



Shire of
Katanning
Heart of the Great Southern

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

**MINUTES OF THE
ORDINARY COUNCIL MEETING**

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on
Thursday 22 June 2023 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 _____



Table of Contents

Item No.	Item Heading	Page No.
1	Declaration of Opening/Acknowledgement of Country	3
2	Record of Attendance	3
3	Announcements by Presiding Member Without Discussion	4
4	Response to Previous Public Questions Taken on Notice	4
5	Disclosure of Financial/Impartiality Interest	4
6	Public Question/Statement Time	4
7	Applications for Leave of Absence	4
8	Petitions/Deputations/Presentations	4
9	Confirmation of Minutes of Previous Meetings	4
9.1	Ordinary Council Meeting – Thursday 25 May 2023	4
10	Reports of Committees and Officers	5
10.1	Executive Manager Infrastructure and Assets	5
10.1.1	Application for Approval to Register more than Two Dogs	5
10.1.2	Application for Approval to Register Three Dogs	7
10.1.3	Development Application – Proposed New Outbuilding (i.e. Domestic Storage Shed)	9
10.2	Executive Manager Corporate and Community	13
10.2.1	Schedule of Accounts – May 2023	13
10.2.2	Monthly Financial Report – May 2023	15
10.2.3	Public Transport Authority of WA – Licence to Occupy L1531-2	17
10.2.4	Public Transport Authority of WA – Licence to Occupy L2866-2	19
10.2.5	Public Transport Authority of WA – Licence to Occupy L3334-2	21
10.2.6	Transfers to Housing Reserve	23
10.3	Chief Executive Officer’s Reports	25
11	Elected Members Motion of Which Previous Notice Has Been Given	25
12	New Business of an Urgent Nature	25
13	Confidential Item	26
13.1	Transfers from Amherst Refundable Deposits Reserve	26
13.2	Disposal of Land for Non-Payment of Rates A897	27
13.3	Disposal of Land for Non-Payment of Rates A2264	28
13.4	Request to Write off Debt - Katanning Country Club	29
14	Closure of Meeting	30

PLEASE NOTE:

Council Meetings are recorded for accuracy of minute taking.

1. DECLARATION OF OPENING/ ACKNOWLEDGEMENT OF COUNTRY

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

Acknowledgement of Country

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

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Liz Guidera - President

Members: Cr John Goodheart – Deputy President
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: Nil

Media: Nil

Apologies: Cr Kristy D'Aprile

Leave of Absence:

3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

Nil.

6. PUBLIC QUESTION/STATEMENT TIME

Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE**7.1 Application for Leave of Absence Cr Liz Guidera**

Voting Requirement: Simple Majority

MOVED: CR SERENA SANDWELL

SECONDED: CR MICHELLE SALTER

OC67/23 That Council grants Cr Liz Guidera leave of absence for the July Ordinary Council Meeting 2023.

CARRIED: 5/0

8. PETITIONS/DEPUTATIONS/PRESENTATIONS**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****9.1 Ordinary Council Meeting – Thursday 25 May 2023
(SEE ATTACHED MINUTES)**

Voting Requirement: Simple Majority

MOVED: CR MATT COLLIS

SECONDED: CR SERENA SANDWELL

OC68/23 That the minutes of the Ordinary Council Meeting held on Thursday 25 May 2023 confirmed as a true record of proceedings.

CARRIED: 5/0

10. REPORTS OF COMMITTEES AND OFFICERS**10.1 EXECUTIVE MANAGER INFRASTRUCTURE AND ASSETS****10.1.1 Application for Approval to Register more than Two Dogs**

File Ref: A1384
Reporting Officer: Cherrie Campbell, Executive Officer Infrastructure & Development
Date Report Prepared: 12 June 2023
Disclosure of Interest: No Interest to disclose

Issue:

To consider the application for five 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.

