



Shire of  
**Katanning**  
Heart of the Great Southern

‘Katanning is a safe, sustainable and prosperous community.  
We respect and celebrate our diverse culture.’

**MINUTES OF THE  
ORDINARY COUNCIL MEETING**

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on  
Wednesday 25 August 2024 in the Shire of Katanning’s Council Chamber,  
52 Austral Terrace, Katanning.

DISCLAIMER

Any applicant or members of the public is advised to wait for written advice from the Council  
before taking any action on an application or a Council decision.

PRESIDING MEMBER \_\_\_\_\_

DATE SIGNED \_\_\_\_\_



---

### Table of Contents

Item No.	Item Heading	Page No.
<b>1</b>	<b>Declaration of Opening/Acknowledgement of Country</b>	3
<b>2</b>	<b>Record of Attendance</b>	3
<b>3</b>	<b>Announcements by Presiding Member Without Discussion</b>	4
<b>4</b>	<b>Response to Previous Public Questions Taken on Notice</b>	4
<b>5</b>	<b>Disclosure of Financial/Impartiality Interest</b>	4
<b>6</b>	<b>Public Question/Statement Time</b>	4
<b>7</b>	<b>Applications for Leave of Absence</b>	4
<b>8</b>	<b>Petitions/Deputations/Presentations</b>	4
<b>9</b>	<b>Confirmation of Minutes of Previous Meetings</b>	4
9.1	Ordinary Council Meeting – Wednesday 24 July 2024	4
<b>10</b>	<b>Reports of Committees and Officers</b>	5
<b>10.1</b>	<b>General Manager Infrastructure &amp; Strategy</b>	5
<b>10.2</b>	<b>General Manager Operations</b>	5
<b>10.3</b>	<b>General Manager Corporate Services</b>	6
10.3.1	Schedule of Accounts	6
10.3.2	Monthly Financial Report	8
<b>10.4</b>	<b>Chief Executive Officer's Reports</b>	10
10.4.1	Bushfire Brigade Local Law Review	10
10.4.2	Policy Review	13
10.4.3	Child Safe Policy	15
10.4.4	Katanning Arts & Crafts Society – Rate Relief	17
10.4.5	Memorial Lodgement	19
<b>11</b>	<b>Elected Members Motion of Which Previous Notice Has Been Given</b>	20
<b>12</b>	<b>New Business of an Urgent Nature</b>	21
12.1	Chief Executive Officer Performance Review	22
<b>13</b>	<b>Confidential Item</b>	25
<b>14</b>	<b>Closure of Meeting</b>	25

**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 Kristy D'Aprile - President

Members: Cr Liz Guidera – Deputy President  
Cr John Goodheart  
Cr Michelle Salter  
Cr Ian Hanna  
Cr Paul Totino

Council Officers: Peter Klein, Chief Executive Officer  
David Blurton, General Manager Corporate Services  
Taryn Human, Executive Assistant to CEO

Gallery: Theo Tsekouras

Media:

Apologies: Jiban Das, General Manager Infrastructure & Strategy

Leave of Absence: Cr Matt Collis

**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**

Theo Tsekouras advised that he has sent a letter into the Shire regarding his 2 properties and wanted to know if there was anything else he needed to do.

President Kirsty D'Aprile responded by saying that he needs to continue working with the town planner and will need to follow the processes before it goes to Council for consideration.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**8. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****9.1 Ordinary Council Meeting – Wednesday 24 July 2024  
(SEE ATTACHED MINUTES)**

**Voting Requirement:** Simple Majority

**MOVED:** CR LIZ GUIDERA

**SECONDED:** CR JOHN GOODHEART

**OC84/24 That the minutes of the Ordinary Council Meeting held on Wednesday 24 July 2024 are confirmed as a true record of proceedings.**

**CARRIED: 6/0**  
**FOR:** CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR PAUL TOTINO, CR IAN HANNA  
**AGAINST: NIL**

**10. REPORTS OF COMMITTEES AND OFFICERS**

Nil.

