



Shire of
Katanning
Heart of the Great Southern

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

**NOTICE OF A
ORDINARY COUNCIL MEETING**

Dear Council Member

The next Ordinary Council Meeting of the Shire of Katanning will be held on
Tuesday 29 October 2019 in the Shire of Katanning Council Chambers,
52 Austral Terrace, Katanning, commencing at 6:00pm.

Julian Murphy
CHIEF EXECUTIVE OFFICER
Thursday 24 October 2019

DISCLAIMER

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

PRESIDING MEMBER _____

DATE SIGNED _____



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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS

The Presiding Member declared the meeting open at ____ pm.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Liz Guidera - President

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

Council Officers: Julian Murphy, Chief Executive Officer
Sam Davis, Executive Manager Projects & Community Building
Heidi Cowcher, Executive Manager Property and Assets
Shane Chambers Acting Executive Manager Infrastructure and
Development
Sue Eastcott, Executive Assistant to CEO

Gallery:

Media:

Apologies: Lisa Hannagan, Executive Manager Finance and Administration

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 – 24 September 2019
(SEE ATTACHED MINUTES)**

OC/19 That the minutes of the Ordinary Council Meeting held on 24 September 2019 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED/LOST:

**9.2 Special Council Meeting – 22 October 2019
(SEE ATTACHED MINUTES)**

OC/19 That the minutes of the Special Council Meeting held on 22 October 2019 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED/LOST:

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 EXECUTIVE MANAGER INFRASTRUCTURE & DEVELOPMENT REPORTS**10.1.1 Development Application – Home Occupation, 47 Arbour Street, Katanning**

File Ref: A789 Ref: C/19/2562 Application No. 2019-12
Reporting Officer: Delma Baesjou, Consultant Planner
Date Report Prepared: 15 October 2019

Issue:

To consider an application for a Home Occupation – Hair Salon at Lot 9 (47) Arbour Street, Katanning.

Body/Background:

It is proposed to use existing 3 x 3.6m Outbuilding (studio) at the rear of the Applicant's Dwelling. A wash basin, work station and storage areas will be provided.

The Applicant has indicated that the business will be a one person hair salon to perform cutting and colouring services. Appointments will be one at a time, every couple of hours, between 9.00am and 5.00pm Monday to Friday. Parking is available within the existing driveway.

Home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession;

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50m²; and
- (d) does not involve the retail sale, display or hire of any goods, unless the sale, display or hire is done only by means of the internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

The relevant objective for the Residential zone, as set out in Part 3, Table 2 of LPS5 is;

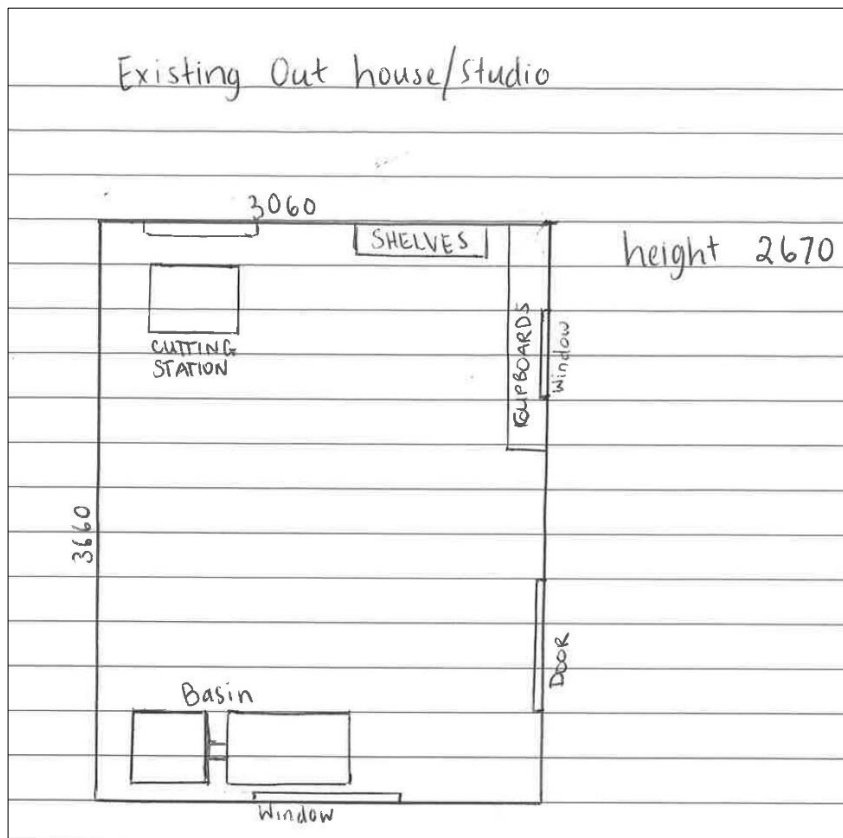
- (c) To allow for the establishment of non-residential uses which are compatible with and complementary to residential development.

The property is zoned 'Residential' under the Shire of Katanning Local Planning Scheme No. 5 (LPS5). All adjoining properties are zoned Residential. The subject land, and lots to the south are serviced by a rear laneway.

Existing development comprises a Dwelling House, Outbuilding, off-street parking and private open space.



Image of Subject Land – Source: Landgate



Floor Plan

Officer's Comment:

The Home Business Application was assessed against the requirements set out in Shire of Katanning LPS5, and the Planning and Development Regulations 2015.