Craig Dale a resident of Katanning has requested an exemption to keep five dogs, 2 of his own and 3 belonging to a friend who is attending to her pregnant daughter in Perth, 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:

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 2022 – 2032

Focus Area Social

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

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

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL

SECONDED: CR JOHN GOODHEART

OC69/23 That Council, pursuant to the provisions of the *Dog Act 1976* and the *Shire of Katanning Dog Local Law 1986 as amended 1995*, approves the application for an exemption to keep five dogs on a property currently occupied by Craig Dale, 6 Dijon Street Katanning being:

- 1 female dog 8 years, breed Maltese x Poodle, registered with Shire of Katanning, sterilized, microchipped & vaccinated
- 1 female dog 11 years, breed Shitzu x Pug, registered with Shire of Katanning, sterilized, microchipped & vaccinated
- 1 female dog 6 years, breed Shitzu, microchipped & unsterilized, on approval of application
- 1 male dog 6 years, breed Shitzu, microchipped & unsterilized, on approval of application
- 1 female dog 8 years, breed Shitzu, 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: 5/0

10.1.2 Application for Approval to Register Three Dogs

File Ref: A1004
Reporting Officer: Cherrie Campbell, Executive Officer Infrastructure
Date Report Prepared: 12 June 2023
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.

Judy Reilly a resident 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-

(b) *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 2022 – 2032

Focus Area Social

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

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

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR MATT COLLIS

SECONDED: CR SERENA SANDWELL

OC70/23 That Council, pursuant to the provisions of the *Dog Act 1976* and the *Shire of Katanning Dog Local Law 1986 as amended 1995*, approves the application for an exemption to keep three dogs on a property currently occupied by Judy Reilly, 16 Amherst Street Katanning being:

- 1 male dog 1 years 3 months, breed Cavoodle, registered with Shire of Katanning, sterilized, microchipped & vaccinated
- 1 female dog 0 years 6 months, breed Chihuahua, registered with Shire of Katanning, sterilized, microchipped & vaccinated
- 1 male dog 8 months, breed Staffordshire, 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: 5/0

10.1.3 Development Application – Proposed New Outbuilding (i.e. Domestic Storage Shed)

(ATTACHMENT – CONFIDENTIAL)

File Ref: A2032 & KA202223024
Reporting Officer: Joe Douglas – Town Planner
Date Report Prepared: 12 June 2023
Disclosure of Interest: No Interest to disclose

Issue:

Consideration and determination of a development application submitted by Gary and Nicolee Quarmby (Landowners) for the construction and use of a proposed new outbuilding (i.e. domestic storage shed) and an associated rainwater tank on Lot 2 (No.18) Marmion Street West, Katanning.

Body/Background:

Gary and Nicolee Quarmby have submitted a development application requesting Council's approval to construct and use a proposed new 120m² steel framed, Colorbond clad outbuilding (i.e. domestic storage shed) and an associated 25,000 litre rainwater tank for stormwater drainage management purposes on Lot 2 (No.18) Marmion Street West, Katanning.

Full details of the application are provided in Attachment 1.

Lot 2 is located immediately adjacent to the northern boundary of the Katanning townsite, comprises a total area of approximately 2.7964 hectares and is gently sloping from east to west with the natural ground level ranging from approximately 319 to 323.5 metres AHD.

The subject land has direct frontage to Marmion Street West along its southern boundary and Strathfield Road long its western boundary, both of which are sealed and drained local roads under the care, control and management of the Shire of Katanning. All vehicle access to the land is via an existing unsealed crossover along the land's Marmion Street West frontage which has been constructed in accordance with the Shire's technical specifications.

Lot 2 has been extensively developed and is currently used for rural living-type purposes and contains an existing single storey dwelling, two (2) separate outbuildings (i.e. domestic storage sheds) comprising a total combined floor area of 202m², a large capacity rainwater tank, a gravel driveway, garden and lawn areas as well as large expanses of native vegetation that have been retained and planted for general amenity and land management purposes.