**10.1 GENERAL MANAGER INFRASTRUCTURE & STRATEGY**

Nil.

**10.2 GENERAL MANAGER OPERATIONS**

Nil.

**10.3 EXECUTIVE MANAGER CORPORATE SERVICES**

**10.3.1 Schedule of Accounts – July 2024**  
(ATTACHMENT)

**File Ref:** FM.FI.4  
**Reporting Officer:** Patrick Kennedy, Manager Finance  
**Date Report Prepared:** 08 August 2024  
**Disclosure of Interest:** No Interest to disclose

**Issue:**  
 To receive the Schedule of Accounts Paid for the period ending 31 July 2024.

**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 2024/25	EFT Payments 2024/25	Direct Debits 2024/25	Credit Card 2024/25	Payroll 2024/25	Total Payments 2024/25
July	\$4,136.00	\$684,927.78	\$124,124.10	\$5,494.87	\$242,598.67	\$1,061,281.42
August						
September						
October						
November						
December						
January						
February						
March						
April						
May						
June						
<b>Total</b>	<b>\$4,136.00</b>	<b>\$684,927.78</b>	<b>\$124,124.10</b>	<b>\$5,494.87</b>	<b>\$242,598.67</b>	<b>\$1,061,281.42</b>

**Officer’s Comment:**

The schedule of accounts for the month of July 2024 is attached.

**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 PAUL TOTINO**

**SECONDED: CR IAN HANNA**

**OC85/24** That Council endorses the Schedule of Accounts as presented, being EFT payments 38134 - 38238 totalling \$684,927.78, Cheques 42479-42481 totalling \$4,136.00, Payroll payments totalling \$242,598.67 Direct Debit payments totalling \$124,124.10, Credit Cards (June) totalling \$5,494.87, all totalling \$1,061,281.42, authorised and paid in July 2024.

**CARRIED: 6/0**

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR PAUL TOTINO, CR IAN HANNA**

**AGAINST: NIL**

---

**10.3.2      Monthly Financial Report – July 2024**  
(ATTACHMENT)

**File Ref:** FM.FI.4  
**Reporting Officer:** David Blurton, Acting Executive Manager Corporate Services  
**Report Prepared:** 12 August 2024  
**Disclosure of Interest:** No Interest to disclose

**Body/Background:**

This item presents the Monthly Financial Report, which contains the 'Statement of Financial Activity' for the period ending 31 July 2024.

The report includes information which meets the statutory requirements of the Local Government Act and Financial Management Regulations. Other relevant financial information is provided to Elected Members to compare finance performance of the various business functions of the Shire against adopted budgets.

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 Report 3 of the Monthly Financial Report.

**Officer's Comment:**

Below are the highlights for this reporting period:

**Revenue from Operating Activities**

\*Rates levied are \$170,817 (or 3.32%) more than budget. The budgeted rates figure includes an expected \$100,000 write off in rates which is yet to be processed and the actual YTD figure includes an additional \$65,530 in rates attributed to A2140 – WAMMCO property. The GRV valuation for this assessment was received separately from the GRV roll and therefore treated as an interim rate through the rating process.

\*Fees and charges income is \$40,411 (or 4.29%) over budget which relates to higher saleyard fees (\$26k), signage income (\$7k), refuse site fees (\$6k) and Medical centre rent.

**Expenditure from Operating Activities**

\*Employee costs underbudget by \$144,988 reflecting several key officer roles which remain vacant as at the end of July 2024.

\*Non cash amounts excluded from operating activities includes and adjustment for self-supporting loan amounts owing and pending transfers of interest to reserve accounts from municipal.

\*Payments for property, plant and equipment and infrastructure are both below budget as at the end of July 24



\*Surplus at start of financial year is \$2.656m more than anticipated, which reflects pre-payment of 75% of Federal Assistance Grants on 28 June 2024 (\$2.517m). This will be adjusted during the mid-year budget review process.