The proposal is considered to be consistent with the following Aims of the Scheme:

- Community growth and Diversity - Provide opportunities for growth of the Katanning townsite and reinforce its status as a regional centre to accommodate a growing and diverse community with a strong sense of place, heritage and achievement.
- Economic Growth - Strengthen and diversify the Shire of Katanning's economic base by providing an overall pattern of land use and development flexibility that supports existing businesses and provides for expansion of the economic base by encouraging new business and industry.

The proposal satisfies the criteria for Home Occupation in regard to staff, amenity, floor area, parking, traffic and services (power, water and sewer). The development is considered to be compatible with nearby land uses and to meet the Objectives for the Residential zone set out in LPS5.

It is acknowledged that it is preferable for businesses to operate from the town centre, however LPS5 also provides for low key business activity in the Residential zone. In this case, the applicant has been operating from premises in the main street and has indicated the Home Business is a more appropriate arrangement. The alternative would be closing down completely; this would be a loss to local economy and the community.

Notwithstanding the preference for commercial enterprises to operate within the town centre, LPS5 provides for Home Occupations. There is an established precedent for approval of home-based businesses in Katanning. There are no substantial planning objections and no valid reasons for refusal of this proposal.

Development Approval is recommended, subject to conditions.

Statutory Environment:

Shire of Katanning Local Planning Scheme No.5 (LPS5).

The Planning and Development (Local Planning Schemes) Regulations 2015 (P&D Regs 2015).

Policy Implications:

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

Financial Implications:

As set out in Council's Schedule of Fees and Charges, the relevant Application Fee is \$295, and has been paid Receipt No 255428.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria.

The risks relates to 'Financial and Reputational Consequences', in the event the Applicants exercise their right to apply for a review by the State Administrative Tribunal (SAT) should they be aggrieved by the determination (either Approval conditions or Refusal) of the Development Application

In this case, the perceived level of risk is considered to be “Low (2)” based on the “Minor” (2) consequence of Financial or Reputational impacts, and the “Rare” (1) likelihood that the Applicant would challenge the Council’s decision on this proposal.

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	B2	Places for the community to live, work and connect
OBJECTIVE	B2.3	Orderly development (Town Planning)
PRIORITY	ECONOMIC	
ASPIRATION	E3	Sustainable economic and population growth
OBJECTIVE	E3.2	Continue to build Katanning’s reputation as a strategic sub-regional service centre and economic hub.

Officer's Recommendation/Council Motion:

OC/19 That Council grants Development Approval for Lot 123 (47) Arbour Street, Katanning - for the purpose of Home Business subject to the following conditions:

- 1) Development is to be generally in accordance with approved plans.
- 2) The Home Business shall not employ more than 2 people not members of the occupier's household.
- 3) On-site parking for two vehicles is to be provided and maintained.
- 4) Advertising signage to have regard for the character and amenity of the locality and shall not exceed 0.2sqm.

Advice Notes

- I. This approval is valid for a period of twelve months and subject to Annual Renewal thereafter.
- II. If, in the opinion of the Council, this Home Business is causing a nuisance or annoyance to owners or occupiers of nearby land, the Council may:
 - a) revoke the approval; or
 - b) require implementation of measures specified by the Council and which in the opinion of the Council will remove the nuisance or annoyance.
- III. Maintenance of the driveway is the responsibility of the landowner.
- IV. This approval approval to conduct a Home Business is specific to Shelly Stables and is not transferrable (refer Requirement 14, Table 8 of LPS5)
- V. The operator is to be aware of the notification and obligations under the Health Hairdressing Establishment Regulations 1972 and the Public Health Guideline For The Hairdressing And Barber Industry.

Voting Requirement: Simple Majority

CARRIED/LOST:

