



Shire of
Katanning
Heart of the Great Southern

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

**NOTICE OF
ORDINARY COUNCIL MEETING**

Dear Council Member

The next Ordinary Council Meeting of the Shire of Katanning will be held on
Tuesday 24 November 2020 in the Shire of Katanning Council Chambers,
52 Austral Terrace, Katanning, commencing at 6:00pm.

Julian Murphy
CHIEF EXECUTIVE OFFICER
Friday 20 November 2020

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 VISITORS

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
Heidi Cowcher, Executive Manager Infrastructure & Assets
Denise Gobbart, Acting Executive Manager Corporate & Community
Sue Eastcott, Executive Assistant to CEO

Gallery:

Media:

Apologies:

Leave of Absence:

3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE****5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS****6. PUBLIC QUESTION/STATEMENT TIME****7. APPLICATIONS FOR LEAVE OF ABSENCE****8. PETITIONS/DEPUTATIONS/PRESENTATIONS****9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****9.1 Ordinary Council Meeting – Tuesday 27 October 2020
(SEE ATTACHED MINUTES)**

OC/20 That the minutes of the Ordinary Council Meeting held on Tuesday 27 October 2020 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 AND ASSETS**10.1.1 Offer Unit 5 Amherst Village**

File Ref: GV.EL.5
Reporting Officer: Heidi Cowcher, Executive Manager Infrastructure & Assets
Date Report Prepared: 13 November 2020

Issue:

For Council to consider an offer received in relation to Unit 5, Amherst Village.

Body/Background:

There are currently three vacant units at the Amherst Village in Katanning. This one as under offer and another one with an offer imminent.

Council have received an offer of \$120,000 as an initial capital deposit, to enter a Licence to Occupy agreement, as per Council Policy 6.2, from Mrs Helen Rosalie Jentz.

Officer's Comment:

The policy states that a successful applicant pay a 10% deposit within 7 days, with remaining funds to be paid within 35 days.

Mrs Jentz's family, who are assisting her with this purchase, have advised that she is able to comply with the policy and would then immediately move into the Village.

Statutory Environment:

Local Government Act 1995

Policy Implications:

6.2 - Allocation of Units at Amherst Village

Financial Implications:

Council have a Reserve (Amherst Village Refundable Deposits Reserve) and transfers of Licences between departing and new residents and therefore this does not create any operational cost to Council.

The last Licence to Occupy this property was signed in February 2013 (Hueppauff) and the initial capital deposit was \$130,000. On Mr Hueppauff's death in April 2019, the agreement was terminated. In June 2019, the family was refunded \$54,600. On entering a new licence agreement with Mrs Jentz, the balance of \$36,400 will be refunded.

The terms of the Licence to Occupy state:

12. *In the event that the next succeeding resident to the Unit purchase price exceeds the residents Initial Capital Deposit the Shire shall pay to the resident one half of the profit.*

With Mrs Jentz's offer being \$10,000 lower than the previous capital investment, there is no profit share in this instance.

If Council resolve to accept the offer from Mrs Jentz, the second portion of Mr Hueppauff's remaining refund of \$36,400 will be finalised.

Refurbishment of Unit 5 will now be undertaken and will include a replacement of the carpet and lino throughout; internal wall painting (not walls or skirtings as they are still in reasonable condition). The bathroom will need an upgrade; however, this will be included in then 2021/22 budget. The family are aware of this and are happy.

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 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L1	An inclusive community, recognised as a great place to live and visit.
OBJECTIVE	L1.2	Provide effective leadership and good governance.