The property is not designated as being flood prone and contains no buildings or places of cultural heritage significance. A small portion of the land in its south-western corner has however been designated by the Fire and Emergency Services Commissioner as being bushfire prone. Notwithstanding this fact, the proposed development will be sited in the land's south-eastern portion which has not been designated as being bushfire prone. As such, a bushfire attack level assessment and bushfire management plan are not required in support of the application.

Existing adjoining and other nearby land uses are broadly described as follows:

- North - Rural living-type development on one lot comprising a total area of approximately 7.9 hectares with extensive agriculture (i.e. cropping and grazing) beyond;

- South – Rural living-type development on lots ranging in size from approximately 1 to 1.7 hectares with low density residential development beyond;
- East – Rural living-type development on one lot comprising a total area of approximately 7.9 hectares with two (2) recreation reserves and a Crown reserve set aside for communication purposes beyond, all of which are under the care, control and management of the Shire; and
- West – Rural living-type development on lots ranging in size from approximately 2 to 5.7 hectares through to Katanning-Dumbleyung Road;

Officer's Comment:

Lot 2 is classified 'Urban Development' zone in the Shire of Katanning Local Planning Scheme No.5 (LPS5).

Under the terms of the Zoning Table in LPS5 the development of a single house and various associated improvements, including outbuildings and water tanks, is listed as a discretionary (i.e. 'D') use on any land classified 'Urban Development' zone which means it is not permitted without Council's formal development approval.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS5, the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the outcomes from public advertising during which no submissions were received. This assessment has confirmed the proposal is compliant or capable of compliance with the following relevant requirements:

- Land capability and land use compatibility;
- Preservation of the existing character and amenity of the immediate locality including appearance of buildings (i.e. materials and colours);
- Preservation of natural environmental features, drainage patterns and catchments;
- Preservation of the land's future possible urban development potential;
- Vehicle access and parking; and
- Bushfire risk, flood risk and stormwater drainage management.

In light of the above findings and conclusions it is recommended Council exercise its discretion and approve the application subject to a number of conditions to ensure the development proceeds in a proper and orderly manner.

Statutory Environment:

Planning and Development Act 2005 (as amended)

Planning and Development (Local Planning Schemes) Regulations 2015 (as amended)

Shire of Katanning Local Planning Scheme No.5

Policy Implications:

Nil. Council should note the Shire of Katanning Local Planning Policy No.1 entitled 'Outbuildings' is not applicable to any land classified 'Urban Development' zone in LPS5.

Financial Implications:

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been partially offset by the development application fee paid by the landowners.

All costs associated with the proposed development will be met by the landowners.

It is significant to note should the landowners be aggrieved by Council's final decision in this matter they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond, the cost of which cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

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 current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2032

Focus Area Built Environment

Aspiration Katanning is a beautiful, well serviced place that invites people to stay.

Objective To take pride in our town to create an inviting and welcoming place.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL

SECONDED: CR MICHELLE SALTER

OC71/23 That Council approves the development application submitted by Gary and Nicolee Quarmby (Landowners) for the construction and use of a proposed new 120m² steel framed, Colorbond clad outbuilding (i.e. domestic storage shed) and an associated 25,000 litre rainwater tank for stormwater drainage management purposes on Lot 2 (No.18) Marmion Street West, Katanning subject to the following conditions and advice notes:

Conditions

- 1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.**
- 2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.**
- 3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and have no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.**
- 4. All storm water shall be directed away from the proposed outbuilding the subject of this approval and retained and disposed on-site using the proposed new rainwater tank.**

