



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

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

**MINUTES OF  
ORDINARY COUNCIL MEETING**

Dear Council Member

The next Ordinary Council Meeting of the Shire of Katanning will be held on  
Tuesday 23 February 2021 in the Shire of Katanning Council Chambers,  
52 Austral Terrace, Katanning.

DISCLAIMER

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

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

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



## Table of Contents

Item No.	Item Heading	Page No.
<b>1</b>	<b>Declaration of Opening/Announcement of Visitors</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>	5
<b>5</b>	<b>Disclosure of Financial/Impartiality Interest</b>	5
<b>6</b>	<b>Public Question/Statement Time</b>	5
<b>7</b>	<b>Applications for Leave of Absence</b>	5
<b>8</b>	<b>Petitions/Deputations/Presentations</b>	5
<b>9</b>	<b>Confirmation of Minutes of Previous Meetings</b>	5
9.2	Ordinary Council Meeting – 22 December 2020	5
9.3	Special Council Meeting - 15 January 2021	5
<b>10</b>	<b>Reports of Committees and Officers</b>	6
<b>10.1</b>	<b>Executive Manager Infrastructure and Assets</b>	6
<b>10.2</b>	<b>Executive Manager Corporate and Community</b>	6
10.2.1	Schedule of Accounts – December 2020	6
10.2.2	Monthly Financial Reports – December and January 2020	8
10.2.3	Schedule of Accounts – January 2021	11
10.2.4	Conduct of 2021 Local Government Election	13
10.2.5	Unit 11 Amherst Village - Offer	17
10.2.6	Offer Unit 9 Amherst Village	19
10.2.7	Building Community Capacity Project – Lotterywest Application	21
10.2.8	Katanning Wanderers Football Club Licence	25
<b>10.3</b>	<b>Chief Executive Officer's Reports</b>	30
10.3.1	Friends of Piesse Park – 19 Charles Street Katanning	30
<b>11</b>	<b>Elected Members Motions</b>	33
<b>12</b>	<b>New Business of an Urgent Nature</b>	33
12.1	Code of Conduct for Council Members, Committee Members and Candidates	33
<b>13</b>	<b>Confidential Item</b>	36
13.1	Write-off Rates & Charges – A3022	36
<b>14</b>	<b>Closure of Meeting</b>	37

**1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS**

The Presiding Member declared the meeting open at 6.00 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  
Denise Gobbart, Executive Manager Corporate & Community  
Sam Bryce, Executive Manager Infrastructure & Assets  
Sue Eastcott, Executive Assistant to CEO

Gallery: Matt Collis  
Darrin Beaver  
Ian Coleman  
Tom Shanahan

Media:

Apologies:

Leave of Absence:

**2. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

President Liz Guidera welcomed the members of the gallery.

Cr Guidera commented on the presence of Tom Shanahan, the new Great Southern Herald journalist and stated that it is a very long time since Council have had a journalist at a Katanning Shire Council Meeting. Cr Guidera conveyed that Council hoped he enjoy being in Katanning as she believed that he has some ancestral links to the town, which was great to hear and wished him well.

**4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS**

Nil.

**6. PUBLIC QUESTION/STATEMENT TIME**

Nil.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**8. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****9.1 Ordinary Council Meeting – Tuesday 22 December 2020  
(SEE ATTACHED MINUTES)****MOVED: CR ERNIE MENGHINI      SECONDED: CR JOHN GOODHEART****OC06/21      That the minutes of the Ordinary Council Meeting held on Tuesday 22 December 2020 be confirmed as a true record of proceedings.****Voting Requirement: Simple Majority****CARRIED 9/0****9.2 Special Council Meeting – Friday 15 January 2021  
(SEE ATTACHED MINUTES)****MOVED: CR MARK STEPHENS      SECONDED: CR MARTIN VAN KOLDENHOVEN****OC07/21      That the minutes of the Special Council Meeting held on Friday 15 January 2021 be confirmed as a true record of proceedings.****Voting Requirement: Simple Majority****CARRIED 9/0**

## 10. REPORTS OF COMMITTEES AND OFFICERS

Nil.

### 10.1 EXECUTIVE MANAGER INFRASTRUCTURE AND ASSETS

Nil.

### 10.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

#### 10.2.1 Schedule of Accounts (ATTACHMENTS)

**File Ref:** FM.FI.4  
**Reporting Officer:** Shenae Watts, Creditor Officer  
**Report Prepared:** 22 January 2021

#### **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 2020/21	EFT Payments 2020/21	Direct Debits 2020/21	Credit Card 2020/21	Payroll 2020/21	Trust 2020/21	Total Payments 2020/21
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	1,716,612.38
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	1,093.00	1,606,306.84	32,568.21	5,544.62	251,198.61	0.00	1,896,711.28
December	719.95	1,834,821.40	85,167.50	6,144.81	245,526.71	0.00	2,172,380.37
January							
February							
March							
April							
May							
June							
<b>Total</b>	<b>39,984.59</b>	<b>10,225,213.80</b>	<b>280,320.37</b>	<b>35,693.05</b>	<b>1,627,055.98</b>	<b>0.00</b>	<b>12,205,267.76</b>

#### **Officer's Comment:**

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

The Finance Forum held on 09 February 2021 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 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:**