Officer's Recommendation/Council Motion:

OC/20 **That Council accepts the offer made by Mrs Helen Rosalie Jentz, for the sum of \$120,000 for Unit 5 Amherst Village and refund the family of the previous occupier.**

Voting Requirement: Simple Majority

CARRIED/LOST:

10.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

10.2.1 Schedule of Accounts (ATTACHMENTS)

File Ref: FM.FI.4
Reporting Officer: Shenae Watts, Creditors Officer
Report Prepared: 9 November 2020

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	1,065.35	1,327,621.42	37,190.14	5,109.64	248,178.73	0.00	1,619,165.25
August	14,612.21	1,426,957.07	29,249.32	2,292.54	243,501.24	0.00	1,687,363.06
September	15,827.22	1,344,053.88	47,884.08	13,384.94	404,488.03	0.00	1,825,638.15
October	6,666.86	2,685,453.19	48,261.12	3,216.50	231,162.66	0.00	2,974,760.33
November							
December							
January							
February							
March							
April							
May							
June							
Total	38,171.64	6,784,085.56	162,584.66	24,003.62	1,127,330.66	0.00	8,106,926.79

Officer's Comment:

The schedule of accounts for the month of October 2020 are attached.

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 2020/21 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/20 That Council endorses the Schedule of Accounts as presented, being cheques 42344-42352 totalling \$6,666.86, EFT payments 30685-30900 totalling \$2,685,453.19, direct payments totalling \$48,261.12, and credit card payments totalling \$3,216.50 authorised and paid in October 2020.

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: 17 November 2020

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 statement's attachment.

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/20 That Council adopts the Statement of Financial Activity for the month ending 31 October 2020, as presented.

Voting Requirement: Simple Majority

CARRIED/LOST:

Policy Implications:

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

Financial Implications:

The 2020/21 Annual Budget allocates a provision of \$500 to write off small balances.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L1	An inclusive community, recognised as a great place to live and visit.
OBJECTIVE	L1.1	Operate with high ethical and professional standards
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/20 **That Council, adopts the proposed amendments to Policy 2.11 Debt Recovery.**

Voting Requirement: Simple Majority

CARRIED/LOST:

Financial Implications:

The removal of the requirement for a \$100 bond will have a minimal impact on any future funding of maintenance that may be required, due to pets being kept.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L1	An inclusive community, recognised as a great place to live and visit.
OBJECTIVE	L1.1	Operate with high ethical and professional standards
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/20 That Council, adopts the proposed amendments to Policy 6.18 Pets – Amherst Village.

Voting Requirement: Simple Majority

CARRIED/LOST:

10.2.5 Katanning Leisure Centre Opening Hours - January 2021

File Ref: RC.LI.1
Reporting Officer: Denise Gobbart, Acting Executive Manager Corporate & Community
Date Report Prepared: 16 November 2020

Issue:

For Council to consider reducing the hours of operations for the Katanning Leisure Centre (KLC) during January 2021.

Body/Background:

The following hours of operations are proposed for January 2021:

DATE	MORNING	AFTERNOON
1 January	CLOSED	CLOSED
2 January	CLOSED	CLOSED
3 January	CLOSED	CLOSED
4 January	6.00am – 8.00am (Members Only)	CLOSED for Maintenance
5 January	6.00am – 8.00am (Members Only)	CLOSED for Maintenance
6 January	6.00am – 8.00am (Members Only)	CLOSED for Maintenance
7 January	6.00am – 8.00am (Members Only)	CLOSED for Maintenance
8 January	6.00am – 8.00am (Members Only)	CLOSED for Maintenance
9 January	CLOSED	CLOSED
10 January	CLOSED	CLOSED
11 – 15 January	6.00am – 8.00am members only 8.00am -11.00am all gym users	4.00pm – 8.30pm all gym users
16 January	CLOSED	CLOSED
17 January	CLOSED	CLOSED
18 - 22 January	6.00am – 8.00am members only 8.00am -11.00am all gym users	4.00pm – 8.30pm all gym users
23 January	CLOSED	CLOSED
24 January	CLOSED	CLOSED

Normal operating hours are proposed from 25 January 2021 with four (4) days of School Holiday Programs. It is anticipated that Gymnastics/Trampolining will commence Saturday 30 January, this is to be confirmed.

