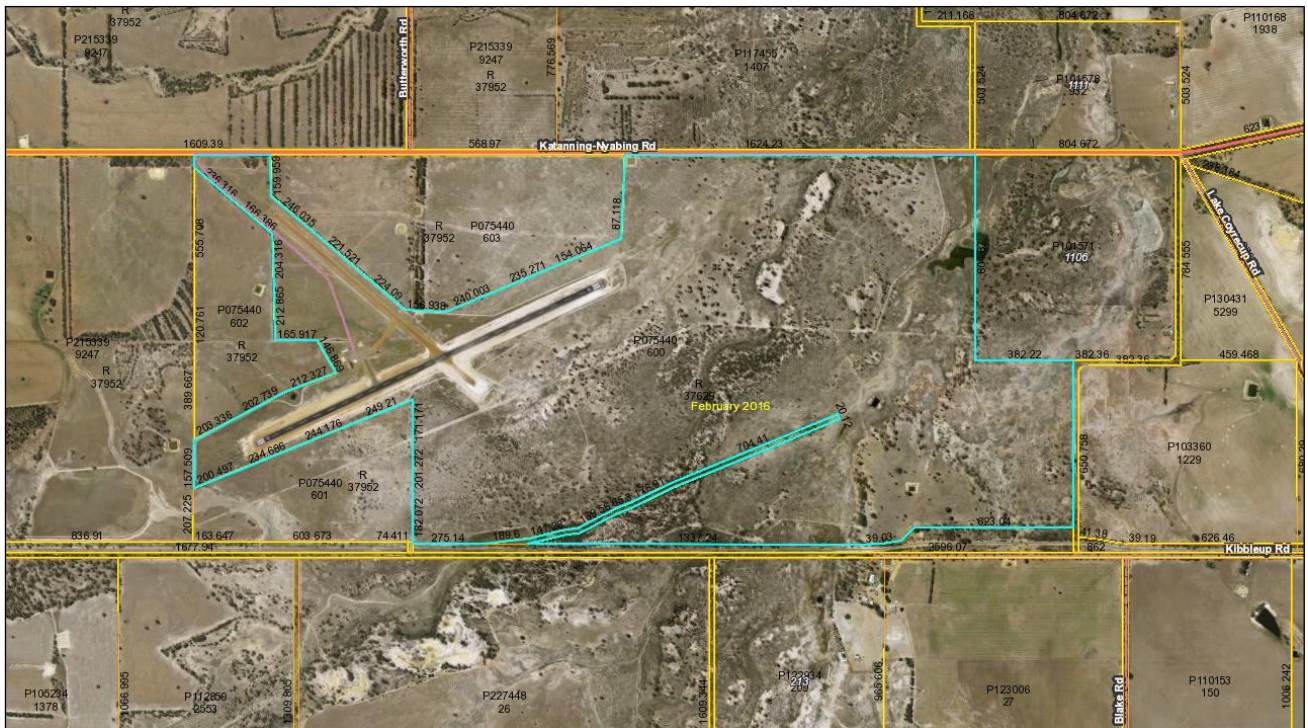
File Ref: A3084 and A3577
Reporting Officer: D Baesjou, Consultant Planner
Date Report Prepared: 16 September 2021
Disclosure of Interest: No interest to disclose

Issue:

To consider seeking a modification to the Management Orders for the Katanning Airstrip Reserve 37629 and the Communications Reserve 37809 to include power to lease or licence.

Body/Background:

Reserve 37629 is Lot 600 on DP 75440 Volume LR3163/Folio526.



Aerial view of Subject Land Reserve 37629 – Source: Landgate (Feb 2016)

The Crown Land Title for Reserve 37629 lists the Primary Interest Holder as Shire of Katanning. The Reserve purpose is Aerial Landing Ground. Management Order M165483 was registered on 23 January 2013.

The subject land is managed by the Shire of Katanning; it is developed and used as an Airstrip. Lot 600 is designated as Public Purposes local reserve under Local Planning Scheme 5 (LPS5).