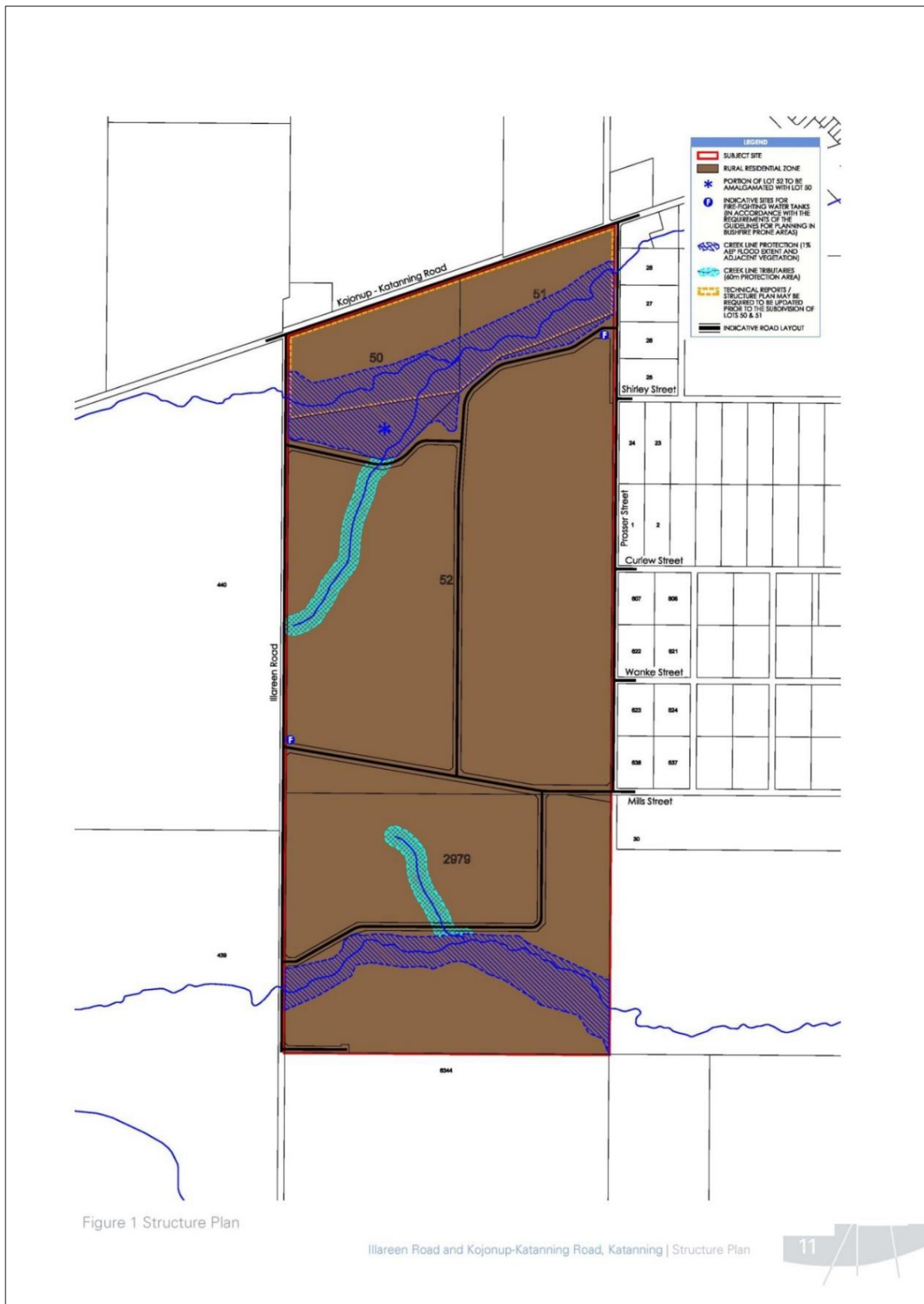


Figure 1 Structure Plan

Illareen Road and Kojonup-Katanning Road, Katanning | Structure Plan

Figure 1 shows the Rural Residential zone, indicative roads, creekline and tributary protection areas and nominates sites for emergency/fire water supply tanks.