**MOVED: CR KRISTY D'APRILE**

**SECONDED: CR SERENA SANDWELL**

**OC08/21 That Council endorses the Schedule of Accounts as presented, being cheques 42355-42356 totalling \$719.95, EFT payments 31090-31254 totalling \$1,834,821.40, direct payments totalling \$85,167.50, and credit card payments totalling \$6,144.81 authorised and paid in December 2020.**

**Voting Requirement:** Simple Majority.

CARRIED 9/0

## 10.2.2 Monthly Financial Report (ATTACHMENTS)

**File Ref:** FM.FI.4  
**Reporting Officer:** Libby French, Manager Finance  
**Report Prepared:** 04 February 2021

### **Body/Background:**

This item presents the Monthly Financial Report, which contains the 'Statement of Financial Activity' for the periods ending 31 December 2020 and 31 January 2021.

Section 6.4 of the Local Government Act 1995 requires a local government to prepare financial reports.

Regulation 34 of the Local Government (Financial Management) Regulations 1996 sets out the form and content of the financial reports, which have been prepared and are presented to Council.

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% with a minimum value of \$10,000. Material variances between budgeted and actual expenditure are reported at Note 17 of the Monthly Financial Report.

### **Officer's Comment:**

The presentation of the Monthly Financial Report has now been modified to use the current template provided by Moore Australia (WA). The new changes are as follows:

- **Page 2 Summary Information – Graphs:**  
These graphs reflect Operating Activities with comparison Actual to Budget and prior year actuals (Page 5 old format) and Financing Activities showing Borrowings Actual to Budget and Reserves Opening and Actual Balances.
- **Page 3 Executive Summary:**  
Is a snapshot of various notes throughout the report. Each summary has a reference point to the relevant note the enable the user to easily identify where the numbers are generated from.
- **Page 8 Basis of Preparation:**  
An additional paragraph has been included to identify that the *Local Government (Financial Management) Regulations 1996* take precedence over the Australian Accounting Standards.
- **Page 9 Note 1 Statement of Financial Activity Information:**  
Format has been changed from previous report Note 1A & 1B.
- **Page 10 Note 2 Cash and Financial Assets:**  
Previously Note 3. This note clearly defines restricted and unrestricted cash.
- **Page 11 Note 3 Receivables:**  
Previously Note 4. It is noted that page 12 is additional information that is provided and is not part of the Moore Australia (WA) template.
- **Page 13 Note 4 Other Current Assets:**  
This is a new note that shows the movement in Other Current Assets.
- **Page 14 Note 5 Payables:**  
This is a new note that details payables and ages outstanding Sundry Creditors.
- **Page 15 Note 6 Rate Revenue:**

- Previously Note 5, changes to graph presentation.
- Page 16 Note 7 Disposal of Assets:  
Previously Note 6
  - Page 17 Note 8 Capital Acquisitions:  
Previously Note 7
  - Page 22 Note 9 Borrowings:  
Previously Note 8, the note has been expanded to show New Borrowings actual to budget.
  - Page 23 Note 10 Lease liabilities:  
This is a new note that showing the movement in our lease liabilities. This note is included due to the changes in the Australian Accounting Standards.
  - Page 24 Note 11 Cash Reserves:  
Previously Note 9
  - Page 25 Note 12 Other Current Liabilities:  
This is a new note showing the movement in other current liabilities
  - Page 26 Note 13 Operating Grants and Contributions:  
Previously Note 10, this note has been expanded to show the movement in our liability for unspent grants.
  - Page 28 Note 14 Non-Operating Grants and Contributions:  
Previously formed part of Note 10, this note has been expanded to show the movement in our liability for unspent grants.
  - Page 29 Note 15 Trust Funds:  
Previously Note 11
  - Page 30 Note 16 Budget Amendments:  
Previously Note 12
  - Page 31 Note 17 Explanation of Material Variances:  
Previously Note 2

It is noted that these financial reports do not included any asset depreciation, as the Annual Audit has yet to be signed off. We sought permission from Moore Australia (WA) this week to allow the asset register to be rolled over. They responded that they wanted us to wait until the Auditor Generals Office had undertaken the final review of our file.

The Finance Forum held on Tuesday 9 February 2021 gave attending Councillors an opportunity to ask questions regarding the presented financial statements.

### **Statutory**

Local Government Act 1995

Section 6.4 Financial Report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996.

Regulation 34 Financial activity statement required each month (Act s.6.4)

### **Policy Implications:**

The Shire has several financial management policies. The finances have been managed in accordance with these policies.

### **Environment:**

**Financial Implications:**

There are no financial implications for this report.

**Risk Implications:**

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

**Strategic Implications:**

Shire of Katanning Strategic Community Plan 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:**

**MOVED: CR KRISTY D'APRILE**

**SECONDED: CR OWEN BOXALL**

**OC09/21** That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receive the Monthly Statement of Financial Activity for the periods ending 31 December 2020 and 31 January 2021, as presented.

