



Shire of
Katanning
Heart of the Great Southern

'A prosperous, vibrant and diverse community working together.'

**NOTICE OF
ORDINARY COUNCIL MEETING**

Dear Council Member

The next Ordinary Council Meeting of the Shire of Katanning will be held on
Thursday 23 March 2023 in the Shire of Katanning Council Chambers,
52 Austral Terrace, Katanning, commencing at 6.00 pm.

Julian Murphy
CHIEF EXECUTIVE OFFICER
Thursday 16 March 2023

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/ ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member declared the meeting open at ____ pm.

Acknowledgement of Country

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

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Liz Guidera - President

Members: Cr John Goodheart – Deputy President
Cr Kristy D’Aprile
Cr Serena Sandwell
Cr Matt Collis
Cr Michelle Salter

Council Officers: Julian Murphy, Chief Executive Officer
Denise Gobbart, Executive Manager Corporate & Community
Sam Bryce, Executive Manager Infrastructure & Assets
Taryn Human, Executive Assistant Governance

Gallery:

Media:

Apologies:

Leave of Absence:

3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE****5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS****6. PUBLIC QUESTION/STATEMENT TIME****7. APPLICATIONS FOR LEAVE OF ABSENCE****8. PETITIONS/DEPUTATIONS/PRESENTATIONS****9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

- 9.1 **Ordinary Council Meeting – Thursday 23 February 2023**
(SEE ATTACHED MINUTES)

Voting Requirement: Simple Majority

- OC/23 **That the minutes of the Ordinary Council Meeting held on Thursday 23 February 2023 confirmed as a true record of proceedings.**

CARRIED/LOST:

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 EXECUTIVE MANAGER INFRASTRUCTURE AND ASSETS**10.1.1 Application for Approval to Register Three Dogs**

File Ref: A831
Reporting Officer: Cherrie Campbell, Executive Officer Infrastructure & Development
Date Report Prepared: 15 March 2023
Disclosure of Interest: No Interest to disclose.

Issue:

To consider the application to register 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.

Christine McGlew, a resident of Katanning has requested an exemption to keep three dogs 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:

Nil

Financial Implications:

Nil

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "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

Focus Area Social

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

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

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

OC/23 That Council Pursuant to the provisions of the *Dog Act 1976* and the *Shire of Katanning Dog Local Law 1986 as amended 1995*, grants an exemption to keep three dogs on the property currently occupied by Christine McGlew, 84A Bokarup Street Katanning being:

- 1 female dog 7 years 9 months, breed Mixed Terrier, registered with Shire of Katanning, sterilized, microchipped & vaccinated
- 1 female dog 7 years 9 months, breed Mixed Terrier, registered with Shire of Katanning, sterilized, microchipped & vaccinated
- 1 female dog 3 months, breed Kelpie, microchipped & unsterilized, 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/LOST:

10.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

10.2.1 Schedule of Accounts – February 2023 (ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 15 March 2023
Disclosure of Interest: No Interest to disclose.

Issue:

To receive the Schedule of Accounts Paid for the period ending 28 February 2023.

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 2022/23 | EFT Payments 2022/23 | Direct Debits 202/23 | Credit Card 2022/23 | Payroll 2022/23 | Total Payments 2022/23 |
|--------------|--------------------|----------------------------|----------------------------|---------------------------|---------------------|------------------------------|
| July | 672.95 | 584,524.53 | 34,881.30 | 4,016.22 | 228,797.92 | 852,892.92 |
| August | 1,174.70 | 743,845.96 | 56,000.45 | 5,124.34 | 339,745.15 | 1,145,890.60 |
| September | 17,440.10 | 1,061,609.49 | 38,513.01 | 2,459.81 | 232,125.09 | 1,352,147.5 |
| October | 6,213.62 | 751,661.97 | 45,865.71 | 5,536.97 | 249,516.66 | 1,058,794.93 |
| November | 968.05 | 778,760.58 | 179,123.02 | 4,909.60 | 247,168.14 | 1,210,929.39 |
| December | 351.70 | 676,406.69 | 45,967.35 | 6,539.17 | 236,562.38 | 965,827.29 |
| January | 0.00 | 407,127.61 | 38,462.18 | 2,185.38 | 263,270.01 | 711,045.18 |
| February | 1,199.90 | 584,837.69 | 35,772.33 | 7,790.52 | 225,242.62 | 854,843.06 |
| March | | | | | | |
| April | | | | | | |
| May | | | | | | |
| June | | | | | | |
| Total | 28,021.02 | 5,588,774.52 | 474,585.35 | 38,562.01 | 2,022,427.97 | 8,152,370.87 |