During the week commencing Monday 4 January 2021 the following required maintenance is proposed to be completed;

- Re-sanding and seal of floor, on courts 1 & 2 due to “bubbling effect” from 2020 full sand and seal. The company will be returning to complete this at no charge to the Shire.

They require 4 days to re-sand and seal the agreed areas. Courts 1 & 2 will not be available for public use until 18 January. 4 – 8 January to be confirmed with company.

- Handrail painting is required within the centre and surrounds. This is included in the 2020/21 maintenance budget; this will be conducted whilst the centre is closed.

During the proposed restricted opening hours, it is proposed to have one (1) fulltime staff member working the split shifts. Staff will also be present for maintenance/service providers whilst the centre is closed to public. Our part time Cleaner, will also work when required plus assist with the clean up after maintenance and conduct annual cleaning procedures whilst closed to the Public.

The KLC Manager will be taking three (3) weeks annual leave, returning to work on 1 February 2021. The vacant positions of KLC Administration and Youth Programs Officer, will not be filled until February 2020.

Officer’s Comment:

It is recommended to Council that the proposed January 2021 operating hours for the KLC be endorsed.

These operating hours were trialled successfully in January 2020. The KLC Manager is not aware of any negative feedback during this time. It is noted that the Katanning Aquatic Centre is open during January, giving an alternate venue for youth to attend.

Statutory Environment:

Not applicable

Policy Implications:

There are no policy implications for this report.

Financial Implications:

The KLC Operational Review – August 2019 estimated that savings of \$4,872 would be made with the Christmas / January closures. There will be savings in staff salaries as the vacant fulltime position will not be filled until February 2021.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	SOCIAL	
ASPIRATION	S1	A capable, vibrant, healthy & connected community
OBJECTIVE	S1.1	Provide sport, recreation and leisure opportunities that contribute to the health and wellbeing of our growing and diverse community.
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/20 That Council, endorses the following hours of operation for the Katanning Leisure Centre during January 2021;

WEEK	DATES	OPERATING HOURS
1	4-8 January	6.00am – 8.00am Members only
2	11-15 January	6.00am – 8.00am Members only 8.00am – 11.00am All Gym Users 4.00pm – 8.30pm All Gym Users
3	18-22 January	6.00am – 8.00am Members only 8.00am – 11.00am All Gym Users 4.00pm – 8.30pm All Gym Users
4	25 January	6.00am – 8.30am Members only 8.30am – 8.30pm
	26 January	Closed – Public Holiday
	27-28 January	6.00am – 8.30am Members only 8.30am – 8.30pm
	29 January	6.00am – 8.30am Members only 8.30am – 7.00pm
	30 January	9.00am – 1.00pm

Voting Requirement: Simple Majority

CARRIED/LOST:

10.2.6 Write-off of Interest – A2212, A3600 & A3699

File Ref: A2212, A3600 & A3699
Reporting Officer: Kristina O'Donnell, Rates & Debtors Officer
Date Report Prepared: 12 October 2020

Issue:

To consider a request to write-off interest totalling \$1,165.55 that has accrued on the following assessments:

A2212 – \$51.12
A3600 – \$1,073.90
A3699 – \$40.53

Body/Background:

The owner of the assessments listed above, claim that they did not receive Rate Notices after the 2019 billing was issued. Contact had previously been made with the Shire to request copies to be emailed, but they did not receive the notices.

On 1 May 2020 correspondence was received from the owner advising that they had recently received notices with interest charges for overdue amounts. They did receive a notice at the same address for another property, which were paid, a representative contacted our Rates Officer in November 2018 to change the postal address and requested the notices be emailed in addition to posted. An Audit Trail of these properties show that the postal address was changed at the time. There is no evidence that the notices were ever sent by post or email.