**Voting Requirement:** Simple Majority.

CARRIED 9/0

### 10.2.3 Schedule of Accounts (ATTACHMENTS)

**File Ref:** FM.FI.4  
**Reporting Officer:** Shenae Watts, Creditor Officer  
**Report Prepared:** 29 January 2021

#### **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 2020/21	EFT Payments 2020/21	Direct Debits 2020/21	Credit Card 2020/21	Payroll 2020/21	Trust 2020/21	Total Payments 2020/21
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	1,716,612.38
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	1,093.00	1,606,306.84	32,568.21	5,544.62	251,198.61	0.00	1,896,711.28
December	719.95	1,834,821.40	85,167.50	6,144.81	245,526.71	0.00	2,172,380.37
January	827.90	2,053,898.21	31,400.98	6,542.22	215,052.79	0.00	2,307,722.10
February							
March							
April							
May							
June							
<b>Total</b>	<b>40,812.49</b>	<b>12,279,112.01</b>	<b>311,721.35</b>	<b>42,235.27</b>	<b>1,839,108.77</b>	<b>0.00</b>	<b>14,512,989.86</b>

#### **Officer's Comment:**

The schedule of accounts for the month of January 2021 are attached.

The Finance Forum held on 09 February 2021 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 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:**

**MOVED: CR KRISTY D'APRILE**

**SECONDED: CR MARTIN VAN KOLDENHOVEN**

**OC10/21 That Council endorses the Schedule of Accounts as presented, being cheques 42357-42359 totalling \$827.90, EFT payments 31255-31388 totalling \$2,053,898.21, direct payments totalling \$31,400.98, and credit card payments totalling \$6,542.22 authorised and paid in January 2021.**

**Voting Requirement:** Simple Majority.

CARRIED 9/0

#### **10.2.4        Conduct of 2021 Local Government Election** (ATTACHMENT)

**File Ref:** GV.EL.5  
**Reporting Officer:** Denise Gobbart, Executive Manager Corporate & Community  
**Date Report Prepared:** 22 January 2021

**Issue:**

For Council to consider the appointment of the Western Australian Electoral Commission (WAEC) to conduct the 2021 Local Government Election by postal vote.

**Body/Background:**

The Shire of Katanning has appointed the WAEC to conduct postal elections since 2007.

Voter participation is, on average, 50.57% (based on past 5 elections).

<b>Year</b>	<b>Participation %</b>
2019	46.10
2017	51.82
2015	57.52
2013	50.87
2011	46.56
<b>Average</b>	<b>50.57</b>

The Shire has received correspondence from the WAEC that includes an estimated cost to conduct a postal ballot for the 2021 ordinary election to be held 16 October 2021.

The estimated cost is based on the following assumptions:

- 2,500 Electors
- Response rate of approximately 55%
- 5 Vacancies
- Count to be conducted at the offices of the Shire of Katanning
- Appointment of a Returning Officer
- Regular Australia Post delivery service to apply for the lodgement of the election packages.

Any non-statutory advertising undertaken by the Shire and the cost of staff on Polling day will be additional to the estimate provided.

**Officer's Comment:**

The Shire of Katanning statistics over the past 5 elections show an average participation rate of 50.57%. According to the WA Electoral Commissions report on the 2019 Local Government elections, average participation for local government elections across Western Australia was dropped from 34.5% to 29.1%.

While voting in Local Government elections is not compulsory, postal elections are generally considered more convenient for many electors and typically result in a higher rate of voter participation than in person ballots.

For postal elections, all eligible electors will receive a postal voting package around three weeks prior to polling day. The package will include a list of candidates, ballot papers, instructions on how to vote and a declaration.

Other advantages to appointing the Western Australian Electoral Commission include that it is seen as being completely independent from Council and therefore the integrity of the process is free from any perception of local influence and that the impost to staff time is limited to just on election day at the polling place.

Section 4.20(4) of the Act requires that Council must have the Electoral Commissioners written agreement to conduct the election prior to the vote by Council being taken. The letter attached to this item is the relevant document that contains the Electoral Commissioners agreement.

### **Statutory Environment:**

Local Government Act 1995

4.20 CEO to be returning officer unless other arrangements made

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint\* a person other than the CEO to be the returning officer of the local government for —
  - (a) an election; or
  - (b) all elections held while the appointment of the person subsists.

\* Absolute majority required.
- (3) An appointment under subsection (2) —
  - (a) is to specify the term of the person's appointment; and
  - (b) has no effect if it is made after the 80th day before an election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections. \* Absolute majority required.
- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

4.61 Choice of methods of conducting election

- (1) The election can be conducted as a — postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

- (2) The local government may decide\* to conduct the election as a postal election.  
\* Absolute majority required.
- (3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
- (5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

**Policy Implications:**

There are no policy implications for this report

**Financial Implications:**

The cost of appointing WAEC to conduct the 2021 Local Government Election is estimated to cost \$22,000 including GST and will be included in the 2019/2020 Budget.

Additional costs include non-statutory advertising (eg. Great Southern Herald) and staff time on Polling Day are estimated at \$1,000.

**Risk Implications:**

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

**Strategic Implications:**

Shire of Katanning Strategic Community Plan 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:****MOVED: CR SERENA SANDWELL****SECONDED: CR OWEN BOXALL****OC11/21****That Council:**

- 1. Declares, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required;**
- 2. Decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.**

**Voting Requirement:** Absolute Majority

CARRIED BY ABSOLUTE MAJORITY 9/0

Cr Serena Sandwell spoke for the motion.