Officer's Comment:

The schedule of accounts for the month of February 2023 are attached.

The Finance Forum held on 09 March 2023 gave attending Councillors an opportunity to ask questions regarding the presented accounts paid.

Statutory Environment:

Local Government Act 1995.

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Policy Implications:

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

Financial Implications:

Expenditure in accordance with s6.8 (1) (a) of the Local Government Act 1995.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:

OC/23 That Council endorses the Schedule of Accounts as presented, being Cheque 42434 totalling \$1,199.90, EFT payments 35449 – 35577 totalling \$584,837.69, payroll payments totalling \$225,242.62, direct payments totalling \$35,772.33 and credit card payments totalling \$7,790.52 authorised and paid in February 2023.

CARRIED/LOST:

10.2.2 **Monthly Financial Report – February 2023**
(ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Report Prepared: 15 March 2023
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 28 February 2023.

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 25 August 2022 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 9 March 2023 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 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:

OC/23 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 28 February 2023, as presented.

CARRIED/LOST:

10.2.3 A184 – Approval to Use Common Seal

File Ref: A184
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 14 March 2023
Disclosure of Interest: No Interest to disclose.

Issue:

For Council to authorise the use of the Common Seal on the 'Transfer of Land (Sale for Rates)' document for the sale of 4 Creek Street Katanning.

Body/Background:

At the Ordinary Meeting of Council held 27 April 2021 the following was resolved:

MOVED: CR SERENA SANDWELL SECONDED: CR KRISTY D'APRILE

OC54/21 That Council, pursuant to Section 6.64(1)(b) of the Local Government Act 1995, proceed to sell the properties listed hereunder which have rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balances.

List of Properties by Assessment Number
Assessment 183
Assessment 184

CARRIED 7/0

The resolution previously endorsed formalised the authorisation of the Chief Executive Officer (CEO) to sell the land for recovery of rates in arrears for a period of three (3) or more years.

The property went to Auction and is in the process of settlement. The settlement agent has been in contact with Landgate and Council needs to formalise the use of the common seal on the 'Transfer of Land (Sale For Rates)' document.

Officer's Comment:

It has recently been drawn to our attention that the original document sent for signing had been prepared only with the CEO's signature. The document was signed and submitted to the settlement agent in late December.

Taylor, Nott & Molinari are preparing the document to include both the Shire President & CEO as signatories.

This item is to formalise the process of affixing the common seal to the Landgate document to enable the transfer of land title.

Statutory Environment:

Local Government Act 1995

9.49A Execution of Documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

- (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 CEO, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Policy Implications:

There are no policy implications for this report.

Financial Implications:

The cost estimate provided by Price Sierakowski for the sale of a property is up to \$10,500.

The estimate is broken into the following components:

1. Administrative Fees \$1,500
2. Cost of Sale of Land is between \$5,000 - \$7,000
3. Transfer Fees \$2,000 (If the property fails to sell at auction)

There are no additional costs associated with the execution of the Transfer of Land (Sale of Rates) document.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirements: Simple Majority

Officer's Recommendation/Council Motion:

OC/23 **That Council authorises the Shire President and Chief Executive Officer to affix the common seal to the Landgate '*Transfer of Land (Sale for Rates)*' document for the sale of 4 Creek Street Katanning being Lot 29 on Diagram 62969.**

CARRIED/LOST:

10.3 CHIEF EXECUTIVE OFFICER'S REPORTS**10.3.1 Shire of Katanning Heritage Strategy 2022 - 2032**
(ATTACHMENT)

File Ref: CP.RP.11
Reporting Officers: Julian Murphy, Chief Executive Officer
Date Report Prepared: 15 March 2023
Disclosure of Interest: No interest to disclose.