The properties were amalgamated into a new assessment A3732 in March 2020. It was because of this interim rating process that adjusted rate notices were issued and the extent of the outstanding rates were realised.

The owners had acquired the property in 2018 and were not familiar with the number of rate notices that related to the property. When calling to pay the account received by credit card, they were not aware of other accounts outstanding.

The contact made on 1 May 2020 has not been resolved, and interest continues to accrue on the properties.

The new assessment A3732 has been paid in full.

Officer's Comment:

It appears that previous practice when rate billing occurred was to remove any rate notices that had interim rates to be issued. This would reflect why the original rate notices were not issued.

The interim rate Schedule R2018/6 was received soon after 22 June 2018, the common practise is that Interim Rating is closed off at the end of May. The interims are then to be levied after the new year billing has been levied.

As Interim rates were to be levied the original notices were removed from the mailing process. Unfortunately, the Interim Rate processes were not undertaken soon after the billing. Evidence shows this was not completed until March 2020. It was after this the interim notices were issued.

Processes for Interim Rates received in June and prior to rate billing have now changed. Rate Billing is completed based on the revised annual revaluation. Once this has been completed all interim rates are then finalised. After this time the rate notices are produced. All notices are then issued by mail. Given this, notices are not removed from the mailing process.

Due to the administrative errors and delays it is recommended that Council approves the penalty interest write-off for these properties.

Statutory Environment:

Local Government Act 1995

Section 6.12 Power to defer, grant discount, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

* Absolute majority required.

Policy Implications:

Policy 2.11 Debt Recovery only allows the Chief Executive Officer to approve a penalty interest write off up to \$20.00.

Financial Implications:

The write-off of penalty interest for assessments A2212, A3600 and A3699, would incur a loss of revenue totalling \$1,165.55.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L1	An inclusive community, recognised as a great place to live and visit.
OBJECTIVE	L1.1	Operate with high ethical and professional standards
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/20 That Council approves the write-off of interest totalling \$1,165.55 for the following assessments;

A2212	\$51.12
A3600	\$1,073.90
A3699	\$40.53

Voting Requirements: Simple Majority

CARRIED/LOST:

10.2.7 Mobile Food Trailer – Fees & Charges**File Ref:**

Reporting Officer: D Gallanagh Wood, Community Development & Projects
Coordinator

Date Report Prepared: 16 November 2020

Issue:

Requesting Council adopt Fees & Charges for the hire of the newly acquired Mobile Food Trailer (MFT).

Body/Background:

The Mobile Food Trailer was partially funded by a \$35,960 grant received from Regional Economic Development Commission - Great Southern Regional Development Commission - Katanning Tourism Attraction and Development (TAD) programme for the following; Food Cart \$30,000, Training/Development \$4,960, Network development \$1,000.

The TAD project focused on sector development though skill buildings in the areas of marketing, merchandising, planning, food safety and handling training and by providing access to a fully equipped food cart at an affordable price so as to support current and emerging businesses, facilitating opportunities that nurture new ventures, creates events and activities to activate the town and develop tourist attractions.

To encourage network development the TAD project targeted food and tourist service businesses and delivered Fire Extinguisher and Food Handling workshops to 30 attendees. An Optimising Networking workshop was held. In addition, two sessions were facilitated by Creative Albany on food innovation with local businesses and two sessions were facilitated who engage with tourists to explore trail content development.

It is the intention that the MFT will have a cost negative effect on the budget. To facilitate this, it is proposed that a reserve account be set up so residual annual income is allocated for future replacement and upgrades. The projected annual expenses and revenue are shown in the following table;

ITEM	COMMENTS	COST
Maintenance	Estimate	\$800.00
Tyres	Bi-annually replacement	\$400.00
Gas bottles	Refill \$30 x 6	\$180.00
Registration		\$55.00
Insurance	Plant & Equipment	\$900.00
Upgrade – additions	Signs & Equipment as identified – approximated cost \$1500 – Grants will be applied for dependant	
Commercial Clean	2 x annual Deep Cleans	\$300.00
Total		\$2,635.00
PROJECTED INCOME		
Community Hire	Daily charge	\$1,000.00
Commercial Hire	Daily charge	\$4,000.00
Commercial Clean	This will be charged at cost if required	
		\$5,000.00