**10.2.5**            **Unit 11 Amherst Village - Offer**  
(ATTACHMENTS)

**File Ref:** CP.RE.1  
**Reporting Officer:** Denise Gobbart, Executive Manager Corporate and Community  
**Date Report Prepared:** 11 February 2021

**Issue:**

For Council to consider an offer received in relation to Unit 11, Amherst Village.

**Body/Background:**

There are currently three vacant units at the Amherst Village in Katanning, being units 4, 9 and 11. There is currently an offer of \$120,000 for Unit 9 that is before Council.

An offer of \$130,000 as an initial capital deposit, to enter a Licence to Occupy agreement, as per Council Policy 6.2, from Mrs Lesley Black.

The offer by Mrs Black was for Unit 9 and if unsuccessful the same offer is presented for Unit 11, which is her preferred option.

WA Country Health Services (WACHS) – Great Southern currently has a Period Residential Tenancy Agreement on Unit 11. Effective Tuesday 9 February they have given 21 days' notice of termination of the lease. The lease is now due to terminate 2 March 2021.

Contact has been made with WACHS to seek early termination of the lease. They are happy to do so once they have removed their furniture from the unit. Once this has been confirmed an inspection will be scheduled and keys returned.

**Officer's Comment:**

Mrs Black has been a resident of Katanning for 30 years working for the Magistrates court and the WA Police until her retirement. She has been serving the community as a Justice of Peace since 1989. Mrs Black is also on the committee of DHAC, National Seniors and the Autumn Club and an active member of several other groups.

Mrs Black's has been sold and is due to settle early March, she has the removalists booked for the 26 February due to the long weekend. Given this she would like to have access to the unit as soon as possible.

Mrs Black can comply with the policy and would immediately move into the Village.

**Statutory Environment:**

Local Government Act 1995

Retirement Villages Act 1992

Fair Trading (Retirement Villages Interim Code) Regulations (No 2) 2020

**Policy Implications:**

6.2 - Allocation of Units at Amherst Village

To provide guidelines to Council Staff on how the Licence to Occupy Agreements for vacant units at the Amherst Village are to be allocated.

The successful applicant will be required to pay a 10% deposit and a doctor's certificate proving their ability to live independently within 7 days. The remaining funds are to be paid within a further 35 days.

**Financial Implications:**

Council has an Amherst Village Refundable Deposits Reserve which is used for the transfer of Licences between departing and new residents and therefore this does not create any operational cost to Council.

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.*

Unit 11 was previously leased to WACHS under a periodic tenancy and this clause is not applicable.

If Council resolve to accept the offer from Mrs Black, the funds will be transferred to the Amherst Village Refundable Deposits Reserve.

**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:**

**MOVED: CR OWEN BOXALL**

**SECONDED: CR DANNY MCGRATH**

**OC12/21**

**That Council:**

- 1. Accepts the offer made by Mrs Lesley Black for the sum of \$130,000 for Unit 11 Amherst Village.**
- 2. Authorises the Shire President and Chief Executive Officer to affix the common seal on the Amherst Village Residency Agreement with Mrs Lesley Black; and**
- 3. Authorises the transfer of \$130,000 to the Amherst Village Refundable Deposits Reserve.**

**Voting Requirement:** Simple Majority

CARRIED 9/0

Cr Owen Boxall spoke for the motion.



In this case, the offer is \$20,000 higher than the previous occupant, which would equate to a \$10,000 profit share being made to Mrs Clarke.

If Council resolve to accept the offer from Mrs Coleman, the balance of Mrs Clarke's remaining refund of \$28,000 will be finalised plus profit share of \$10,000.

The unit has recently been renovated and is ready and able to be tenanted as soon as the new owners are ready to occupy, and the licence agreement has been finalised.

**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:**

**MOVED: CR OWEN BOXALL**

**SECONDED: CR SERENA SANDWELL**

**OC13/21**

**That Council:**

- 1 Accepts the offer made by Mrs Lynette Coleman for the sum of \$120,000 for Unit 9 Amherst Village.**
- 2 Authorises the Shire President and Chief Executive Officer to affix the common seal on the Amherst Village Residency Agreement with Mrs Lynette Coleman; and**
- 3 Authorises the final refund of \$28,000 to Mrs Joan Clarke as the immediate past tenant.**
- 4 Authorise the payment of \$10,000 in profit share to Mrs Joan Clarke**
- 5 Authorise the transfer of \$120,000 to the Amherst Village Refundable Deposits Reserve.**

**Voting Requirement:** Simple Majority

CARRIED 9/0



who live in the community and who will feel the impacts of those decisions ensuring more efficient use of public services.

This project aims to strengthen the capabilities and voice of the not for profit community in Katanning such that the sector works effectively and collaboratively to better meet the needs of the community. This in turn will enable us to lobby for and improve provision locally.

The Building Community Capacity Project aligns with the Katanning Innovation Action Plan 2018 that includes:

- Strengthen the networking and information transfer across groups in the Shire by supporting and providing opportunities for networking.
- Support existing business networks and innovation ecosystems. Improving access to skills, knowledge, contacts and funding around digital technologies and disruption.
- Local enterprises understand and use to their advantage current and improved logistics systems. Facilitating and encouraging strong supply chain partnerships and leveraging economics of scale and scope.