Issue:

To consider adoption of the Shire of Katanning Heritage Strategy 2022 - 2032.

Body/Background:

The Heritage Act 2018 requires local governments to maintain a local heritage survey assessing heritage places to understand what communities consider to contribute to their living history, and give each district a unique sense of place.

Hocking Heritage and Architecture were commissioned by the Shire of Katanning to review the Register of Heritage Places and develop a Heritage Strategy for the purpose of setting out how the shire of Katanning will manage its heritage resources and deliver on statutory requirements.

The Heritage Strategy Executive Summary outlines the following:

- The Heritage Strategy establishes the vision and objectives of the Shire of Katanning for respecting and valuing its heritage. The Shire recognises the importance of identifying, protecting and celebrating the various heritage places/elements/stories that combine to create the unique character and history of the Shire.
- The Heritage Strategy recognises that heritage is both tangible and intangible and embraces many values including historic, cultural, aboriginal and natural values. The Heritage Strategy will guide the Shire's heritage management processes in identifying and conserving heritage places for current and future generations.
- The Heritage Strategy also recognises that a collaborative approach is required. The Shire does not own every heritage place but can lead by example in managing, using and adapting heritage places. The Shire needs to work with the community in identifying and protecting heritage places as well as supporting and promoting the Shire's heritage in a range of ways.
- The strategies being recommended also encourage a greater celebration of heritage and the role that it plays within the community. Heritage creates a sense of place and pride; it is a tourism opportunity and is also reflective of the multi-culturalism that Katanning has become known for.
- The Heritage Strategy takes account of the statutory obligations of identifying and managing heritage places and seeks to introduce consistent decision making and achievable objectives.

Officer's Comment:

Council needs to formally adopt the Heritage Strategy prior to the implementation of the actions. Adoption of the Strategy ensures that the Council supports the direction that Shire is taking in the future management of heritage issues.

A nominated Officer should take responsibility for the implementation of the Strategy and undertake an annual review to measure the effectiveness and progress of the Strategy.

The Heritage Strategy should be reviewed every 5-10 years.

Statutory Environment:

Heritage Act 2018, section 103. Local heritage survey

- (1) A local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance.
- (4) After preparing a local heritage survey, or reviewing and updating, a local heritage survey, a local government must —
 - (a) provide the (Heritage) Council with a copy of the local heritage survey; and
 - (b) make the local heritage survey available to the public.

Financial Implications:

Income from sale of land at Piesse Lake Subdivision

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

| | |
|-------------------|---|
| Focus Area | Leadership |
| Aspiration | Katanning is an inclusive and respectful community. |
| Objective | To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community. |

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

OC/23 That Council adopts the Shire of Katanning Heritage Strategy 2022 – 2032.

CARRIED/LOST:

11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****12.1 Meeting with the Shire of Katanning Auditors**
(ATTACHMENT - CONFIDENTIAL)

File Ref: FM.AU.2
Reporting Officer: Denise Gobbart, Executive Manager Finance & Administration
Date Report Prepared: 09 March 2023
Disclosure of Interest: No Interest to disclose.

Issue:

To consider the outcomes of the electronic meeting held on 20 March 2023 between the Audit and Risk Committee and Council's Auditors, Nayna Raniga – Director Financial Audit Office of the Auditor General (OAG), Wen-Shien Chai – Partner Moore Australia (WA) and Gilles Chan – Manager Moore Australia (WA).

Body/Background:

On appointment of the Audit & Risk Committee, the terms of reference provided the following:

f) Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcomes of those discussions.