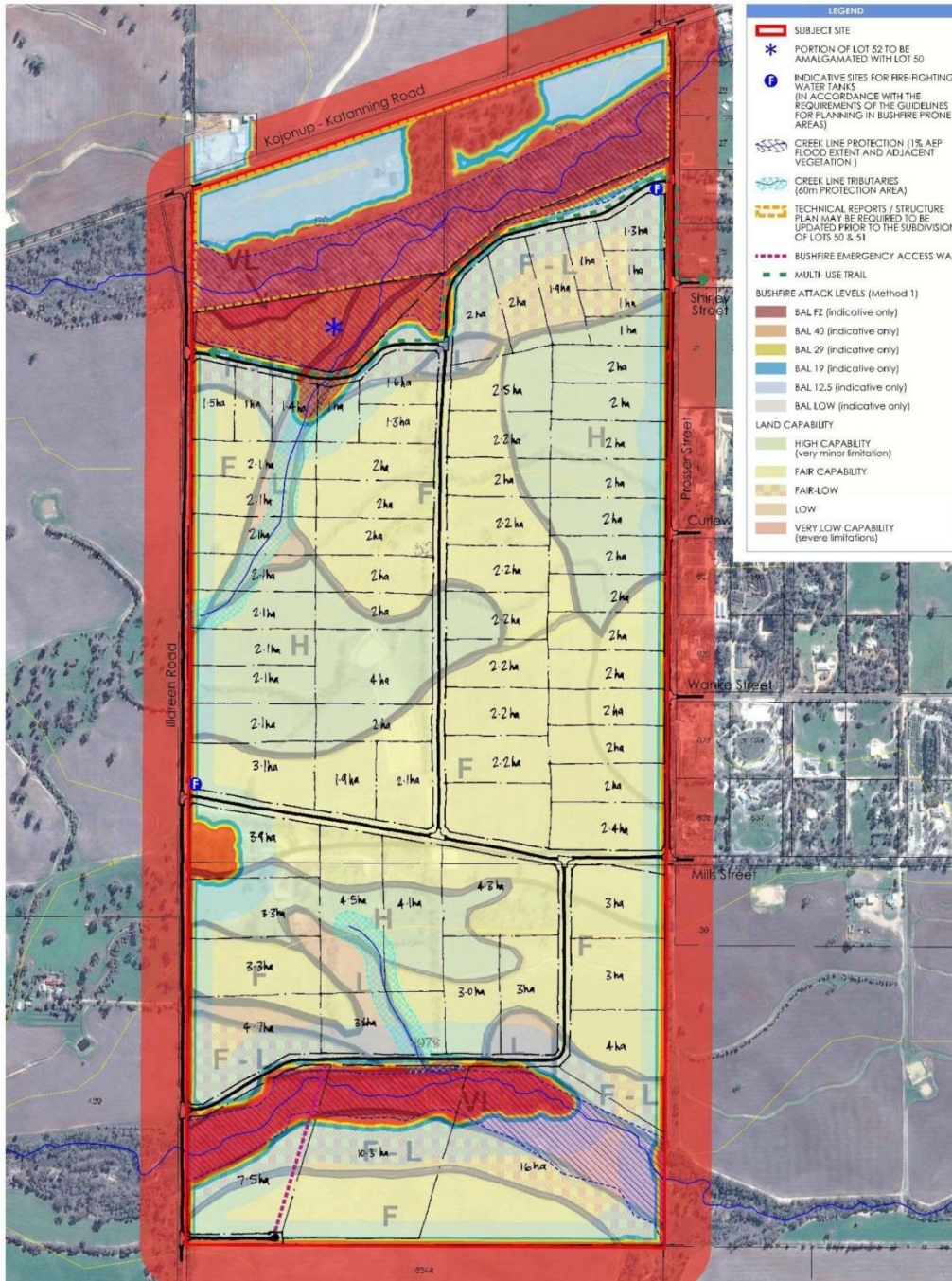


Figure 7 Development Concept Plan

The revised Development Concept Plan (see Figure 7 above) shows 71 lots, ranging in size from 1 to 10ha, predominantly 2ha.

Officer's Comment:

The subject land is appropriately zoned for Rural Living. The land is identified for future subdivision and development in the Local Rural Strategy, SuperTowns Growth and Implementation Plan, and the 2013 Planning Strategy. Preparation and endorsement of the Structure Plan [Subdivision Guide Plan] is required prior to subdivision.

The main issues raised in the submissions from neighbours relate to oversupply of hobby farm lots, potential land-use conflict, surface and ground water management, onsite wastewater disposal, vegetation protection, retention of grade banks, fire safety, additional east-west road connections and document consistency. In its latest submission, DFES has identified that Vehicular Access A3.3 and A3.4 & Water A4.2 need to be addressed prior to support of the proposal

Officer comments, recommended responses and further modifications are discussed below and set out in columns 5 and 6 of the Schedule of Submissions and the Composite Schedule of Modifications.

The subject land is zoned Rural Residential and is suitable for subdivision/development. Timing for the creation and release of new lots is a matter at the discretion of the landowner/subdivider. It is acknowledged that potential land use conflict on the peri-urban rural interface is a valid concern, however this can generally be managed through State and Local Government procedures, standard planning controls and notifications. Conditions will be applied through both the subdivision and development approvals processes.

In response to the October 2018 Resolution of Council, the Local Water Management Strategy (LWMS) was modified and resubmitted. Shire and Department of Water & Environmental Regulation (DWER) officers provided feedback on several preliminary proposals and the LWMS was subsequently revised. Notwithstanding the most recent advice from DWER that version F of the LWMS meets its requirements, it is recommended that the Shire seek further modifications to the Strategy and Structure Plan to rectify discrepancies and to provide consistent, site specific guidelines in regard to surface and ground water management, drainage lines, environmental assets, landscape values, retention of vegetated grade banks, future lot boundaries and the requirement for preparation of an UWMP.

In regard to the Bushfire Management Plan (BMP), the Applicant's Fire Consultant advises the current BMP does achieve the technical requirements for access and water supply set out in SPP 3.7– Planning in Bushfire Prone Areas. Following closure of the advertising period, a copy of the DFES submission was forwarded to the applicant. The appointed fire consultant contests the DFES interpretation and confirms that a cul-de-sac and battle-axe can be used in bushfire prone areas and do meet the current required standards. More specifically:

- 'The performance principle-based solution is to provide an emergency access way (section 4.2 of the BMP) that can meet the technical standards to achieve two-way access, to overcome site constraints, as per the Guidelines E3.3 Cul-de-sac;
- limiting the need to construct driveways across the creek. (E3.3 and E3.4; of the Guidelines allow this); and
- the maximum lengths for the EAW, Cul-de-sac and Battle-axe can be achieved.'

The consultant's justification and explanation are provided in the supporting email chain attached to the Submissions.

In this instance, the non-standard solution, involving the seasonal crossing as an Emergency Access Way (EAW), is supported by staff and was endorsed by Council prior to re-advertising. This issue is discussed in section 4.2 page 33 of the BMP and was given consideration at the Ordinary Council meeting held 30 July 2019 and at the council Forum held 15 October 2019.

One of the significant changes to the original Structure Plan was the proposed cul-de-sac on the southern boundary to provide access to three reconfigured lots and avoid the need for new creek crossings. This layout relies on a non-standard, alternative emergency egress. Given the advice and declaration from the Bushfire Planning and Design level three accredited practitioner, this option is supported at officer level.

The Composite Schedule lists the sixteen (16) modifications required by the Council in 2018 and lists 3 further modifications (Nos. 17 - 19, shown below) recommended by staff together with a summary of the subsequent action or change and officer comment.

No.	Subsequent Modification Recommended by SoK, 2019	Reason/Justification	Officer Comment/Recommendation, Oct 2019
17	<p>Further revision of Appendix C - Local Water Management Strategy, version 2558 AF, 4 July 2019 including</p> <p>To rectify discrepancies between the various Technical Appendices with regard to surface and ground water management, drainage lines, dams, environmental assets, landscape values and retention of vegetated grade banks.</p> <p>Clarification on requirements for preparation of an UWMP and further flood modelling (as a pre-requisite to subdivision)</p> <p>Tables 4 and 5 (include proposed cul-de-sac, provide plan showing Road ID – previously Attachment C, update width of reserve for Road A)</p> <p>Reference to contemporary Wastewater/Country Sewer Policy requirements and Guidelines.</p>	<p>The Local Water Management Strategy and the Environmental Assessment & Management Strategy should be consistent with regard to water management, drainage lines and retention of vegetated grade banks.</p> <p>The Strategy and Structure Plan should be consistent regarding the requirement for preparation of an Urban Water Management Plan and further flood modelling.</p> <p>Accuracy.</p>	<p>The content and recommendations in the LWMS should be consistent with other Technical Appendices and the Development Requirements and Additional Requirements set out in 5 and 6 of Part One and 2.3.9 2.6.1.4 3.5 of Part Two of the SPN/2199.</p>
18	Technical Appendices - general	Accuracy, coherence and consistency.	