5. The proposed outbuilding shall only be used for domestic storage, maintenance and hobby purposes unless otherwise approved by the local government.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Katanning under its Local Planning Scheme No.5. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicants/landowners to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a suitable building permit application for the proposed outbuilding and rainwater tank must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
4. All proposed structures the subject of this approval are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
5. No construction works shall commence on the land prior to 7am without the local government's written approval. No construction works are permitted on Sundays or Public Holidays.
6. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
7. The water to be stored in the proposed new rainwater tank shall be maintained to the standards specified in the *Australian Drinking Water Guidelines 2011 (as amended)* published by the Australian Government National Health and Medical Research Council and Natural Resource Management Ministerial Council if it is to be used for human consumption.
8. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Katanning Local Planning Scheme No.5 and may result in legal action being initiated by the local government.
9. If the applicants/landowners are aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

10.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

10.2.1 Schedule of Accounts – May 2023 (ATTACHMENT)

File Ref: FM.FI.4
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 6 June 2023
Disclosure of Interest: No Interest to disclose.

Issue:

To receive the Schedule of Accounts Paid for the period ending 31 May 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	2,134.67	1,008,311.12	49,479.03	4,596.39	338,851.83	1,403,373.04
April	1,238.55	565,320.78	33,856.09	3,918.97	205,261.45	809,595.84
May	968.95	848,206.32	35,445.45	4,762.07	225,322.33	1,114,705.12
June						
Total	32,363.19	8,010,612.74	593,365.92	51,839.44	2,791,863.58	11,480,044.87

Officer's Comment:

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

The Finance Forum held on 8 June 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:

MOVED: CR SERENA SANDWELL

SECONDED: CR MICHELLE SALTER

OC72/23 That Council endorses the Schedule of Accounts as presented, being Cheque 42446 - 42448, totalling \$968.95, EFT payments 35970 – 36114 totalling \$848,206.32, payroll payments totalling \$225,322.33, direct payments totalling \$35,445.45 and credit card payments totalling \$4,762.07 authorised and paid in May 2023.

CARRIED: 5/0

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

File Ref: FM.FI.4
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Report Prepared: 6 June 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 31 May 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 8 June 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:

MOVED: CR MATT COLLIS

SECONDED: CR SERENA SANDWELL

OC73/23 That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receives the Monthly Statement of Financial Activity for the period ending 31 May 2023, as presented.

CARRIED: 5/0

10.2.3 **Public Transport Authority of WA – Licence to Occupy L1531-2**
(ATTACHMENT – CONFIDENTIAL)

File Ref: LS.AA.1
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 12 June 2023
Disclosure of Interest: No Interest to disclose.

Issue:

For Council to consider the Licence to Occupy L1531-2 Katanning from the Public Transport Authority of Western Australia (PTAWA).

Body/Background:

The previous Licence to Occupy was entered into 1 December 2009 for a term of ten years. The Licence is for the land alongside the rail line on both Austral Terrace and Taylor Street to be used for Community Purposes.

Burgess Rawson has had the agreements drafted and prepared for signing.

The new agreement is for a 10-year term commencing 1 September 2022 ending 31 August 2032.

Officer's Comment:

When the original agreement was presented for review a redecoration clause required that the Shire redecorate the Railway Station building every 5 years. This included replacing floor coverings, wall coverings (including tiles), curtains, blinds, lights and repainting.

The Shire advised that this clause wasn't appropriate as we were not entering into a commercial arrangement. The current agreement has Clause 16 Redecoration – Not Applicable. On the email sent Burgess Rawson did say given there are no PTAWA buildings on this site.

This item is to formalise the agreement and use of the common seal on the Licence to Occupy L1531-2 Katanning from the Public Transport Authority of Western Australia (PTAWA).

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 associated with preparing the licence to occupy was \$500. The Licence fee is \$1.00 per annum payable on demand.

The Shire is responsible for all charges for services (including but not limited to electricity, gas water and sewerage and telephone and communication services) used by the Licensee in connection with the Licensed Area

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 Built Environment

Aspiration Katanning is a beautiful, well serviced place that invites people to stay.

Objective To provide well maintained public and open spaces that facilitate active and passive recreation.

Voting Requirements: Simple Majority.