The Shire of Katanning will deliver the programme in partnership with the Katanning Hub CRC over an 18-month period. The systems developed during this project will be designed to self-sustaining and run beyond the project timeline.

**The project will deliver the following:**

- Mapping existing services offered throughout the community to ensure identification of service gaps and known NFP supports from outside the Shire that could be enlisted for use by all existing NFPs and agencies to ensure that local resource use is maximised.
- Development and Implementation of an online platform that would enable NFPs to share, under-utilised resources, expertise, and spare capacity e.g. buildings, vehicles, equipment, specialist staff skills, back office services, training, and support.
- Deliver a development program focussed on NFP/club governance obligations, tools and resources to improve both ecosystem and organisational resilience and create a pathway to succession planning for committee members and Chairs.
- Development and implementation of a collective approach to recruiting and involving volunteers (especially skilled volunteers) to both offer a wider range of opportunities and achieve a greater impact in the community.
- Development and implementation of a collective data capture and sharing mechanism (e.g. metrics dashboard) that captures Covid19 economic and social needs and impacts as they become known, to allow for the ongoing early activation of additional resources as required.

The projects aim is to ensure that what is developed aligns with the needs of Katanning - with a particular focus on areas that require additional support because of Covid-19. For example, in Katanning, prior to COVID-19 and the introduction of social lockdown measures to manage the pandemic, the total employment across all local industry sectors was estimated at 1,906. For September 2020, total employment is estimated at 1,882 with 24 jobs yet to be recovered. The hardest hit sector is retail. As well as identifying supports to help the community, the map

will also identify supports to help retail businesses (and other impacted sectors) to recover. This is to include both online and face to face services.

**Budget:**

The budget is being finalised quotes are currently being sought and will be finalised before grant submission and will be available for OCN. Below is a budget proposal based on estimated costs.

Item	Grant request	In Kind	Provider
Project Management		\$25,000	Shire of Katanning – In Kind
Project Admin		\$20,000	CRC – In Kind
Project Officer – Community Capacity Builder (Salary range - \$65,000 - \$75,000)	\$130,000		Lotterywest
Project Officer admin costs – computer, phone, stationery	\$10,000		Lotterywest
Workshops / training	\$50,000		Lotterywest
Facility / catering	\$10,000		
Publishing	\$10,000		
Digital Platforms	\$60,000		Lotterywest
<b>Total</b>	<b>\$250,000 - \$300,000</b>	<b>\$45,000</b>	

**Officer's Comment:**

This project aims to strengthen Katanning's ability to enhance and support NFP agencies and services. Structures to support local self-sustaining and determining organisations, good governance and interdependent eco systems will ensure we have an active and vital not for profit sector.

Local agencies and groups have expressed their need for support and better management for some time, this project is aimed at creating the right environment to ensure Katanning moves into the future with an active not for profit sector which is locally managed.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Nil.

**Financial Implications:**

Projected income of \$300,000 to be included in the 2021/2022 draft budget with offset expenditure.

**Strategic Implications:**

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY		SOCIAL
ASPIRATION	S1	Aspiration: a capable, vibrant, healthy & connected community
OBJECTIVE	S1.2	Optimise quality of life for all citizens with access to health and other support services that meet the needs of our community
ASPIRATION	S3	A resilient, engaged community with a strong sense of pride
OBJECTIVE	S3.2	Build social resilience through providing diverse options for participation and engagement
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:****MOVED: CR JOHN GOODHEART****SECONDED: CR MARK STEPHENS****OC14/21 That Council:**

- 1. Agrees to the submission of the proposed 'Building Community Capacity Project' grant application to Lotterywest; and**
- 2. Includes the Building Community Capacity Project funding of \$300,000 in the 2021/2022 draft budget.**

**Voting Requirement:** Simple Majority

CARRIED 9/0

Cr John Goodheart spoke for the motion.

Cr Kristy D'Aprile spoke for the motion.

### **10.2.8 Katanning Wanderers Football Club Licence** (ATTACHMENT)

**File Ref:** CP.LO.1  
**Reporting Officer:** Denise Gobbart, Executive Manager Corporate & Community  
**Date Report Prepared:** 25 January 2021

**Issue:**

For Council to consider the Licence for Portion of Katanning Leisure Centre and Quartermaine Oval: 4 Pemble Street, Katanning with the Katanning Wanderers Football Club Incorporated.

**Body/Background:**

In October 2020 Rob Stewart Acting Executive Manager and Jenny Cristinelli met with representatives of the Wanderers Football Club to discuss the licence that had expired in 2016.

From the licence previously presented to the Wanderers although it was never signed, the club has been meeting the terms of the licence as if it were signed.

The newly drafted licence has been amended with the following changes submitted to McLeods;

- Commencement Date: 1 April 2021
- Licence Fee: Adjusted by CPI from \$3,900 to \$3,986
- Annual Electricity Costs: Adjusted by CPI from \$3,480 to \$3,557
- Inclusion of the actual Volume and Folio numbers

Additional changes provided by McLeods are as follows;

- Clause 7 Use – expansion on the restricted uses
- Clause 19 Insurance – Current Practice increase in Public Liability from \$10m to \$20m & the additional requirement of Plate Glass Insurance.
- Clause 22.1 Casual Hire – Original casual hire stands with the addition of a new clause 22.1(1) that the club shall not encumber, assign or sub-licence.