	Images and Plans within the Structure Plan and Technical documents to be consistent		
19	Include reference and site specific guidelines for future subdivision (lot size and configuration) within SPN/2199 Part One, 5 – Subdivision and Development Requirements and 6 – Additional Requirements to incorporate the recommendations contained in the Environmental Assessment & Management Strategy regarding water management, drainage, catchment integrity, lot boundaries, retention of grade banks and plantings, rural amenity and protection of environmental values.	To reflect the recommendations within Appendix B and respond more sensitively to the site characteristics and constraints.	The ultimate subdivision design (lot size and configuration) to incorporate contemporary water management principles and the relevant recommendations from Appendix B - Environmental Assessment & Management Strategy and the final Appendix C - Local Water Management Strategy.

Statutory Environment:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015, in particular Schedule 2, Part 4 – Structure Plans.

Shire of Katanning Local Planning Scheme No. 5.

WAPC State Planning Policy 3.7– Planning in Bushfire Prone Areas and Associated Guidelines

The Planning Regulations set out the requirements and procedures for preparation, advertising and processing of Structure Plans. Clause 19 relates to consideration of submissions and sets out:

- (1) The local government —
 - (a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and
 - (b) may consider submissions made to the local government after that time; and
 - (c) may request further information from a person who prepared the structure plan; and
 - (d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.
- (2) If a local government makes a decision under subclause (1)(d) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the structure plan.
- (3) Modifications to a structure plan may not be advertised on more than one occasion without the approval of the Commission.

Clause 20 of the Planning Regulations requires the Council to list and comment on the submissions, prepare a schedule of any proposed modifications and report to the Commission within 60 days of the close of re-advertising.

The Western Australian Planning Commission (WAPC) is to consider the proposal and, in accordance with the provisions outlined in Schedule 2 Part 4 Clause 22 of the LPS Regulations, may: -

- (a) approve the structure plan; or
- (b) require the local government or the person who prepared the structure plan to:
 - (i) modify the plan in the manner specified by the Commission; and
 - (ii) resubmit the modified plan to the Commission for approval; or
- (c) refuse to approve the structure plan.

Policy Implications:

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

Financial Implications:

In accordance with the published schedule of Fees and Charges applicable at the time, a Fee of \$5,500.00 was paid when the original Structure Plan was submitted in 2018.

There is no specific Fee for considering modifications however 'Advertising (newspaper) at cost plus 15% Admin' may be recouped.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The risk relates to the timeliness of Council's consideration of the submissions and forwarding its report to the Commission. In this case, no later than 60 days after re-advertising.

The perceived level of risk for the project is considered to be "Low (2)", based on the "insignificant" consequence (1) of compliance and reputational impacts, the "minor" consequence (2) of financial impacts and the "Rare" likelihood (1) that the timeframes would be exceeded. The "Low" risk rank is considered acceptable with adequate controls, managed by routine procedures.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY		BUILT ENVIRONMENT
ASPIRATION	B2	Places for the community to live, work and connect
OBJECTIVE	B2.2	Facilitate and encourage housing options; spaces for local service delivery, employment and recreation.
OBJECTIVE	B2.3	Orderly development (Town Planning)
PRIORITY		ECONOMIC
ASPIRATION	E3	Sustainable economic and population growth
OBJECTIVE	E3.2	Continue to build Katanning's reputation as a strategic sub-regional service centre and economic hub.

Officer's Recommendation/Council Motion:

OC/19 That Council pursuant to section 75 of the Planning and Development Act 2005 and as provided for in Schedule 2, Part 4, Clause 20 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015

- 1) Receives and notes the submissions on the modified Illareen-Prosser Street Structure Plan –SPN/2199, as listed in the Schedule of Submissions and supports the comments and recommendations.
- 2) Supports the modified Structure Plan –SPN/2199 (16-092-03), subject to further modifications to address the issues raised in the submissions.
- 3) Recommends the Western Australian Planning Commission approves the Local Structure Plan SPN/2199 subject to the modifications in the Composite Schedule of Modifications.
- 4) Forwards the structure plan documents, submissions received during advertising and re-advertising under Clauses 18 and 19 (1) (d) respectively, and recommended modifications to the Western Australian Planning Commission, and
- 5) Advises those who lodged submissions of the Council decision.