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL

SECONDED: CR JOHN GOODHEART

OC74/23 That Council, authorises the Shire President and Chief Executive Officer to affix the common seal to the 'Licence to Occupy L1531-2 Katanning' between the Public Transport Authority of Western Australia and the Shire of Katanning.

CARRIED: 5/0

Cr John Goodheart spoke for the motion.

10.2.4 **Public Transport Authority of WA – Licence to Occupy L2866-2**
(ATTACHMENT – CONFIDENTIAL)

File Ref: LS.AA.1
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 12 June 2023
Disclosure of Interest: No Interest to disclose.

Issue:

For Council to consider the Licence to Occupy L2866-2 Katanning from the Public Transport Authority of Western Australia (PTAWA).

Body/Background:

The previous Licence to Occupy was entered into 1 October 2009 for a term of ten years. The Licence area is alongside the rail line on Austral Terrace, Opposite the library to Arbour Street. This Licence was for the purpose of Volunteer Fire Brigade Training Track and Free Community Parking.

Burgess Rawson has had the agreements drafted and prepared for signing.

The new agreement is for a 10-year term commencing 1 October 2022 ending 30 September 2032.

Officer's Comment:

When the original agreement was presented for review a redecoration clause required that the Shire redecorate any building every 5 years. This included replacing floor coverings, wall coverings (including tiles), curtains, blinds, lights, and repainting.

The Shire advised that this clause wasn't appropriate as we were not entering into a commercial arrangement and using the area for community purposes. The current agreement has Clause 16 Redecoration – Not Applicable. On the email sent Burgess Rawson did say given there are no PTAWA buildings on this site.

This item is to formalise the agreement and use of the common seal on the Licence to Occupy L2866-2 Katanning from the Public Transport Authority of Western Australia (PTAWA).

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 associated with preparing the licence to occupy was \$500. The Licence fee is \$1.00 per annum payable on demand.

The Shire is responsible for all charges for services (including but not limited to electricity, gas water and sewerage and telephone and communication services) used by the Licensee in connection with the Licensed Area

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 Built Environment

Aspiration Katanning is a beautiful, well serviced place that invites people to stay.

Objective To provide well maintained public and open spaces that facilitate active and passive recreation.

Voting Requirements: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR JOHN GOODHEART

SECONDED: CR MATT COLLIS

OC75/23 That Council, authorises the Shire President and Chief Executive Officer to affix the common seal to the 'Licence to Occupy L2866-2 Katanning' between the Public Transport Authority of Western Australia and the Shire of Katanning.

CARRIED: 5/0

10.2.5 **Public Transport Authority of WA – Licence to Occupy L3334-2**
(ATTACHMENT – CONFIDENTIAL)

File Ref: LS.AA.1
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 12 June 2023
Disclosure of Interest: No Interest to disclose.

Issue:

For Council to consider the Licence to Occupy L3334-2 Katanning from the Public Transport Authority of Western Australia (PTAWA).

Body/Background:

The previous Licence to Occupy was entered into in 2009 for a term of ten years. The Licence is for the land alongside the rail line on Hassell Street between Avon and Henry Streets to be used for Community Purposes.

Burgess Rawson has had the agreements drafted and prepared for signing.

The new agreement is for a 10-year term commencing 1 December 2022 ending 30 November 2032.

Officer's Comment:

When the original agreement was presented for review a redecoration clause required that the Shire redecorate any building every 5 years. This included replacing floor coverings, wall coverings (including tiles), curtains, blinds, lights, and repainting.

The Shire advised that this clause wasn't appropriate as we were not entering into a commercial arrangement and using the area for community purposes. The current agreement has Clause 16 Redecoration – Not Applicable. On the email sent Burgess Rawson did say given there are no PTAWA buildings on this site.

This item is to formalise the agreement and use of the common seal on the Licence to Occupy L2866-2 Katanning from the Public Transport Authority of Western Australia (PTAWA).