**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)

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.

**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 "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 PAUL TOTINO

**SECONDED:** CR JOHN GOODHEART

**OC86/24** 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 July 2024, as presented.

**CARRIED:** 6/0

**FOR:** CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR PAUL TOTINO, CR IAN HANNA  
**AGAINST:** NIL

## 10.4 CHIEF EXECUTIVE OFFICER'S REPORTS

### 10.4.1 Bushfire Brigade Local Law Review (ATTACHMENT)

**File Ref:** ES.AT.1  
**Reporting Officer:** Cindy Pearce, Community Emergency Service Manager  
**Date Report Prepared:** 13 August 2024  
**Disclosure of Interest:** No Interest to disclose

**Issue:**

Council to adopt the new Draft Bushfire Brigade Local Law, following the required advertising period.

**Background:**

Under Section 3.6 of the Local Government Act 1995, local laws must be reviewed at least every 8 years. The Shire of Katanning Local Law for Bushfire Brigades commenced 26 March 1987 and has not been reviewed since its adoption.

The Draft Bushfire Brigade Local Law was recently updated using the WALGA Local Law Template, with several Local Governments using the WALGA version of the Local Law template.

The Draft Bushfire Brigade Local Law was circulated for public comment as per procedure after Council's endorsement, receiving feedback from the Department of Fire and Emergency Services (DFES) making four recommendations. On consideration it was determined that the below two items be updated in the Draft Bushfire Brigades Local Law.

The two recommendations have been included in the Draft Local Law for Bushfire Brigades, and they are as follows:

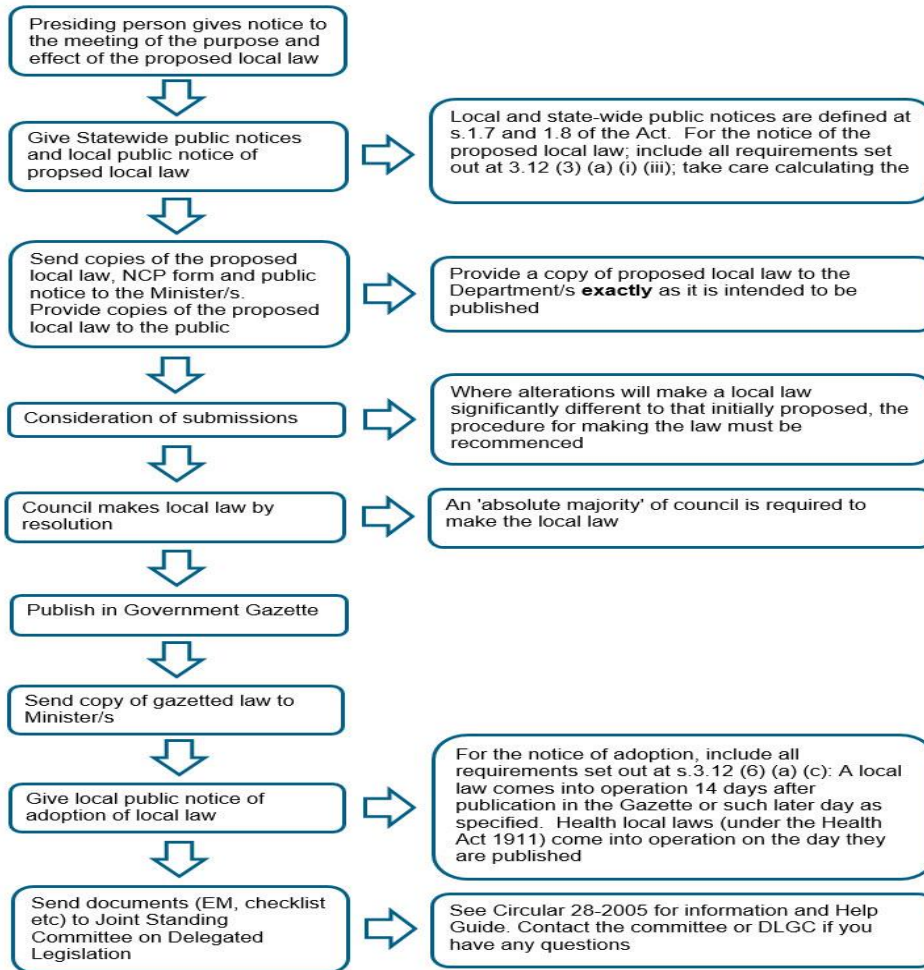
- While the term "normal brigade activities" is defined within the Rules (set out in the first schedule), this term is referenced in the body of the Local Law (cl.2.1). For ease of reference, it is recommended the shire consider including the definition in clause 1.2.
- Check the consistency and terminology throughout the document – for example, the term "Chief Bush Fire Control Officer" is used throughout, except in clause 4.6 (Notification of Membership) and 5.1(1) (Ordinary Meetings).