Voting Requirement: Simple Majority

CARRIED/LOST:

10.2 EXECUTIVE MANAGER FINANCE & ADMINISTRATION REPORTS

10.2.1 Schedule of Accounts (ATTACHMENTS)

File Ref: FM.FI.4
Reporting Officer: Libby French, Manager Finance
Report Prepared: 4 October 2019

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 2019/20	EFT Payments 2019/20	Direct Debits 2019/20	Credit Card 2019/20	Payroll 2019/20	Trust 2019/20	Total Payments 2019/20
July	47,366.57	1,176,232.69	233,759.25	-	330,679.18	574.88	1,788,612.57
August	41,439.99	908,599.83	105,255.62	25,680.27	315,742.80	736.45	1,397,454.96
September	26,200.40	1,751,702.11	48,767.40	1,070.69	314,244.68	-	2,141,985.28
October							-
November							-
December							-
January							-
February							-
March							-
April							-
May							-
June							-
Total	115,006.96	3,836,534.63	387,782.27	26,750.96	960,666.66	1,311.33	5,328,052.81

Officer's Comment:

The schedule of accounts for the month of September 2019 are attached.

The Finance Forum held on 15 October 2019 gave attending Councillors an opportunity to ask questions regarding the presented accounts paid.

Statutory Environment:

Local Government (Financial Management) Regulations 1996.

Policy Implications:

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

Financial Implications:

Expenditure in accordance with the 2019/20 Annual Budget.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

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

Officer's Recommendation/Council Motion:

OC/19 That Council endorses the Schedule of Accounts as presented, being cheques 42263-42274 totalling \$26,200.40, EFT payments 28404-28607 totalling \$1,751,702.11, direct payments totalling \$48,767.40, and credit card payments totalling \$1,070.69 authorised and paid in September 2019.

Voting Requirement: Simple Majority.

CARRIED/LOST:

10.2.2 Monthly Financial Reports (ATTACHMENTS)

File Ref: FM.FI.4
Reporting Officer: Libby French, Manager Finance
Report Prepared: 4 October 2019

Body/Background:

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

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

Officer's Comment:

A variance report is included with the monthly financial statements attachment.

The Finance Forum held on 15 October 2019 gave attending Councillors an opportunity to ask questions regarding the presented financial statements.

Statutory Environment:

Local Government (Financial Management) Regulations 1996.

Policy Implications:

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

Financial Implications:

Monthly Statement of Financial Activity.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

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

Officer's Recommendation/Council Motion:

OC/19 That Council adopts the Statement of Financial Activity for the month ending 30 September 2019, as presented.

Voting Requirement: Simple Majority.

CARRIED/LOST:

10.2.3 **Authorised Persons**

File Ref: CM.LG.1
Reporting Officer: Executive Manager Finance & Administration
Date Report Prepared: 19 September 2019

Issue:

Council is required to appoint authorised persons to undertake the exercise of its powers and duties in accordance with various statutes.

Body/Background:

A number of changes to staffing have taken place since the last gazettal of Shire of Katanning Authorised Persons (August 2018). This officer has reviewed the last year's gazettal notice and liaised with Senior Staff to ensure the appropriate staff are included in the authorised list.

Officer's Comment:

Review of the Council's Authorised Persons will, in future, be completed at the same time as the review of the Delegations Register to ensure changes to staff are gazetted on an annual basis.

Statutory Environment:

Local Government Act 1995 – Appointment of authorised officers in accordance with the following statutes:

- Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);
- Local Government Act 1995, Part 3 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions;
- Caravan and Camping Grounds Act 1995;
- Dog Act 1976 and Regulations;
- Cat Act 2011;
- Bush Fires Act 1954 and Regulations;
- Shire of Katanning Local Laws;
- Litter Act 1979 and Regulations;
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations.

Policy Implications:

Nil

Financial Implications:

Cost of advertising appointments in the Government Gazette are approximately \$700 and these funds are budgeted for in Advertising.

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" and can be managed by routine procedures within current resources.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	SOCIAL	
ASPIRATION	S2	Safe community.
OBJECTIVE	S2.1	Strive for a community where people feel safe and secure.

Officer's Recommendation/Council Motion:

OC/19 That Council:

1. Appoints the following persons:

Julian Murphy	Wade Newton
Lisa Hannagan	Richard Bralich
Heidi Cowcher	Kel Vann
Darryle Baxter	Delma Baesjou
Shane Chambers	Cynthia Pearce

As authorised persons in accordance with the following Acts:

- Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);
- Local Government Act 1995, Part 3 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions;
- Caravan and Camping Grounds Act 1995;
- Dog Act 1976 and Regulations;
- Cat Act 2011;
- Bush Fires Act 1954 and Regulations;
- Shire of Katanning Local Laws;
- Litter Act 1979 and Regulations;
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations.

2. Appoints the following persons as registration officers in accordance with the Dog Act 1976 and the Cat Act 2011 and regulations:

Phillipa Murray	Lisa Hannagan
Shenae Watts	Cherrie Campbell
Shelby Hannagan	Karl Hirschmann

3. And cancels all previous authorisations.**Voting Requirement:** Simple Majority

CARRIED/LOST:

10.3 EXECUTIVE MANAGER, PROJECTS AND COMMUNITY BUILDING REPORTS

Nil.

10.4 EXECUTIVE MANAGER, PROPERTY & ASSETS REPORTS**10.4.1 Katanning Country Club Request for Installation of a Gate – Round Drive
(ATTACHMENTS)**

File Ref: RD.MA.1
Reporting Officer: Heidi Cowcher, Executive Manager Property & Assets
Date Report Prepared: 22 October 2019

Issue

To consider a request from the Katanning Country Club to install a vehicle barrier gate across a gazetted section of Round Drive.

Body/Background

The Katanning Country Club (KCC) recently applied to close a section of Round Drive from the entrance to the Country Club to the boundary of the Golf Course and adjoining landowners Bill & Wendy Dawson. This approval was granted, and this section of the road is formally closed and is no longer a gazetted road.