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 associated with preparing the licence to occupy was \$500. The Licence fee is \$1.00 per annum payable on demand.

The Shire is responsible for all charges for services (including but not limited to electricity, gas water and sewerage and telephone and communication services) used by the Licensee in connection with the Licensed Area

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 Built Environment

Aspiration Katanning is a beautiful, well serviced place that invites people to stay.

Objective To provide well maintained public and open spaces that facilitate active and passive recreation.

Voting Requirements: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL

SECONDED: CR MICHELLE SALTER

OC76/23 That Council, authorises the Shire President and Chief Executive Officer to affix the common seal to the 'Licence to Occupy L3334-2 Katanning' between the Public Transport Authority of Western Australia and the Shire of Katanning.

CARRIED: 5/0

10.2.6 Transfers to Housing Reserve

File Ref: FM.BA.4
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 12 June 2023
Disclosure of Interest: No Interest to disclose.

Issue:

For Council to consider the proposed transfer to Housing Reserve to increased rent revenue.

Body/Background:

The Housing Reserve was established to fund construction, renewal and maintenance of Shire owned housing. This reserve was established on completion of the four Independent Living units and the three Key Worker houses. In the 2022/23 Budget it was proposed to transfer \$35,000 to the Housing Reserve.

This was determined by using surplus rent revenue over operating expenditure, excluding depreciation. The rent revenue in the budget was an estimate as not all houses were tenanted at the time of budget adoption.

Officer's Comment:

It is estimated that there will be an additional \$20,000 received in rent against the adopted budget. It is proposed to transfer these funds to the Housing Reserve to ensure that there is healthy balance in the reserve. If the transfer were not to proceed the funds would remain available as surplus Municipal Funds.

Under the sub-programme 'Other Housing' the items excluded from the calculation are depreciation and the principal payment of Loan 159 taken out to fund the Aged & Key Worker Accommodation project.

It is recommended that the transfer of an additional \$20,000 to the Housing Reserve be approved.

Statutory Environment:

Local Government Act 1995

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
 - (a) changes* the purpose of a reserve account; or
 - (b) uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.

* Absolute majority required.

- (3) A local government is not required to give local public notice under subsection (2) —
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
 - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Local Government (Financial Management) Regulations 1996

8. Separate bank etc. accounts required for some moneys

- (1) A local government is to maintain a separate account with a bank or other financial institution for each of the following purposes —
- (a) money required to be held in the municipal fund (other than money for which an account is to be established under paragraph (c)); and
 - (b) money required to be held in the trust fund; and
 - (c) money required to be held in reserve accounts.
- (2) Money related to a purpose set forth in subregulation (1) is to be banked in the account maintained for that purpose.
- (3) Money from different accounts may be placed in a common investment authorised by the Act.

Policy Implications:

There are no policy implications for this report.

Financial Implications:

Transfer of an additional \$20,000 to the Housing Reserve will increase the balance held to \$55,102. If the funds remain in the Municipal fund, they will increase the end of year surplus by \$20,000.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

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

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR JOHN GOODHEART

SECONDED: CR SERENA SANDWELL

OC77/23 That Council, authorises the transfer of an additional \$20,000 to the Housing Reserve.

CARRIED: 5/0

Cr John Goodheart spoke for the motion.

10.3 CHIEF EXECUTIVE OFFICER'S REPORTS

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

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

13. CONFIDENTIAL ITEMS**PROCEDURAL MOTION****MOVED: CR MATT COLLIS****SECONDED: CR MICHELLE SALTER**

OC78/23 That Council closes the meeting to the public to consider the following items relating to:

- Transfers from Amherst Refundable Deposits Reserve
- Disposal of Land for Non-Payment of Rates A897
- Disposal of Land for Non-Payment of Rates A2264
- Request to Write off Debt - Katanning Country Club

CARRIED: 5/0

13.1 Transfers from Amherst Refundable Deposits Reserve

File Ref: FM.BA.4
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 12 June 2023
Disclosure of Interest: No Interest to disclose.