The above changes have not changed the content meaning of the attached Draft Bushfire Brigade Local Law.

Local Laws provide administrative instruction / details for establishment, organisation and maintenance of bushfire brigades, types of membership and management of members, provision of equipment, and rules governing brigade operations within the Shire of Katanning.

On adoption the Local Law for Bushfire Brigades will follow the below procedure.

**Local Law Making Procedure:**



**Comment:**

That Council adopt the amendment to the Bushfire Brigade Local Law and the associated advertising Statewide public notices, local public notices and Gazettal costs of Local Law. The current rate for publication in the Government Gazette is approx. \$282 per page.

**Statutory Environment:**

A Local Government, having exercised discretion to establish a Bushfire Brigade FB, must do so by making a Local Law – ref s.41(1) of the Bushfire Act 1954.

The current Shire of Katanning Bushfire Local Law was Gazette on the 14 August 1987

Local Laws are required to be reviewed within a period of 8 years under Section 3.16(1) of the Local Government Act 1995 (the Act).

**Policy Implications:**

The updated Bushfire Brigade Local Law will provide administrative instruction / details for establishment, organisation and maintenance of bushfire brigades, types of membership and management of members, provision of equipment, and rules governing brigade operations within the Shire of Katanning.

**Financial Implications:**

The cost of publishing the revised Bushfire Brigades Local Law is expected to be approximately \$4,600.

**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:**

The proposed development is generally consistent with the aims and objectives of the Shire of Katanning Local Planning Strategy 2013 as it applies specifically to economic development and growth and the following elements of the Shire of Katanning Strategic Community Plan 2022 – 2032:

<b>Focus Area</b>	<b>Social</b>
<b>Aspiration</b>	Katanning is a vibrant, active place that encourages its community to thrive.
<b>Objective</b>	To provide a safe place to live, work and play.

**Voting Requirement:** Absolute Majority

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

**MOVED: CR LIZ GUIDERA**

**SECONDED: CR MICHELLE SALTER**

**OC87/24** That Council adopt the amendment to the Draft Bushfire Brigade Local Law and the associated advertising Statewide public notices, local public notices and Gazzettal costs of Local Law. The current rate for publication in the Government Gazette is approx. \$282 per page.

**CARRIED: 6/0**

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR PAUL TOTINO, CR IAN HANNA**

**AGAINST: NIL**

Cr Liz Guidera spoke for the motion.

**10.4.2        Policy Review**  
(ATTACHMENT)

**File Ref:** GV.PO.1  
**Reporting Officer:** Peter Klein  
**Date Report Prepared:** 15 August 2024  
**Disclosure of Interest:** No Interest to disclose

**Issue:**  
Periodic review of Shire policies.

**Body/Background:**

The Council's policies are key governance documents and are the mechanism by which Councillors direct the values & performance of Council staff and ensure a consistent approach across the organisation to solving problems.

The Katanning Shire Council has a list of 48 policies and these are currently required to be reviewed by Councillors, on an annual basis.