At the formal closure of this road, it was considered that a gate would be installed to prevent through traffic. The gate proposed is to be constructed of pine posts and rails, with a chain strung between. This would provide a physical barrier to deter vehicles, and the pine posts/rails adjacent would enable pedestrians to be able to negotiate the closed road unimpeded.

The KCC has submitted a request to the Shire to install 'No Through Road' signs at the entrance to the Clubhouse at the start of the closed road; one for the boundary of the Golf course and at the Katanning Senior High School on Round Drive near the old Hostel.

The KCC have requested the installation of a gate to further address unauthorised vehicle access that is causing concern to the Club and its members. The Club has liaised with adjoining landowners to ensure that there was general agreement for this request to be submitted – for which they have received unanimous support. The Club members believe that the gate needs to be installed 10m west of the corner of Round Drive to ensure that any vehicle that accidentally drove up to the closed gate, would have the ability to be able to turn around safely and return down the road.

Schedule 9.1 (5) of the *Local Government Act 1995* gives power to a local government to grant approval for a gate to be placed across a road. The legislation states:

5. Gates across public thoroughfares

- (1) Regulations may be made under which a local government may authorise a person to have across a public thoroughfare that is under its control or management a gate or other device that enables motor traffic to pass and prevents the straying of livestock;*
- (2) Regulations may include provisions for ensuring that a gate that has been placed across a public thoroughfare with the authority of a local government is not left open.*

Regulations 9 & 10 of the *Local Government (Uniform Local Provisions) Regulations 1996* detail the process to be used by a local government to grant permission for a gate. It is primarily for the purpose of preventing the straying of livestock, but also acts as a practical deterrent for people who do not have a valid reason to use the road. It is a useful tool for property owners to control access to road reserves that are not part of the regular road network.

The wording of the Regulations states:

9. Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)

- (1) A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying;*
- (2) The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit;*
- (3) Permission granted by the local government under this regulation —*
 - a. must be in writing; and*
 - b. must specify the period for which it is granted; and*
 - c. must specify each condition imposed under sub regulation; and*
 - d. may be renewed from time to time; and*
 - e. may be cancelled by giving written notice to the person to whom the permission was granted.*
- (4) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, conditions on the construction, placement and maintenance of the gate or other device across the public thoroughfare;*
- (5) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under sub regulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted;*
- (6) The local government may at any time, by written notice given to the person to whom permission was granted under this regulation, cancel the permission and request the person responsible for the gate or other device to remove it within a time specified in the request;*
- (7) A person to whom a request is made under sub regulation (6) must comply with the request.*
- (8) Penalty: a fine of \$5,000.*
- (9) A local government must keep a register of gates and other devices constructed in accordance with a permission granted under this regulation.*

10. Gate across thoroughfare not to be left open — Sch. 9.1 cl. 5(2)

A person who is responsible for a gate registered under regulation 9(8) must ensure that the gate is not left open. Penalty: a fine of \$1,000

It is recommended that permission be granted to the Katanning Country Club to install a gate 10m west of the corner of Round Drive immediately past Dawson's property. This location has the support of the landowners immediately affected. Any emergency service personnel requiring access will be issued with appropriate keys to ensure unimpeded access during an emergency. Installing a chain would also enable the chain to be cut in an emergency where keys were unable to be accessed.

Statutory Environment:

Local Government Act 1995

Policy Implications:

2.5 Purchasing Policy

2.7 Buy Local Regional Price Preference

Financial Implications:

The Katanning Country Club will cover the costs of the installation of the gate including keys (and the distribution to emergency services as required).

The Shire will cover the costs of the purchase and installation of the 'No Through Road' signs as requested.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017-2027

PRIORITY	SOCIAL ENVIRONMENT	
ASPIRATION	S2	A safe community
OBJECTIVE	S2.1	Strive for a community where people feel safe and secure
PRIORITY	BUILT ENVIRONMENT	
ASPIRATION	B1	Infrastructure that meets community need
OBJECTIVE	B1.1	Sustainably manage current and future assets and infrastructure
OBJECTIVE	B1.2	Provide Council facilities that meet community need

Officer's Recommendation / Council Motion:

OC/19 That Council grants approval to the Katanning Country Club to install a gate across Round Drive 10m to the west of the corner as noted on the plan submitted in accordance with Schedule 9.1 (5) of the *Local Government Act 1995* and Regulations 9 and 10 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

Voting Requirement: Simple Majority

CARRIED / LOST:

10.5 CHIEF EXECUTIVE OFFICER'S REPORTS

10.5.1 Nominations for Southern Joint Development Assessment Panel

File Ref: CS.PL.1
Reporting Officer: Delma Baesjou – Consultant Planner
Date Report Prepared: 22 October 2019

Issue:

To consider nominations for membership on the Joint Development Assessment Panel (JDAP).

Body/Background:

In accordance with the Planning and Development (Development Assessment Panels) Regulations 2011, the Shire of Katanning is eligible to nominate two (2) representative members and two (2) alternate (deputy) members to represent the Shire on the Southern Joint Development Assessment Panel (JDAP).

The Assessment Panels determine development applications submitted under local planning schemes. The Panels are an independent decision-making body comprising three (3) technical experts and two (2) elected local government representatives. These JDAPs consider development applications that exceed \$10 million, and those proposals exceeding \$2 million if applicants have chosen to “opt-in”.