It is proposed that the Fees & Charges be set as follows;

MOBILE FOOD TRAILER	FEE
Commercial / Business Day rate	\$220.00
Community / Not-for-Profit Day rate	\$110.00
Bond	\$500.00
Professional Cleaning – dependant on the level of cleaning required	At Cost plus 15%

On 8 October 2020 the CEO Julian Murphy agreed to a promotional activity where local businesses were nominated to go in a draw to win their first hire free, this is deemed a fee waiver. Based on the proposed fees the value of this is up to \$220.00. The MFT was launched on Wednesday 4 November and the winner of the draw was a not for profit, so the actual financial implication is \$110.00.

Officer's Comment:

It is recommended that the proposed fees and charges be endorsed, and local public notice be given, to enable the hiring of the MFT.

Statutory Environment:

Local Government Act 1995

6.16. Imposition of fees and charges

(1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

* Absolute majority required.

6.17. Setting level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) the cost to the local government of providing the service or goods; and
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

(2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —

- (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications:

There are no policy implications for this report.

Financial Implications:

Annual revenue is projected at \$5,000. This is based on ten (10) Community/Not-for-Profit hires and ten (10) Commercial/Business hires.

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:

PRIORITY	SOCIAL	
ASPIRATION	S3	A resilient, engaged community with a strong sense of pride.
OBJECTIVE	S3.2	Build social and resilience through providing diverse options for participation and engagement.
ASPIRATION	E2	A great place to live and visit.
OBJECTIVE	E2.2	Provide and support local and regionally significant events that have both positive economic and social benefits.

Officer's Recommendation/Council Motion:**OC/20****That Council,**

- 1. Amends the Schedule of Fees & Charges 2020/21 to include the following hire fees for the Mobile Food Van**

Fee Type Description	Hire Basis	Fee	GST
Mobile Food Trailer Community / Not-for Profit	Per Day	\$220.00	GST Charged
Mobile Food Trailer Commercial / Business	Per Day	\$110.00	GST Charged
Mobile Food Trailer Bond	Per Hire	\$500.00	No GST
Cleaning At Cost & 15% Administration Fee	Per Hire		GST Charged

- 2. Gives local public notice of the intention to change the Schedule of Fees & Charges 2020/21, with the charges effective 14 December 2020.**

Voting Requirement: Absolute Majority

CARRIED/LOST:

Notwithstanding that the *Local Government Act 1995* provides any land being used for charitable purposes as being not rateable, there exists no definition of 'charitable' in that Act. Therefore, in the absence of a statutory definition, reference is made to case law.

The two cases most often referred to in Western Australia are the Shire of Ashburton vs Bindibindi Community Aboriginal Corporation (Bindibindi) and Shire of Derby West Kimberley vs Yungngora Association Inc (Yungngora).

In Bindibindi the court accepted that the advancement of Aboriginal people generally was a charitable purpose. However, Yungngora restricted this result somewhat when, on appeal, the Supreme Court held that land is not used for charitable purposes where the land is used for the purpose of raising funds to be used for charitable purposes.

As revenue is derived from hiring the subject hall on the land, a strict interpretation (Yungngora) could result in the property not being eligible for non-rateable status.

However, as the hall appears to be used only for cultural events and the revenue is secondary, the wider interpretation of Bindibindi could be applied.

Further if Bindibindi is applied and as the use has not changed since 2015/16, it would be reasonable to declare the land non-rateable pursuant to Section 6.26 (g) of the *Local Government Act 1995* from that financial year.