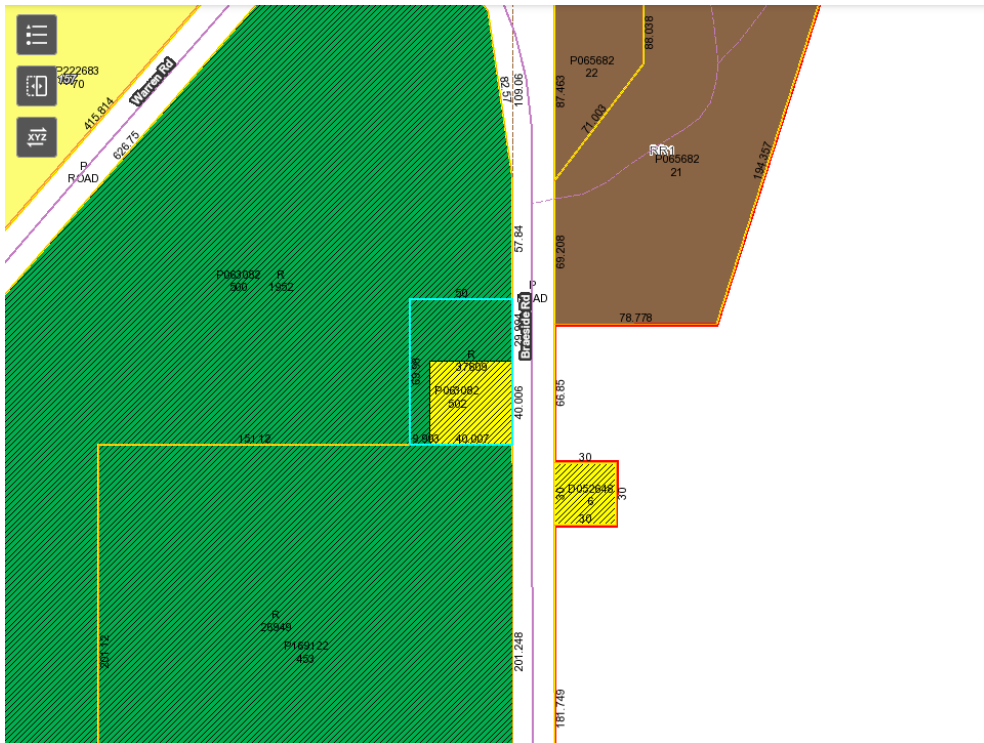
Reserve 37809 is Lot 502 on DP 63082 Volume LR3157/Folio 864. The Crown Land Title for Reserve 37809 lists the Primary Interest Holder as Shire of Katanning. The Reserve purpose is Communication Site. Management Order L804772 was registered on 9 December 2011.



Aerial view of Subject Land Reserve 37809 – Source: Landgate (Jan 2021)

The subject land contains Towers and Communication Infrastructure.

The south east portion of Lot 502 is designated as Public Purposes local reserve under Local Planning Scheme 5 (LPS5). Portion is designated as Public Open Space reserve under LPS5.



LPS5 – extract of zoning map

The Reserves are not of historical or aboriginal heritage significance. The properties are not recorded in the State Register of Heritage Places, the Municipal Inventory or Local

Government Heritage list. Neither is identified as a Registered Aboriginal Site or Other Heritage Place.

Officer's Comment:

A Management Order under the Land Administration Act provides for management of the reserve for the designated purpose. The Shire of Katanning has the care, control and management responsibility for both Reserves. Extending the respective Management Orders to include the power to lease and/or licence will enable the Local Authority to formalise the current arrangements for the user groups.

Statutory Environment:

Local Government Act 1995

Local Government (Functions and General) Regulations

Land Administration Act 199

Policy Implications:

There are no Shire of Katanning policy implications for this report.

Financial Implications:

There will be some administrative costs associated with this process, however there are no significant financial implications.

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 2017 – 2027

PRIORITY		SOCIAL
ASPIRATION	S1	A capable, vibrant, healthy & connected community.
OBJECTIVE	S1.1	Provide sport, recreation and leisure opportunities that contribute to the health and wellbeing of our growing and diverse community.
PRIORITY		BUILT ENVIRONMENT
ASPIRATION	B2	Places for the community to live, work and connect
OBJECTIVE	B2.1	Enhance the Public Realm

Voting Requirement: Simple Majority

PROCEDURAL MOTION:**Voting Requirement:** Simple Majority**MOVED: CR JOHN GOODHEART****SECONDED: CR MARK STEPHENS****OC112/21** **That Council suspends standing orders.**

CARRIED 8/0

PROCEDURAL MOTION:**Voting Requirement:** Simple Majority**MOVED: CR JOHN GOODHEART****SECONDED: CR SERENA SANDWELL****OC113/21** **That Council resumes standing orders.**

CARRIED 8/0

Officer's Recommendation/Council Motion:**MOVED: CR JOHN GOODHEART****SECONDED: CR SERENA SANDWELL****OC114/21** **That Council requests a modification to the Management Orders to include power to Lease or Licence in respect of:**

- 1. Reserve 37629 Lot 600 Katanning-Nyabing Road, Ewlyamartup; and**
- 2. Reserve 37809 Lot 502 Braeside Road, Katanning.**

CARRIED 8/0

Cr John Goodheart spoke for the motion.