The Development Assessment Panels (DAP) planning approval system was introduced in July 2011 with the intention of creating a more streamlined planning approval process. DAPs were established with the intention of providing a better balance between independent professional advice and Local Government representation through the involvement of independent technical experts in the determination of significant development proposals. The process has been reviewed twice since then, taking account of feedback from local government, stakeholder and the recommendations from the 2015 State Parliamentary inquiry. The criterion for a planning assessment by DAPs was amended at the beginning of 2015-16, with a lowering of the ‘opt in’ eligibility threshold to \$2m. Under the current State Government’s Action Plan for Planning Reform, changes to the DAP process are proposed to promote consistency and transparency in decision making. In recent correspondence the Director General advises local government membership configuration on the DAP will not be affected by the reform initiatives.

Officer’s Comment:

Current members are:

Member 1	Cr Owen Boxall – expires 2020
Member 2	Cr Danny McGrath - expires 2020, and
Alternative Member.	Cr John Goodheart – expires 2019

Confirmations and Nominations are requested to be received by 8 November 2019 and may be submitted on-line. Existing members are eligible for re-nomination.

Membership of Development Assessment Panel is subject to approval and appointment by the Minister for Planning.

Members must undertake training provided by the Department of Planning Lands and Heritage prior to attending a JDAP meeting. The DAPs Secretariat advises that Cr Goodheart is the only Shire of Katanning member to have completed the mandatory training. It is anticipated that DAPs training will be scheduled early in 2020.

It is appropriate and judicious for the Shire to confirm/nominate up to four (4) members for Southern JDAP. Alternatively, elected members may:

1. Reserve the right not to nominate to JDAP at this time;
2. Reserve the right to nominate at a later date should a vacancy be available; or
3. Nominate for membership at a future date, should a vacancy become available.

Statutory Environment:

The Planning and Development (Development Assessment Panels) Regulations 2011.

Appointment to sit on the JDAP requires an absolute majority decision of Council.

Policy Implications:

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

Financial Implications:

Members are entitled to be paid for meetings and training.

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 relevant training.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY		LEADERSHIP
ASPIRATION	L1	An inclusive community, recognized as a great place to live and visit.
OBJECTIVE	L1.2	Provide effective leadership and good governance
PRIORITY		ECONOMIC
ASPIRATION	E3	Sustainable economic and population growth
OBJECTIVE	E3.2	Continue to build Katanning's reputation as a strategic sub-regional service centre and economic hub.
PRIORITY		BUILT ENVIRONMENT
ASPIRATION	B2	Places for the community to live, work and connect
OBJECTIVE	B2.3	Orderly development (Town Planning)

Officer’s Recommendation/Council Motion:

OC/19 **That Council nominates the following elected members to represent the Shire of Katanning on the Southern Joint Development Assessment Panel:**

- 1. Councillor**
- 2. Councillor**
- 3. (Alternate) Councillor**
- 4. (Alternate) Councillor**

Voting Requirement: Absolute Majority

CARRIED/LOST:

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

Nil

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

Nil

13. CONFIDENTIAL ITEMS**PROCEDURAL MOTION****MOVED:****SECONDED:**

- OC/19** That Council closes the meeting to the public to consider the following items.
- **RFQ 026-2019 Chipper Street Road Construction and Frederick Street Off-Street Parking**
 - **RFT 07-2019: Piesse Park Shelters & Amphitheatre Stage.**
 - **RFT 04-2019: Establishment of Medical Centre: Lease of Old Shire Administration Building**

Voting Requirement: Simple Majority

CARRIED/LOST:

13.1 **RFQ 026-2019 Chipper Street Road Construction and Frederick Street Off-Street Parking**

File Ref: CP.TE.8**Reporting Officer:** Heidi Cowcher, Executive Manager Property & Assets**Date Report Prepared:** 2 October 2019**Reasons for Confidentiality**

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

Officer's Recommendation / Council Motion:

- OC/19** That Council accepts the submission from TriCoast Civil for \$439,805.64 in response to RFQ 026-2019 Chipper Street Road Construction and Frederick Street Off-Street Parking.

Voting Requirement: Simple Majority

CARRIED / LOST:

13.2 **RFT 07-2019: Piesse Park Shelters & Amphitheatre Stage**
(ATTACHMENT)

File Ref: CP.TE.8
Reporting Officer: Heidi Cowcher, Executive Manager Property & Assets
Date Report Prepared: 23 October 2019

Reasons for Confidentiality

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

Officer's Recommendation / Council Motion:

OC/19 **That Council accepts the tender from Phase3 Landscape Constructions for RFT 07-2019 Piesse Park Shelters & Amphitheatre Stage as per the tender evaluation report provided.**

Voting Requirement: Simple Majority

CARRIED / LOST:

13.3 **RFT 04-2019: Establishment of Medical Centre: Lease of Old Shire Administration Building**

File Ref: CP.AL.4
Reporting Officer: Heidi Cowcher, Executive Manager Property & Assets
Date Report Prepared: 23 October 2019

Reasons for Confidentiality

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

Officer's Recommendation / Council Motion:

OC/19 **That Council accepts the tender from First Health Services for RFT 04-2019 Establishment of Medical Centre: Lease of Old Shire Administration Building as per the tender evaluation report.**

Voting Requirement: Simple Majority

CARRIED / LOST:

PROCEDURAL MOTION

MOVED: **SECONDED:**

OC/19 **That Council reopens the meeting to the public.**

Voting Requirement: Simple Majority

CARRIED/LOST:

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at ___ pm