The KLC Manager and I are met with the Wanderers representative Michael Kowald s on the 22 December 2020 to discuss the changes provided by McLeods. From this meeting the following changes were made;

- Clause 5.2 Outgoings (1) (b) water consumption charges and (1) (d) local government rates have been deleted, as the club is not expected to pay those charges.
- Clause 5.2 Outgoings (3) the value of bathroom supplies has been increased from \$300 to \$400.
- Clause 12.2 Cleaning (2) (a) and (b) the words ‘before and’ have been deleted so that cleaning is only required after each use.
- Clause 19.1 Insurance (b) has been deleted to remove the requirement to hold insurance for plate glass damage.
- Clause 19.8 Building Insurance to be effected by the Lessor – changed so that the Licensee doesn’t need to reimburse any premiums paid and is required to only pay 50% of any excess from any claim arising therefrom.
- Clause 25 Dispute Resolution – (b) wording changed for an independent arbitrator. The clause will now read;

**25.1 Referral of dispute: Phase 1**

Except as otherwise provided, any dispute arising out of this Licence is to be referred in the first instance in writing to the Party's Representative as nominated in writing by the parties from time to time (**Party's Representative**) who shall convene a meeting within 10 days of receipt of such notice from a party, or such other period of time as is agreed to by the parties, between the Party's Representatives for the purpose of resolving the dispute (**Original Meeting**).

**25.2 Referral of dispute: Phase 2**

In the event the dispute is not resolved in accordance with **clause 25.1** of this Licence, then the dispute shall be referred in writing to the Chief Executive Officer of the Licensor and President of the Licensee who shall convene a meeting within 10 days of the Original Meeting or such other date as is agreed to by the parties for the purpose of resolving the dispute.

**25.3 Appointment of Arbitrator: Phase 3**

In the event the dispute is not resolved in accordance with **clause 25.2** of this Licence, then the dispute shall be determined by a single arbitrator under the provisions of the *Commercial Arbitration Act 1985* (as amended from time to time) and the City, the Licensees and the Licensor may each be represented by a legal practitioner.

**25.4 Payment of Amounts Payable to date of award**

The Licensees must pay the Amounts Payable without deduction to the date of the award of the Arbitrator or the date of an agreement between the Parties whichever event is the earlier, and if any money paid by the Licensees is not required to be paid within the terms of the award of the Arbitrator or by agreement between the Licensor and the Licensees then the Licensor will refund to the Licensees the monies paid.

**Officer's Comment:**

The KLC Manager and I met with the Wanderers representative Michael Kowald on the 16 February 2021 to work through the additional changes that were requested. The Wanderers had a meeting last night and were satisfied with the proposed changes. With all points agreed upon, the final document is presented to Council to authorise the signing of the licence document.

As previously discussed, it is also proposed that Council endorse the draft Charter with the Shire of Katanning and the Wanderers Football Club. The Charter is to recognise and acknowledge the clubs long term contribution to the facility and community and to reciprocally acknowledge the Shire's long-standing commitment to the Katanning Leisure Centre and grounds.

**Statutory Environment:**

Local Government Act 1995

3.58 Disposing of Property

(1) In this section —

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
  - (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

#### Local Government (Functions and General) Regulations 1996

##### 30 Disposition of Property excluded from Act s 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
  - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; or
  - (c) the land is disposed of to —
    - (i) the Crown in right of the State or the Commonwealth; or
    - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
    - (iii) another local government or a regional local government; or
  - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
  - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
  - (f) it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or
  - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
  - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
  - (c) the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
    - (i) the names of all other parties concerned; and
    - (ii) the consideration to be received by the local government for the disposition; and
    - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details of a disposition of property under subregulation (2a) must, for a period of 1 year beginning on the day of the initial auction or tender —
- (a) be made available for public inspection; and
  - (b) be published on the local government's official website.
- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
  - (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

**Policy Implications:**

There are no policy implications for this report

**Financial Implications:**

The Licence defines the financial obligations of both parties. On commencement the Licence Fee is set at \$3,986.00, to be reviewed by CPI on each anniversary date except for those that are Market Licence Fee review dates.

The annual electricity cost has been determined for the first year as \$3,557.00, to be reviewed by CPI on each anniversary date. This is to be adjusted for the actual electricity costs. If more the club pays, if less the Shire refunds to the club the amount that exceeds the actual cost.

**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

<b>PRIORITY</b>	<b>SOCIAL</b>	
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.
<b>PRIORITY</b>	<b>BUILT ENVIROMENT</b>	
ASPIRATION	B1	Infrastructure that meets community need
OBJECTIVE	B1.2	Provide Council facilities that meet community need.
<b>PRIORITY</b>	<b>LEADERSHIP</b>	
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:**

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

**OC15/21**

**That Council:**

- 1. Authorises the Shire President and Chief Executive Officer to affix the common seal on the 'Licence: Portion of Katanning Leisure Centre and Quartermaine Oval: 4 Pemble Street, Katanning' with the Katanning Wanderers Football Club Incorporated; and**
- 2. Endorse the Charter between the Shire of Katanning and the Wanderers Football Club to acknowledge the value of the club and its contribution to the Katanning Leisure Centre.**

**Voting Requirement:** Simple Majority

**CARRIED 9/0**

Cr Serena Sandwell spoke for the motion.