The *Local Government Act 1995* does not require the Audit Committee to meet with the Auditor; rather the Local Government is to meet with the Auditor at least once each year.

It should be noted that there would be an additional fee involved for the auditor to visit the Shire of Katanning in person due to travel and time.

The electronic meeting today with Council's Auditors and the Audit and Risk Committee members in attendance, is intended to meet the requirements of Act.

Officer's Comment:

Moore Australia has been engaged by the Office of Auditor General (OAG) Western Australia to conduct our annual financial audit for a 3-year period, commencing with the audit for the year ended 30 June 2021.

The purpose of this meeting is to discuss the Audit Strategy Memorandum for the for the audit period ending 30 June 2023. The key purposes of the memorandum are to:

- Set out the audit scope and approach in summary;
- Communicate the key audit risk areas which we expect to be focus of the audit procedures; and
- Promote effective communication between the auditor and those charged with governance.

Key Dates are as follows:

- March 2023 Audit Planning
- 20 March 2023 Entrance Meeting

- 27-29 March 2023 Interim Audit Visit
- Late April 2023 Interim Management Report (If any matters to be reported)
- 30 September 2023 Receipt of complete and balanced draft financial report
- 2-6 October 2023 Final Audit Visit
- Mid November 2023 Issuance of Audit Concluding Memorandum
- End November 2023 Concluding (Exit) Meeting
- End November 2023 Date CEO sign off on financial statements
- Early December 2023 Final sign-off of Auditor's report & management report

This matter was considered at the Audit and Risk Committee meeting held on 20 March 2023.

Statutory Environment:

Local Government Act 1995

Section 7.12A Duties of Local Government with Respect of Audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government must —
 - (aa) examine an audit report received by the local government; and
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government must —
 - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
 - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

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" risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority

Audit and Risk Committee Recommendation/Council Motion:

OC/23 That Council notes the outcomes of the meeting between the Audit and Risk Committee members and the Auditor held by electronic means on 20 March 2023 and determines that the meeting satisfies the requirement of Section 7.12A(2) of the Local Government Act 1995.

CARRIED/LOST:

12.2 **Compliance Audit Return 2022** (ATTACHMENT)

File Ref: FM.AU.2
Reporting Officer: Denise Gobbart, Executive Manager Finance & Administration
Date Report Prepared: 09 March 2023
Disclosure of Interest: No Interest to disclose.

Issue:

That Council adopts the Compliance Audit Return (CAR) for the year ending 31 December 2022.

Body/Background:

A Local Government is required to carry out a Compliance Audit for the period 1 January to 31 December each year. The compliance review process provides the CEO and Council with an additional element of accountability through a rigorous check on internal management systems, procedures and record keeping.

The Compliance Audit Return is to be completed with a certified copy signed by the CEO and President and submitted to the Director General, Department of Local Government and Regional Development by 31 March.

The Compliance Audit Return must:

1. initially be presented to the Audit Committee,
2. be presented to Council at the Ordinary Council meeting,
3. be adopted by the Council; and
4. be recorded in the minutes of the meeting at which it is adopted.

The CAR process provides both the CEO and the Council with an additional element of accountability through a check on internal management systems, procedures and record keeping and demonstrates the Shire's emphasis on improving good governance, compliance and best practice.

Officer's Comment:

The CAR was completed internally by both the Executive Manager Corporate & Community and Manager Finance then reviewed by the Chief Executive Officer.

This year there were eleven (11) categories with a total of ninety-four (94) questions.

1. Commercial Enterprises (5 questions) – No matters raised.
2. Delegation of Power/Duty (13 questions) – No matters raised.
3. Disclosure of Interest (21 questions) – S5.75 & 5.76 return not removed from the register. S5.87A or 5.87B Gift Register not updated when people have left the organization.
4. Disposal of Property (2 questions) – S3.58(3) two plant items disposed by RFQ, not by tender or auction as required.
5. Elections (3 questions) – No matters raised.
6. Finance (7 questions) – No matters raised.
7. Integrated Planning and Reporting (3 questions) – Reg 19DA (2) & (3) Corporate Business Plan has not been reviewed annually.
8. Local Government Employees (5 questions) – no matters raised.
9. Official Conduct (4 questions) – no matters raised.