Cr Danny McGrath re-enters room at 6.14pm

10.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

10.2.1 Schedule of Accounts (ATTACHMENTS)

File Ref: FM.FI.4
Reporting Officer: Shenae Watts, Creditor Officer
Report Prepared: 01 September 2021
Disclosure of Interest: No interest to disclose

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 2020/21	EFT Payments 2020/21	Direct Debits 2020/21	Credit Card 2020/21	Payroll 2020/21	Trust 2020/21	Total Payments 2020/21
July	559.90	1,239,701.92	39,737.04	5,458.49	234,583.47	0.00	1,520,040.82
August	2,173	648,801.21	34,876.21	4,237	240,430.70	0.00	930,518.12
September							
October							
November							
December							
January							
February							
March							
April							
May							
June							
Total	2,732.90	1,888,503.13	74,613.25	9,695.49	475,014.17	0.00	2,450,558.94

Officer's Comment:

The schedule of accounts for the month of August 2021 are attached.

The Finance Forum held on 16 September 2021 gave attending Councillors an opportunity to ask questions regarding the presented accounts paid.

Statutory Environment:

Local Government (Financial Management) Regulations 1996.

Policy Implications:

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

Financial Implications:

Expenditure in accordance with the 2021/22 Annual Budget.

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 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR KRISTY D'APRILE

SECONDED: CR MARK STEPHENS

OC115/21 That Council endorses the Schedule of Accounts as presented, being cheques 42383-42386 totalling \$2,173.30, EFT payments 32557-32702 totalling \$648,801.21, payroll payments totalling \$240,430.70, direct payments totalling \$34,876.21 and credit card payments totalling \$4,237 authorised and paid in August 2021.

CARRIED 9/0

10.2.2 Monthly Financial Report **(ATTACHMENTS)**

File Ref: FM.FI.4
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Report Prepared: 10 September 2021
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 July 2021.

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

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

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

Officer's Comment:

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

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

The Finance Forum held on 16 September 2021 gave attending Councillors an opportunity to ask questions regarding the presented financial statements.

Statutory Environment:

Local Government Act 1995

Section 6.4 Financial Report

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

Local Government (Financial Management) Regulations 1996.

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

Policy Implications:

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

Financial Implications:

There are no financial implications for this report.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:

MOVED: CR KRISTY D'APRILE

SECONDED: CR SERENA SANDWELL

OC116/21 That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Monthly Statement of Financial Activity for the period ending 31 July 2021, as presented.

CARRIED 9/0

Cr Kristy D'Aprile spoke for the motion.

10.2.3 Monthly Financial Report **(ATTACHMENTS)**

File Ref: FM.FI.4
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Report Prepared: 10 September 2021
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 August 2021.

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

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

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

Officer's Comment:

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

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

The Finance Forum held on 16 September 2021 gave attending Councillors an opportunity to ask questions regarding the presented financial statements.

Statutory Environment:

Local Government Act 1995

Section 6.4 Financial Report

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

Local Government (Financial Management) Regulations 1996.

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

Policy Implications:

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

Financial Implications:

There are no financial implications for this report.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL

SECONDED: CR KRISTY D'APRILE

OC117/21 That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Monthly Statement of Financial Activity for the period ending 31 August 2021, as presented.

CARRIED 9/0

10.2.4 Proposed Amendments Purchasing Policies
(ATTACHMENT)

File Ref: GV.PO.1
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 10 September 2021
Disclosure of Interest: No interest to disclose

Issue:

For Council to the proposed Policy 2.7 Regional Price Preference.

Body/Background:

At the Ordinary Meeting of Council held 27 July 2021, the Chief Executive Officer was authorised to give Statewide public notice of the intention to adopt a regional price preference policy.

The proposed Policy 2.7 Regional Price Preference was advertised in The West Australian on 4 August 2021 and had been available on the Shire website since that time, inviting submissions. Council cannot adopt the policy, until all submissions are considered.