Cr Kristy D'Aprile spoke for the motion.

**10.3 CHIEF EXECUTIVE OFFICER'S REPORTS****10.3.1 Friends of Piesse Park – 19 Charles Street Katanning  
(ATTACHMENT)**

**File Ref:** A528  
**Reporting Officer:** Julian Murphy, Chief Executive Officer  
**Date Report Prepared:** 16 February 2021

**Issue:**

To consider leasing the property at 19 Charles Street Katanning to Katanning's Piesse Park Community Inc (Friends of Piesse Park).

**Body/Background:**

The Shire of Katanning purchased the house at 19 Charles Street Katanning in September 2019 with the aim of developing facilities at the rear of the property including public toilets and accessible parking as part of the Piesse Park redevelopment. These works are now substantially completed.

The property comprises a 1,257 m<sup>2</sup> block and brick and tile house in good condition with the following facilities:

- 3 Bedrooms
- Living room and dining room
- Kitchen, bathroom and laundry
- Air conditioning, gas hot water system, fixtures & fittings
- Under cover area, lock up garage and fences

Katanning's Piesse Park Community Inc. has been established to run the Friends of Piesse Park group and have expressed an interest in using the house to establish the Katanning Region Eco Environment Centre.

The Friends of Piesse Park proposal provides Council with an opportunity to establish a strong ongoing relationship to enable the community to take custodianship of the park and wetlands. The Friends of Piesse Park have demonstrated their capacity through joint projects previously undertaken with the Shire through activities such as planting, landscaping works and protection of habitat for flora and fauna.

Whilst the major capital works have been now undertaken, the future viability and success of the park and wetland will depend largely on the ability of the Shire to manage, maintain and continually improve the site. The provision of the house at 19 Charles Street will provide a base for community volunteers and the activities of the Friends of Piesse Park.

The Friends of Piesse Park as well as establishing a base for their group and Eco Environment Centre at the house have also proposed to run several other activities to assist with ongoing funding for their group including:

- Operation of a Café
- Bike hire
- Activities for Schools
- School holiday programs and activities
- Sale of excess of propagated plants

The group has also requested some improvements to the property to ensure that it is fit for purpose and meets current standards for accessibility etc. Funding for modifications to the property could be considered in the 2021/22 budget along with opportunities to apply to external grant programs.

**Officer's Comment:**

Council may wish to consider providing the use of the house (for a 5 + 5 year term) to the Friends of Piesse Park at nominal rental.

The disposition of property is excluded from the requirements of section 3.58 of the Local Government Act 1995 because Katanning's Piesse Park Community is a not for profit community organisation.

Normal outgoings such as power, water and telecommunications would be the responsibility of the Friends of Piesse Park (Katanning's Piesse Park Community Inc.).

In return for providing the property at no or minimal cost (nominal rental) the Shire could enter into a Memorandum of Understanding (MOU) with the Friends of Piesse Park for custodianship and environmental management activities which would need to be mutually agreed. Some of these activities may include:

- Regeneration of degraded areas of native vegetation
- Control of invasive weed species and pest animals
- Planting of native species to increase diversity
- Water quality monitoring and management
- Activities that promote resilient diverse native vegetation, a living wetland and native fauna habitat
- Provide advice to the Shire on best practice management for Piesse Park
- Assistance with public events held at Piesse Park such as Art in The Park
- Assistance with holiday programs held at Piesse Park with an Eco theme
- Park maintenance (rubbish pickups etc)

Any major improvement activities and ongoing maintenance to Piesse Park would still be the responsibility of the Shire.

**Statutory Environment:**

Local Government Act 1995, section 3.58 Disposing of property

Local Government (Functions and General) Regulations, Regulation 30 Dispositions of property excluded from Act s. 3.58

**Policy Implications:**

Nil

**Financial Implications:**

Loss of rental income from providing the property at 19 Charles Street Katanning at nominal rental to Katanning's Piesse Park Community Inc (Friends of Piesse Park) in return for community custodianship of the property and surrounding park and wetland.

**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	B2.1	Enhance the public realm
PRIORITY		NATURAL ENVIRONMENT
ASPIRATION	N3	A strong sense of community ownership and pride for the natural environment
OBJECTIVE	N3.1	Encourage the community to feel proud and take ownership of public spaces

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

**MOVED: CR SERENA SANDWELL      SECONDED: CR OWEN BOXALL**

**OC16/21**

**That Council:**

- 1. Agrees to lease the property at 19 Charles Street, Katanning to Katanning's Piesse Park Community Inc (Friends of Piesse Park); and**
- 2. Authorises the Chief Executive Officer to negotiate a lease agreement with a term not exceeding ten years at nominal rental.**

**Voting Requirement:** Simple Majority

CARRIED 9/0

Cr Serena Sandwell spoke for the motion.