10. Other (9 questions) – FM Reg 5 the Financial Management Review had not been reviewed within three (3) years. 21/22 Council Member Training not on website
11. Tenders for Providing Goods and Services (22 questions) – Reg 11A(1) & (3) purchasing policy matters

There were seven (7) areas of non-compliance identified in the CAR. They have identified areas where improved record keeping, and awareness of legislative changes is required. Procedures for staff will be enhanced to enable improved awareness to meet our compliance needs.

This matter was considered at the Audit and Risk Committee meeting held on 20 March 2023.

Statutory Environment:

Local Government Act 1995

Local Government (Administration) Regulations 1996

Local Government (Audit) Regulations 1996

Local Government (Elections) Regulations 1997

Local Government (Functions and General) Regulations 1996

Local Government (Audit) Regulation 1996

13. Prescribed statutory requirements for which compliance audit needed (Act s7.13(1)(i))

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
- (2) In this regulation — certified in relation to a compliance audit return means signed by —
 - (a) the mayor or president; and
 - (b) the CEO.

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" risk and can be managed by routine procedures and with current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority

Audit and Risk Committee Recommendation/Council Motion:

OC/23

That Council:

- 1. Adopts the Shire of Katanning Compliance Audit Return for the period 1 January 2022 to 31 December 2022; and**
- 2. Authorises the Shire President and Chief Executive Officer to endorse the certification contained within the Compliance Audit Return 2022.**

CARRIED/LOST:

12.3 **Budget Review 2022/23** (ATTACHMENT)

File Ref: FM.BU.6
Reporting Officer: Denise Gobbart, Executive Manager Finance & Administration
Date Report Prepared: 24 March 2023
Disclosure of Interest: No Interest to disclose.

Issue:

For Council to consider and adopt the Budget Review as presented for the period 1 July 2022 to 28 February 2023.

Body/Background:

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires Local Governments to conduct a review of the annual budget between 1 January and 31 March each year.

Regulation 33A (2) requires that within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

Regulation 33A (3) requires Council to consider the review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

Regulation 33A (4) requires that within 30 days after Council has adopted the review a copy of the review and determination is to be provided to the Department.

Officer's Comment:

After the adoption of the 2022/23 Annual Budget and the completion of the Annual Audit there was a decrease in the opening surplus of \$330,249. This variation was due to the treatment of the Local Roads & Community Infrastructure Phase 3 funding of \$293,629 to Contract Liabilities and several other minor adjustments in the treatment of transactions during the audit.

Issues addressed in the Budget Review:

Grant Funded Projects

- Local Roads & Infrastructure Fund Phase 3 \$293,629 from contract liabilities to offset existing expenditure.

Reduction in Revenue

- Interest Loan 162 \$2,445, lower than anticipated interest repayment on loan.
- Principal Loan 162 \$5,867, lower than anticipated principal repayment on loan.

Increase in Revenue

- Private works additional revenue from Water Corporation.
- Interest Municipal Funds.
- Interest Reserve Funds – offset by various transfers to Reserve accounts.
- Transfer from Employees Leave Reserve \$26,798, offset resignation payment.

Increase in Expenditure

- Private Works \$20,000, additional works undertaken for Water Corporation

- Staff Housing \$10,000, replacement Solar Hart 25 Marion Street.
- Back Rates \$5,000, adjustment on delayed transfers.
- Saleyard Salaries \$26,798, Resignation payment off set by Reserve Transfer.

Decrease in Expenditure

- Interest Loan 162 \$2,445, lower than anticipated interest repayment on loan.
- Principal Loan 162 \$5,867, lower than anticipated principal repayment on loan.