At the closure of submissions on 2 September 2021, no submissions were made.

Officer's Comment:

Given that no submissions were made in relation to the proposed regional price preference policy, it is recommended that Council adopt the proposed policy.

If the policy is adopted, it is to be published on the Shire website and included with any specifications for tenders to which the policy applies.

Statutory Environment:

Local Government Act 1995

2.7. Role of council

(1) The council —

- (a) governs the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and
- (b) determine the local government's policies.

Local Government (Functions and General) Regulations 1996

24C. Regional price preference may be given

A local government located outside the metropolitan area may give a regional price preference to a regional tenderer in accordance with this Part.

24E. Regional price preference policies for local governments

(1) Where a local government intends to give a regional price preference in relation to a process, the local government is to —

- (a) prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and
- (b) give Statewide public notice of the intention to have a regional price preference policy and include in that notice —
 - (i) the region to which the policy is to relate; and

- (ii) details of where a complete copy of the proposed policy may be obtained; and
 - (iii) a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions; and
 - (c) make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice; and
 - (d) publish the proposed regional price preference policy on the local government's official website.
- (2) A regional price preference policy may be expressed to be —
- (a) for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;
 - (b) for different goods or services within a single contract or various contracts;
 - (c) for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D), or for any combination of those factors.
- (3) A region specified under this Part —
- (a) must be (or include) the entire district of the local government; and
 - (b) cannot include a part of the metropolitan area.
- (4) A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.

24F. Adoption and notice of regional price preference policy

- (1) A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.
- (2) An adopted policy must state —
- (a) the region or regions within which each aspect of it is to be applied; and
 - (b) the types and nature of businesses that may be considered for each type of preference; and
 - (c) whether the policy applies to —
 - (i) different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;
 - (ii) different goods or services within a single contract or various contracts;
 - (iii) different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders, or to any combination of those factors.
- (3) An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.
- (4) The local government is to ensure that a copy of an adopted regional price preference policy is —
- (a) included with any specifications for tenders to which the policy applies; and
 - (b) published on the local government's official website.

24G. Adopted regional price preference policy, effect of

A local government that has adopted a regional price preference policy in relation to a certain type of contract may choose not to apply that policy to a particular tender in the future for a contract of that type but, unless it does so, the policy is to apply to all like tenders.

Policy Implications:

The Policy Manual to be amended according to the resolution of Council.

Financial Implications:

There are no financial implications for this report.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L1	An inclusive community, recognised as a great place to live and visit.
OBJECTIVE	L1.1	Operate with high ethical and professional standards, being open, transparent and responsive to the community and other stakeholders

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR KRISTY D'APRILE

SECONDED: CR MARK STEPHENS

OC118/21 That Council, adopts the proposed Policy 2.7 Regional Price Preference.

CARRIED 9/0

Cr Kristy D'Aprile spoke for the motion.

10.3 CHIEF EXECUTIVE OFFICER'S REPORTS

10.3.1 Endorsement of the Local Emergency Arrangements (ATTACHMENT)

File Ref: S.PL.1
Reporting Officer: Cindy Pearce
Date Report Prepared: 10 September 2021
Disclosure of Interest: No interest to disclose

Issue:

The current Local Emergency Management Arrangements (LEMA) for the Shire of Katanning has been updated with the new Emergency Management Legislation and separated into one document per Local Government and requires endorsement by Council.

Body/Background:

The Shire of Katanning is part of a joint Local Emergency Management Committee (LEMC). In the past, one document covered the three local government areas of Katanning, Woodanilling and Kent.

The current LEMA has had its 5 year review as per the State Emergency Management Committee Guidelines and has been separated into three individual documents, being one for each Local Government.

Officer's Comment:

The LEMA document has been developed in consultation with the LEMC as the representative committee providing advice and information to each Council relating to Preparedness Prevention, Response, Recovery.

The document was endorsed at the LEMC Meeting held in Nyabing on the 2 September 2021. The LEMA incorporates a living document (Appendix 1) that is updated as information is forwarded through from agencies and stakeholder within this sector.

The LEMA has been separated into individual Local Governments to make the process of updating information easier as only one document per Local Government will require updating and not one document over three Local Governments.

On endorsement by the Council the document will be forwarded to the District Emergency Management Committee (DEMC) for endorsement and then sent through to the State Emergency Management Committee (SEMC) for endorsement.