To make this process manageable, several policies will be presented to each future Forum/Council meeting.

This month the three policies presented for review are;

- 1) Citizenship Ceremonies
- 2) Records management
- 3) Vexatious complaints

**Officer's Comment:**

Management has reviewed these policies and has not recommended any material change to their operation.

**Statutory Environment:**

The Australian Citizenship Ceremonies Code (the Code) follows the Australian Citizenship Act 2007 and sets out the legal and other requirements for conducting citizenship ceremonies as well as the roles and responsibilities for those involved in citizenship ceremonies.

The Council must comply with the State Records Act 2000.

The State Ombudsman has produced a Practice Manual titled "Managing unreasonable complainant conduct" and it is recommended that our policy align with this manual, although it is not compulsory that it does so.

**Policy Implications:**

Subject to council approval the current policies will be updated & replaced.

**Financial Implications:**

Nil.

**Risk Implications:**

Low.

**Strategic Implications:**

Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To facilitate diversity and representation within the decision-making process.

**Voting Requirement:** Simple Majority.

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

**MOVED: CR PAUL TOTINO**

**SECONDED: CR MICHELLE SALTER**

**OC88/24**

**That Council approves the following amended policies;**

- 1) Citizenship Ceremonies**
- 2) Records management**
- 3) Vexatious complaints**

**CARRIED: 6/0**

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR PAUL TOTINO, CR IAN HANNA**

**AGAINST: NIL**

Cr Paul Totino spoke for the motion.

### 10.4.3 **Child Safe Policy** (ATTACHMENT)

**File Ref:** GV.PO.1  
**Reporting Officer:** Peter Klein  
**Date Report Prepared:** 16 August 2024  
**Disclosure of Interest:** No Interest to disclose

**Issue:**

To consider the adoption of a new Child Safe Policy.

**Body/Background:**

This Child Safe Awareness policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse which, states as follows;

*“With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:*

- 1. developing child safe messages in local government venues, grounds and facilities*
- 2. assisting local institutions to access online child safe resources*
- 3. providing child safety information and support to local institutions on a needs basis*
- 4. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.”*

The WA Ombudsman is responsible for overseeing the Reportable Conduct Scheme which, commenced in WA on 1 January 2023. Organisations covered by the scheme include local governments.

This scheme compels heads of organisations covered by the Scheme and which exercise care, supervision or authority over children, to notify the Ombudsman of any child abuse by their employees and then investigate these allegations. The Ombudsman will monitor and review the investigation findings.

Organisations covered by the Scheme are also required to have systems in place to enable them to better protect against and respond to, reportable conduct. Guidance to develop appropriate systems is available from the WA Ombudsman.

The Ombudsman undertook a review of compliance with this obligation by organisations covered by the scheme in early 2024 and this included a review of the Shire of Katanning’s system. The next step in developing a compliant system is to approve a Child Safe Policy.

**Officer’s Comment:**

Development of this policy has involved engagement with staff from the KLC & Library who have greatest engagement with local children.

**Statutory Environment:**

The following legislation further informs our obligations to protect the rights of children;

- Child Care Services Act 2007
- Children and Community Services Act 2004

**Policy Implications:**

The following policies are relevant to the performance of obligations under this policy;

- Employee Code of Conduct
- Complaints Management Policy
- Working with Children Checks

**Financial Implications:**

Nil.

**Risk Implications:**

Low.

**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 support for the physical and mental health and wellbeing of our community.
Objective	To provide a safe place to live, work and play.
Objective	To provide access to services, support and activities for young people.

**Voting Requirement:** Simple Majority

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

**MOVED: CR MICHELLE SALTER**

**SECONDED: CR LIZ GUIDEA**

**OC89/24                      That Council approves the Child Safe Policy.**

**CARRIED: 6/0**

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR  
PAUL TOTINO, CR IAN HANNA**

**AGAINST: NIL**

Cr Michelle Salter spoke for the motion.