Policy Implications:

Nil

Financial Implications:

There is a cost implication in granting the requested non-rateable status. A loss of rates income for the property for each financial year in which the rate exemption is in place would result.

The use/ownership of the land should be reviewed annually to confirm non-rateable status.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

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

Officer's Recommendation/Council Motion:

OC/20 That pursuant to Section 6.26 (g) of the *Local Government Act 1995*, Assessment A3022 1 Dijon Street Katanning be declared non-rateable, effective 1 July 2020, as the owner of the land is incorporated pursuant to the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and the stated objectives of which provide for the advancement, promotion and improvement of the standard of living for Aboriginal people.

Voting Requirements: Simple Majority

CARRIED/LOST:

10.3 CHIEF EXECUTIVE OFFICER'S REPORTS**10.3.1 Soil Conservation Service Charge**
(ATTACHMENT)

File Ref: RV.FE.1
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 18 November 2020

Issue:

To consider a request from the Katanning Land Conservation District Committee (LCDC) to support a soil conservation service charge for the rate years 2021-2022, 2022-2023, 2023-2024 of \$35 per rateable assessment.

Body/Background:

Since 1999 the Shire of Katanning has supported a service charge on landowners to contribute to the cost of providing a soil conservation service. The service charge is imposed by the Minister for Agriculture acting on advice from the Katanning Land Care District Committee (LCDC) to support their continued Landcare operations within the Shire.

The Minister's approval for the service charge ceases with the 2020/21 rates assessments. If the arrangement is to continue it is necessary for the LCDC to request the Minister for Agriculture and Food to approve the service charge for the next three years. Council must agree to the imposition of the service charge.

The steps that must be undertaken by LCDCs considering a soil conservation service charge are:

- The LCDC to pass a resolution to impose a service charge;
- The LCDC must hold a public meeting to vote on the service charge proposal;
- Recommendation of public meeting to be forwarded to Local Government; and
- Following confirmation of Local Government support, forward a recommendation to the Minister.

The public meeting was held at the Katanning Leisure Centre Pioneer Room on Wednesday 28 October 2020, at which the following resolution was carried:

"That a Soil Conservation Service Charge be raised under section 25A of Soil and Land Conservation Act 1945 (amended 1999). This charge to be \$35 per rateable assessment for the financial years 2021-2022, 2022-2023 and 2023-2024, for the purpose of assisting with the funding of the following projects:

- i. Katanning LCDC District Landcare Officer and Resource Centre*
- ii. Project development for on ground works for salinity management (draft title)"*

Officer's Comment:

The Katanning LCDC is a local community group that has been very effective over the past years in undertaking many landcare initiatives including the Lake Ewlyamartup restoration project and Piesse Lake revegetation project and is worthy of Council's continued support.

A copy of the Minutes of the public meeting are attached

Statutory Environment:*Soil and Land Conservation Act 1945*

The Minister, acting on advice of an LCDC, may impose a service charge on landowners to meet the cost of providing a soil conservation service.