Reason for Confidentiality

The Officer's Report is confidential in accordance with section 5.23 (2) (e) (iii) of the Local Government Act because it deals with a matter if disclosed, would reveal information about a business, professional, commercial or financial affairs of a person.

Voting Requirement: Simple Majority.

Officer's Recommendation/Council Motion:

MOVED: CR JOHN GOODHEART**SECONDED: CR SERENA SANDWELL**

OC79/23 That Council, authorises the transfer of \$105,000 from the Amherst Refundable Deposits Reserve, to repay Mrs Woodall's refundable deposit.

CARRIED: 5/0

Cr John Goodheart spoke for the motion.

13.2 Disposal of Land for Non-Payment of Rates A897

File Ref: A897
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 12 June 2023
Disclosure of Interest: No Interest to disclose.

Reason for Confidentiality

The Officer's Report is confidential in accordance with section 5.23 (2) (e) (iii) of the Local Government Act because it deals with a matter if disclosed, would reveal information about a business, professional, commercial or financial affairs of a person.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL

SECONDED: CR MICHELLE SALTER

OC80/23 That Council, pursuant to Section 6.64(1)(b) of the Local Government Act 1995, proceeds to sell the property Assessment 897 which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balances.

CARRIED: 5/0

13.3 Disposal of Land for Non-Payment of Rates A2264

File Ref: A2264
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 13 June 2023
Disclosure of Interest: No Interest to disclose.

Reason for Confidentiality

The Officer's Report is confidential in accordance with section 5.23 (2) (e) (iii) of the Local Government Act because it deals with a matter if disclosed, would reveal information about a business, professional, commercial or financial affairs of a person.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL

SECONDED: CR MATT COLLIS

OC81/23

That Council:

- 1. Pursuant to Section 6.64(1)(b) of the Local Government Act 1995, proceeds to sell property Assessment 2264, Lot 744 (145) Conroy Street Katanning, which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balances; and**
- 2. Pursuant to Section 6.68(2)(b) of the Local Government Act the Shire is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the Shire having made reasonable efforts to locate the owner of the property is unable to do so.**

CARRIED: 5/0

13.4 Request to Write off Debt - Katanning Country Club
(ATTACHMENT – CONFIDENTIAL)

File Ref: FM.DT.9
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 14 June 2023
Disclosure of Interest: No Interest to disclose

Reasons for Confidentiality

The officer's report is confidential because it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person in accordance with section 5.23 (2) (e) (iii) of the Local Government Act 1995.

PROCEDURAL MOTION:

Voting Requirement: Simple Majority

MOVED: CR JOHN GOODHEART SECONDED: CR MICHELL SALTER

OC82/23 That Council suspends standing orders.

CARRIED: 5/0

PROCEDURAL MOTION:

Voting Requirement: Simple Majority

MOVED: CR MICHELL SATLER SECONDED: CR MATT COLLIS

OC83/23 That Council resumes standing orders.

CARRIED: 5/0

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

MOVED: CR MICHELLE SALTER SECONDED: CR SERENA SANDWELL

OC84/23 That Council:

- 1. Refuses the request to write off \$33,001.22 outstanding on invoice 44226, due to the significant contribution the Shire has made to the Katanning Country Club;**
- 2. Authorises the \$250,000 loan funds to be allocated to outstanding debtor costs associated with the Katanning Country Club Redevelopment Project; and**
- 3. Considers additional support to the Katanning Country Club in the 2023/24 budget process.**

CARRIED:5/0

PROCEDURAL MOTION

Voting Requirement: Simple Majority

MOVED: CR MICHELLE SALTER

SECONDED: CR SERENA SANDWELL

OC85/23 That Council reopens the meeting to the public.

CARRIED: 5/0

14. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 6:46pm.