Cr Paul Totino spoke for the motion.



#### 10.4.4 Katanning Arts & Crafts Society - Rate Relief

**File Ref:** RC/24/510  
**Reporting Officer:** Peter Klein  
**Date Report Prepared:** 14 August 2024  
**Disclosure of Interest:** No Interest to disclose

**Issue:**

Katanning Arts & Crafts has requested that Council subsidise their rates.

**Body/Background:**

Katanning Arts & Crafts has written to the CEO advising that their not-for-profit organisation has, “for years struggled to stay afloat with reduced member numbers and that the majority of their members are aged, pensioners and we have several disabled participants and their carers. We get subsidies for power and water but pay full Shire rates. For the past few years, we have relied on the “cake stall” type of fundraiser to enable us to pay our bills”.

The club president Pauline Edgcumbe has urged the Council to consider their situation and a subsidy of their rates.

The building at 7 Dore St Katanning is owned by Katanning Arts & Crafts Society and rates levied on this building comprise;

Rates:	\$ 1,340.50
Waste bin	\$ 308.00
<u>Soil levy</u>	<u>\$ 35.00</u>
Total	\$ 1,683.50

The organisation provides various craft activities including pottery, card making, crochet, knitting & sewing.

The organisation submitted an unsuccessful application to last year’s community grants program to reinstate a pottery mural on the outer wall of their building. Their request was for \$950.

**Officer’s Comment:**

Council needs to balance the equity of offering any property owner a rate discount and the precedent this might set.

**Statutory Environment:**

Local Government Act, clause 6.44 states that the owner of land on which a rate has been imposed is liable to pay the rate to the local government.

Local Government Act, clause 6.47 states that a local government may resolve to waive a rate or resolve to grant other concessions in relation to a rate or service charge.

An absolute majority of council is required to vote in favour of a concession granted under clause 6.47.

**Policy Implications:**

Council has not delegated authority for the waiving or part waiving of rates and neither does it have a policy that adequately deals with this request. The policy dealing with rate relief in the event of financial hardship deals only with residential property and then only with the write-off of interest, up to \$500.

**Financial Implications:**

Minor but has the potential to set a precedent.

**Risk Implications:**

Moderate given the risk of setting a precedent.

**Strategic Implications:**

Nil.

**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 support for the physical and mental health and wellbeing of our community.

**Voting Requirement:** Simple Majority

Officer's Recommendation/Council Motion:

OC/24 That Council offer Katanning Arts & Crafts Society a concessional FY25 rate liability of \$670.25, equal to 50% of the levied rate subject to them developing a 5-year finance/sustainability plan and submitting it for Council's consideration by 31 December 2024.

CARRIED/LOST:

FOR:

AGAINST:

**Council Motion:**

**MOVED: CR JOHN GOODHEART**

**SECONDED: CR PAUL TOTINO**

**OC90/24 That Council lay the motion on the table pending further information.**

**CARRIED: 6/0**

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR PAUL TOTINO, CR IAN HANNA**

**AGAINST: NIL**

#### 10.4.5 Memorial Lodgement

**File Ref:** LP.LG.1  
**Reporting Officer:** Peter Klein  
**Date Report Prepared:** 22 August 2024  
**Disclosure of Interest:** No Interest to disclose

**Issue:**

The Retirement Villages Act requires the operator of a retirement village to lodge a memorial with Landgate.

**Body/Background:**

A consequence of the Retirement Villages Act applying to the Village is that the Shire must lodge a memorial over the Village Land.

A memorial is evidence of a statutory charge over the land and restricts the land from being used for anything but a retirement village. This has the effect of giving notice to the wider community that the land is to be used as a retirement village and is subject to the operation of the Retirement Villages Act.

The statutory charge secures the repayment to the residents of amounts owing under their residence contracts. For example, where a resident has paid a refundable bond that is to be repaid when the residence contract is terminated.

The memorial must be executed under the Council's common seal.