Statutory Environment:

State Emergency Management Policy 2.5.2 Local Arrangements

Ensure that effective LEMA are prepared and maintained for its district.

Manage recovery following an emergency affecting the community in its district (s. 36 b EM Act.

Perform other functions given to local governments under the EM Act (s. 36 c EM Act)

In addition, under section 20(4) of the EM Act, carry out other EM activities as directed by the SEMC or prescribed in the EM Regulations.

Policy Implications:

There are no policy implications for this report.

Financial Implications:

There are no financial implementations for this report

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	SOCIAL	
ASPIRATION	S2	A safe community.
OBJECTIVE	S2.1	Strive for a community where people feel safe and secure at all times.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL

SECONDED: CR KRISTY D'APRILE

OC119/21 That Council endorses the Local Emergency Management Arrangements as proposed.

CARRIED 9/0

Cr Serena Sandwell spoke for the motion.

Cr Kristy D'Aprile spoke for the motion.

10.3.2 Animal Welfare Plan in Emergencies Endorsement (ATTACHMENT)

File Ref: ES.PL.1
Reporting Officer: Cindy Pearce
Date Report Prepared: 10 September 2021
Disclosure of Interest: No interest to disclose

Issue:

Each Local Government is required to have in place emergency arrangements for its area. The Animal Welfare Plan in Emergencies was produced from a funding grant obtained through the Department of Primary Industries and Regional Development. The Local Government once notified funding was successful engaging a consultant to produce the basic plan. This plan requires the endorsement of Council.

Body/Background:

The Animal Welfare Plan in Emergencies has been produced to reduce risk to people and animals within our community. As the role of Recovery falls under Local Government, the early consideration of animal welfare in preparedness and response can greatly improve the recovery of the community. The connection between animals and people can be strong and diverse. Emergency events that impact on animals can affect communities on a range of levels including socially, economically, psychologically and culturally.

Officer's Comment:

The Plan supplies information so that better informed decisions can be made under emergency conditions which will lessen the impact on the community and its animals.

The Plan incorporates each agencies responsibility before during and after an emergency event as well as including key stakeholder contact details and locations that can house animals during and after an emergency event. The appendix to the plan is a living document so it can evolve as information is included.

The Plan once endorsed by Council will be forwarded to the District Emergency Management Committee (DEMC) and then sent through to the State Emergency Management Committee. (SEMC), as well as being placed on the Shire Website and promoted throughout the community. The plan was endorsed by the Local Emergency Management Committee meeting held in Nyabing on the 2 September 2021.

Statutory Environment:

The Local Government is to establish one or more Local Emergency Management Committees for the Local Government District (s.38(1) EM Act)

'Roles & Responsibilities' under the State Support Plan for Animal Welfare in Emergencies
<https://semc.wa.gov.au/emergency-management/plans/state-support-plans/Documents/StateSupportPlanAnimalWelfareinEmergencies.pdf>

Policy Implications:

There are no policy implications for this report.

Financial Implications:

There are no financial implementations for this report.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	SOCIAL	
ASPIRATION	S2	A safe community.
OBJECTIVE	S2.1	Strive for a community where people feel safe and secure at all times.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR OWEN BOXALL

SECONDED: CR DANNY MCGRATH

OC120/21 That Council endorses the Animal Welfare Plan in Emergencies as proposed.

CARRIED 9/0

10.3.3 Special Meeting of Council

File Ref: GV.CM.5
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 9 September 2021
Disclosure of Interest: No interest to disclose

Issue:

To consider holding a Special Meeting of Council on Tuesday 19 October 2021 for the purposes of Electing the President and Deputy President and appointing members of committees.

Body/Background:

The Local Government Election date for the Shire of Katanning is 16 October 2021. Newly elected Councillors will need to be sworn in before they can take up their roles as Councillor after election day.

Following the close of nominations there was an equal number of candidates to vacancies and therefore all candidates were elected unopposed.

The Ordinary Council Meeting for October is scheduled for 26 October 2021. The order of events includes a number of Citizenship ceremonies prior to the Ordinary Council Meeting.

Officer's Comment:

A Special Council Meeting could be held on the Tuesday 19 October 2021 to swear in new Councillors, elect the President, Deputy President and appoint committee members.

Statutory Environment:

Local Government Act 1995:

- Section 5.3 – Ordinary and Special Council Meetings
- Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

Policy Implications:

There are no policy implications for this report.