Expenditure Not Included in the Budget

- Interest Loan 163 \$1,899, repayment on loan set up as quarterly payments reducing the interest rate and making a payment due in May.
- Principal Loan 163 \$9,626, repayment on loan set up as quarterly payments reducing the interest rate and making a payment due in May.
- Interest Loan 164 \$1,718, repayment on loan set up as quarterly payments reducing the interest rate and making a payment due in May.
- Principal Loan 164 \$8,710, repayment on loan set up as quarterly payments reducing the interest rate and making a payment due in May.

Operating Grants & Contributions

On review of the budget variations the projects are timing issues and funds already being held as a contract liability. The GSDC Leadership Development Project is not proceeding as it is part of the Indigenous Governance funding. Hidden Treasures Funding is not proceeding, as it is now through another agency. Both these projects have no impact on the budget position, as revenue offsets expenditure.

Materials & Contracts

There are numerous variations across the accounts the most significant under allocations are:

| | |
|-----------|--|
| \$250,000 | Contributions to Clubs – KCC Loan |
| \$211,777 | Grant Expenditure (CDOW) |
| \$134,566 | Fuel & Oil (POC) – Allocation timing issue |
| \$38,029 | Special Projects (CDOW) – Grant Funded |
| \$36,153 | Balance of KCC Project funds |
| \$52,632 | Consultants (MRBD) – Road Condition & Infrastructure Fair Value Report |
| \$48,421 | Expensed Minor Asset Purchases (PLP) – Timing of purchases |

Salaries and Wages

Due to the number of vacancies, salaries will not exceed the total estimated budget. There will be some variation within the Salaries and Wages accounts.

There are overspends in a few accounts with our outside workers' wages and plant costs, adjustments have not been considered in the budget review as they will be balanced out by underspends in other accounts.

This matter was considered at the Audit and Risk Committee meeting held on 20 March 2023.

Statutory Environment:

Local Government Act

s 6.2 Local government to prepare annual budget.

Local Government (Financial Management) Regulations 1996

Reg 33A Review of Budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government’s financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
*Absolute majority required.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Policy Implications:

There are no policy implications for this report.

Financial Implications:

The Budget Review incorporates proposed amendments to the Annual Budget. The cumulative effect of the proposed amendments gives a budget surplus of \$6,426.

Additional funds have been drawn from the following reserves:

Leave Reserve - \$26,798 to fund unexpected long service leave payouts.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Absolute Majority

Audit and Risk Committee Recommendation/Council Motion:

OC/23

That Council:

1. **Adopts the Budget Review conducted for the eight (8) months ended 28 February 2023; and**
2. **Authorises the Chief Executive Officer to amend the 2022/23 Budget in accordance with the attached report Budget Review as at 28 February 2023.**

CARRIED/LOST:

13. CONFIDENTIAL ITEMS

PROCEDURAL MOTION

MOVED: **SECONDED:**

OC/23 That Council closes the meeting to the public to consider the following items relating to Piesse Lake Subdivision.

CARRIED/LOST:

13.1 **Piesse Lake Subdivision**

File Ref: CP.RP.4
Reporting Officers: Julian Murphy, Chief Executive Officer
Date Report Prepared: 10 March 2023
Disclosure of Interest: No interest to disclose.

Reason For Confidentiality

The Chief Executive Officer’s Report is confidential in accordance with section 5.23(2)(c) of the Local Government Act because it deals with matters to do with a contract which may be entered into by the local government. The Chief Executive Officer’s Report has been provided to Council under separate cover.

Voting Requirement: Simple Majority

Officer’s Recommendation/Council Motion:

OC/23 That Council increases the reserve sale price of land at the Piesse Lake Residential Subdivision to \$70/m2.

CARRIED/LOST:

PROCEDURAL MOTION

Voting Requirement: Simple Majority

OC/23 That Council reopens the meeting to the public.

CARRIED/LOST:

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at ___ pm.