**Officer's Comment:**

Lodgement of this memorial will satisfy Council's obligation to comply with section 15(3) of the Retirement Villages Act.

**Statutory Environment:**

*Local Government Act*, clause 9.49A(2) requires that the use of a local government's common seal must be authorised by the local government and affixed in the presence of the President & CEO or an agent authorised by resolution of the local government.

Retirement Villages Act, clause 15(3) requires this memorial to be lodged.

**Policy Implications:**

Nil.

**Financial Implications:**

There is a \$210 memorial lodgement fee payable to Landgate.

**Risk Implications:**

Medium – failure to lodge a memorial could expose Council to prosecution.

**Strategic Implications:**

Nil.

**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 support for the physical and mental health and wellbeing of our community.

**Voting Requirement:** Absolute Majority**Officer's Recommendation/Council Motion:****MOVED: CR PAUL TOTINO****SECONDED: CR IAN HANNA**

**OC91/24 That Council approves lodgement of a memorial over the Village Land, payment of the \$210 lodgement fee to Landgate and for the Council's common seal to be affixed to the memorial in the presence of the President and CEO.**

**CARRIED: 6/0****FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR PAUL TOTINO, CR IAN HANNA****AGAINST: NIL**

Cr Paul Totino spoke for the motion.

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

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

**PROCEDURAL MOTION**

**MOVED: CR LIZ GUIDERA**

**SECONDED: CR MICHELLE SALTER**

**OC92/24**                    **That Council considers the urgent business items**

**CARRIED: 6/0**

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR  
PAUL TOTINO, CR IAN HANNA**

**AGAINST: NIL**

**PROCEDURAL MOTION**

**MOVED: CR LIZ GUIDERA**

**SECONDED: CR MICHELLE SALTER**

**OC93/24**                    **That Council closes the meeting to the public to consider the following item  
regarding the Performance Review of the Chief Executive Officer.**

**CARRIED: 6/0**

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR  
PAUL TOTINO, CR IAN HANNA**

**AGAINST: NIL**

Members of the public and staff left the room at 6.13pm.



**Voting Requirement:** Simple Majority.

**MOVED: CR JOHN GOODHEART**

**SECONDED: CR LIZ GUIDERA**

**OC95/24** That Council resumes standing orders.

**CARRIED: 6/0**

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR  
PAUL TOTINO, CR IAN HANNA**

**AGAINST: NIL**

**Voting Requirement:** Absolute Majority

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

**MOVED: CR LIZ GUIDERA**

**SECONDED: CR JOHN GOODHEART**

**OC96/24** That Council:

1. Notes the CEO's statement against the criteria and comments received from elected members in response to the CEO Performance Survey August 2024.
2. Having reviewed the CEO's performance in accordance with section 5.38 of the Local Government Act 1995, RESOLVES that the Chief Executive Officer has successfully completed the probationary period set in clause 2.3 of the CEO contract of employment.
3. Endorse the CEO KPIs as detailed in the Confidential Attachment 1 for the 2024/25 period.
4. Requests that the Shire President write to the Chief Executive Officer to advise of Council's resolution.

**CARRIED: 6/0**

**FOR: CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR  
PAUL TOTINO, CR IAN HANNA**

**AGAINST: NIL**

Cr Liz Guidera spoke for the motion.

Cr John Goodheart spoke for the motion.

**PROCEDURAL MOTION**

**Voting Requirement:** Simple Majority

**MOVED:** CR LIZ GUIDERA

**SECONDED:** CR JOHN GOODHEART

**OC97/24** That Council reopens the meeting to the public.

**CARRIED:** 6/0

**FOR:** CR KRISTY D'APRILE, CR LIZ GUIDERA, CR JOHN GOODHEART, CR MICHELLE SALTER, CR PAUL TOTINO, CR IAN HANNA

**AGAINST:** NIL

**13. CONFIDENTIAL ITEMS**

**14. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6:29pm.