Financial Implications:

There are no financial implementations for this report.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L1	An inclusive community recognized as a great place to live and visit
OBJECTIVE	L1.1	Operate with high ethical and professional standards, being open, transparent and responsible to the community and other stakeholders
OBJECTIVE	L1.2	Provide effective leadership and good governance
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced
OBJECTIVE	L2.1	Optimise use of Shire resources – improve organisational systems

Voting Requirement: Simple Majority**Officer's Recommendation/Council Motion:****MOVED: CR JOHN GOODHEART****SECONDED: CR MARK STEPHENS**

OC121/21 That Council holds a Special Council Meeting on Tuesday 19 October 2021 in the Shire of Katanning Council Chambers, 52 Austral Terrace, Katanning, commencing at 7.30pm for the purposes of Electing the President and Deputy President and appointing members of committees.

CARRIED 9/0

Cr John Goodheart spoke for the motion.

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

Nil.

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

Nil.

13. CONFIDENTIAL ITEMS**PROCEDURAL MOTION**

Voting Requirement: Simple Majority

MOVED: CR MARK STEPHENS

SECONDED: CR DANNY MCGRATH

OC122/21 That Council closes the meeting to the public to consider the following item:

- **Chief Executive Officer Performance Review.**

CARRIED 9/0

Members of the public, Denise Gobbart Executive Manager Corporate & Community, Sam Bryce Executive Manager Infrastructure & Assets and Sue Eastcott Executive Assistant to the CEO left the room at 6.22pm.

13.1 Chief Executive Officer Performance Review

File Ref: Personnel File

Reporting Officers: Julian Murphy, Chief Executive Officer
Dr Shayne Silcox, Strategic Leadership Consulting

Date Report Prepared: 15 September 2021

Disclosure of Interest: Financial Interest - Matters affecting the employment of the CEO

Reason For Confidentiality

The Chief Executive Officer's Report is confidential in accordance with section 5.23(2)(a) of the Local Government Act because it deals with matters affecting an employee of Council. The Chief Executive Officer's Report has been provided to Council under separate cover.

Voting Requirement: Absolute Majority

PROCEDURAL MOTION:

Voting Requirement: Simple Majority

MOVED: CR JOHN GOODHEART

SECONDED: CR MARK STEPHENS

OC123/21 That Council suspends standing orders.

CARRIED 9/0

PROCEDURAL MOTION:**Voting Requirement:** Simple Majority**MOVED: CR JOHN GOODHEART****SECONDED: CR ERNIE MENGHINI****OC124/21** **That Council resumes standing orders.**

CARRIED 9/0

Officer's Recommendation/Council Motion:**MOVED: CR OWEN BOXALL****SECONDED: CR MARK STEPHENS****OC125/21** **That Council:**

- 1. Notes the Salaries and Allowances Tribunal Determination of 8 April 2021 and the determination variation of the 24 June 2021 (effective 1 July 2021).**
- 2. Notes the outcomes of the Elected Member Performance Survey undertaken in September 2021 with the Chief Executive Officer being assessed at 'Meets Expectations' in this year's performance appraisal.**
- 3. Adopts the performance criteria metrics for the 2021-2022 performance period outlined in section 5.4 of the confidential report, as amended.**
- 4. Approves a minimum base salary increase of at least 1% (Option 1 of the Report) to partially mitigate inflation and ensure consistency with the most recent staff Salary review.**
- 5. Schedules the next review of the Chief Executive Officers performance and total remuneration package (TRP) for considered by Council no later than November 2022.**
- 6. Complies, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 18, by resolution of an absolute majority of the council, endorses this review.**
- 7. Complies, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 19, by notifying the Chief Executive Officer of results of this performance review.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Cr Owen Boxall spoke for the motion.

Cr John Goodheart spoke for the motion.

Cr Kristy D'Aprile spoke for the motion.

PROCEDURAL MOTION

Voting Requirement: Simple Majority

MOVED: CR DANNY MCGRATH

SECONDED: CR ERNIE MENGhini

OC126/21 That Council reopens the meeting to the public.

CARRIED 9/0

Members of the public, Denise Gobbart Executive Manager Corporate & Community, Sam Bryce Executive Manager Infrastructure & Assets and Sue Eastcott Executive Assistant to the CEO returned to the room at 6.48pm

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6.49pm.