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

Nil

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

**MOVED: CR OWEN BOXALL                      SECONDED: CR KRISTY D'APRILE**

**OC17/21      That Council considers the following item relating to Code of Conduct for Council Members, Committee Members and Candidates.**

**Voting Requirement: Simple Majority**

CARRIED 5/4

**PROCEDURAL MOTION:**

**MOVED: CR OWEN BOXALL                      SECONDED: CR KRISTY D'APRILE**

**OC18/21      That Council suspends standing orders.**

**Voting Requirement: Simple Majority**

CARRIED 9/0

**PROCEDURAL MOTION:**

**MOVED: CR OWEN BOXALL      SECONDED: CR SERENA SANDWELL**

**OC19/21      That Council resumes standing orders.**

**Voting Requirement: Simple Majority**

CARRIED 9/0

**12.1                      Code of Conduct for Council Members, Committee Members and Candidates**  
**(ATTACHMENTS)**

**File Ref:**    GV.CG.9  
**Reporting Officer:**                                Julian Murphy, Chief Executive Officer  
**Date Report Prepared:**                            22 February 2020

**Issue:**

To authorise a person/s to receive and withdraw complaints and approve a complaint form in accordance with the Local Government (Model Code of Conduct) Regulations 2021.

**Body/Background:**

New legislation has come into effect on 3 February 2021 requiring all local governments to adopt a new Code of Conduct for Council Members, Committee Members and Candidates for a local government election, and to deal with ancillary matters.

The Local Government (Model Code of Conduct) Regulations 2021 require local governments to adopt a Code of Conduct for Council Members, Committee Members and Candidates within three months of the Regulations taking effect.

In accordance with the Local Government (Model Code of Conduct) Regulations 2021, a Local Government must:

- authorise a person/s for the purposes of receiving complaints and withdrawals of complaints; and
- approve a complaint form.

Local governments must authorise at least one person to receive complaints regarding members and candidates. While the Regulations do not include specific requirements and a local government may decide that the complaints officer is appropriate, other options could include:

- President,
- Deputy President (especially for complaints about the President),
- Chief Executive Officer, or
- External consultant

To account for any breaches occurring on the first day that the Regulations take effect, local governments must authorise at least one person within three weeks of the Regulations taking effect (by 24 February 2021).

The Department of Local Government, Sport and Cultural Industries has prepared a template form for complaints to assist local governments. A copy of the template is attached.

The Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates is available from the Department's website [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au).

**Officer's Comment:**

There will be a number of actions that Council will need to take in order to comply with changes to regulations within the next three months. Further reports will be prepared by Staff to address these matters.

Given the short timeframes for actions regarding complaints from the Department of Local Government, Sport and Cultural Industries it is recommended that Council authorises the CEO to receive and withdraw complaints and approves the proposed complaint form.

**Statutory Environment:**

- Local Government Act 1995
- Local Government (Model Code of Conduct) Regulations 2021

**Policy Implications:**

Nil

**Financial Implications:**

There are no known meaningful financial implications relative to this matter.

**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

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

**MOVED: CR OWEN BOXALL**

**SECONDED: CR KRISTY D'APRILE**

**OC20/21**

**That Council:**

- 1 Approves the Shire of Katanning Complaint About Alleged Breach Form in accordance with Division 3 of the Local Government (Model Code of Conduct) Regulations 2021-Clause 11(2)(a) as proposed; and**
- 2 Authorises the Chief Executive Officer to receive complaints and withdrawals of complaints in accordance with Division 3 of the Local Government (Model Code of Conduct) Regulations 2021 – Clause 11(3).**

**Voting Requirement:** Simple Majority

CARRIED 7/2

Cr Owen Boxall spoke for the motion.

Cr John Goodheart spoke against the motion.

Cr Kristy D'Aprile spoke for the motion.

**13. CONFIDENTIAL ITEMS****PROCEDURAL MOTION****MOVED: CR SERENA SANDWELL****SECONDED: CR DANNY MCGRATH****OC21/21 That Council closes the meeting to the public to consider the following item:**

- **Write-off Rates & Charges – A3022**

**Voting Requirement: Simple Majority**

CARRIED 9/0

**13.1 Write-off Rates & Charges – A3022****File Ref: A3022****Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community****Date Report Prepared: 11 February 2021****Reasons for Confidentiality**

The officer's report is confidential in accordance with Section 5.23 (2)(e) of the Local Government Act 1995 because it deals with a matter that if disclosed, would reveal —

- (i) a trade secret; or
- (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.

**OC22/21 Officer's Recommendation/Council Motion:****MOVED: CR SERENA SANDWELL****SECONDED: CR KRISTY D'APRILE**

**That Council approves the write-off of rates of \$4,562.04, penalty interest of \$609.73 and ESL penalty interest of \$19.60 totalling \$5,191.37 that is outstanding on assessment A3022.**

**Voting Requirements: Simple Majority**

CARRIED 9/0

Cr Serena Sandwell spoke for the motion.

Cr Kristy D'Aprile spoke for the motion.

**PROCEDURAL MOTION**

**MOVED: CR MARK STEPHENS      SECONDED: CR SERENA SANDWELL**

**OC23/21      That Council reopens the meeting to the public.**

**Voting Requirement:** Simple Majority

CARRIED 9/0

<b>14.      CLOSURE OF MEETING</b>
------------------------------------

The Presiding Member declared the meeting closed at 6.34 pm.