25A. Imposition of rate or service charge

- (1) Subject to subsections (6) and (7) the Minister acting on the recommendation of the district committee for a land conservation district may, by notice published in the *Gazette*, impose a rate in respect of that district or such part of that district as is specified in the notice, and where a rate is so imposed rates shall be assessed, collected and paid on land in accordance with this Division at the rate so imposed.
- (3) Subject to subsection (5) a rate imposed under subsection (1) applies to all land within the land conservation district or part of a land conservation district, as the case may be, that is at the time of the imposition of the rate rateable land in a local government district for the purposes of Part 6 of the *Local Government Act 1995* and the amount payable by way of rates on any land —
 - (a) shall be assessed on the gross rental value of that land or unimproved value of that land, as the case may be, shown at that time in the rate record of the local government of that district; and
 - (b) is payable by the owner of that land as shown at that time in the rate record of the local government of that district.
- (3a) Subject to subsection (5), a service charge imposed under subsection (1a) —
 - (a) applies to all land within the land conservation district or part of a land conservation district, as the case may be, that is at the time of the imposition of the service charge rateable land in a local government district for the purposes of Part 6 of the *Local Government Act 1995*; and
 - (b) is payable by the owner of that land as shown at that time in the rate record of the local government of that district.
- (7) Before exercising any power conferred on him by this section the Minister shall consult with the local government of each district that is wholly or in part comprised within the land conservation district, or part of a land conservation district, in respect of which the power is proposed to be exercised.
- (8) Before imposing a service charge the Minister is to ensure that the prescribed steps have been taken or will be taken by the district committee for the land conservation district in which it is proposed to impose the service charge.
- (9) The steps that are prescribed for the purposes of subsection (8) in relation to a proposed service charge are to include —
 - (a) the holding of one or more public meetings for the consideration of the service charge by persons who would be required to pay it and who attend such a meeting;
 - (b) the placing of prescribed information before any such public meeting; and
 - (c) the giving of an opportunity to persons referred to in paragraph (a) to vote at a public meeting for or against the service charge or otherwise to express their views.
- (10) Regulations made as mentioned in subsection (9)(a) in relation to public meetings are to include —
 - (a) requirements to be observed in connection with the calling of any public meeting, including a requirement to give public notice of the meeting;
 - (b) provision as to the chairperson; and

- (c) provision for the procedures to be followed, including provisions for a quorum and in respect of voting.
- (11) The imposition of a service charge is of no effect if any prescribed step is not taken or is not taken in accordance with the regulations.

Policy Implications:

Nil.

Financial Implications:

The Service Charge raised in 2020/21 at \$35 per assessment was approximately \$74,250. The Shire receives an administration fee of 5% (approximately \$3,700).

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	NATURAL ENVIRONMENT	
ASPIRATION	N1	A community and council that are environmentally aware and engaged.
OBJECTIVE	N1.1	Promote environmentally friendly action.
ASPIRATION	N3	A strong sense of community ownership and pride for the natural environment.
OBJECTIVE	N3.1	Encourage the community to feel proud of and take ownership of public spaces.

Officer's Recommendation/Council Motion:

OC/20

That Council:

1. Endorses the Katanning Land Conservation District Committee's (LCDC) recommendation that a Soil Conservation Service Charge be raised under section 25A of Soil and Land Conservation Act 1945 (amended 1999). This charge to be \$35 per rateable assessment for the financial years 2021-2022, 2022-2023 and 2023-2024, for the purpose of assisting with the funding of the following projects:
 - i. Katanning LCDC District Landcare Officer and Resource Centre
 - ii. Project development for on ground works for salinity management (draft title); and
2. Advises the Katanning LCDC that the Shire of Katanning is willing to levy and collect the service charge on their behalf, and confirm that the administration fee for collection will remain at 5%.

Voting Requirement: Simple Majority

CARRIED/LOST:

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

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

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

OC/20 That Council closes the meeting to the public to consider the following item:

- **Katanning Citizen of the Year Awards 2021**

Voting Requirement: Simple Majority**CARRIED/LOST:**

13.1 **Katanning Citizen of the Year Awards 2021**
(ATTACHMENT)

File Ref: CR.AW.2
Reporting Officer: Natassia Shirazee, Community Relations Officer
Date Report Prepared: 17 November 2020

Reason for Confidentiality

The Officer's Report is confidential in accordance with section 5.23(2)(b) of the Local Government Act because it deals with the personal affairs of persons. The Officer's Report has been provided to Council under separate cover.

Officer's Recommendation/Council Motion:

OC/20 That Council endorses the recommendations from the Citizen of the Year Committee for the 2021 Katanning Citizen of the Year and Community Long Service Awards.

Voting Requirement: Simple Majority**CARRIED/LOST:****PROCEDURAL MOTION****MOVED:** **SECONDED:**

OC/20 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.