



Shire of
Katanning
Heart of the Great Southern

'Together, We're Building Katanning's Future'

**MINUTES OF THE
ORDINARY COUNCIL MEETING**

Dear Council Member

Minute of the Ordinary Council Meeting of the Shire of Katanning held on
Tuesday 22 November 2016, in the Shire of Katanning Council Chambers,
14 Austral Terrace, Katanning, commencing at 5:00pm.

DISCLAIMER

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

PRESIDING MEMBER _____

DATE SIGNED _____



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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS

The Presiding Member declared the meeting open at 5pm.

2. RECORD OF ATTENDANCE

PRESENT

Presiding Member: Cr Liz Guidera - President

Members: Cr Alep Mydie
Cr Danny McGrath
Cr Richard Kowald
Cr Serena Sandwell
Cr Martin Van Koldenhoven
Cr John Goodheart
Cr Owen Boxall

Council Officers: Julian Murphy, Chief Executive Officer
Uwe Striepe, Director Engineering & Development Services
Sam Davis, Executive Manager, Projects and Community Building
Andrus Budrikis, Executive Manager Property & Assets
Taryn Human, Governance Executive Officer

Gallery: Matt Collis

Media:

Apologies: Andrew Holden, Deputy Chief Executive Officer
Cr Craig McKinley - Deputy President

Leave of Absence:

Funding for the Living Lakes at Lake Ewylmartup was announced yesterday. Engineers will be appointed to unblock the flow and improve the health of the lake. I must say that the lake looks fantastic and is being well utilised.

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 DIRECTOR ENGINEERING & DEVELOPMENT SERVICES REPORTS

10.1.1 Development Application – Telecommunication Infrastructure, Lot 6 Badgebup Road North, Badgebup

File Ref: A2920
Reporting Officer: Delma Baesjou, Consultant Planner
Date Report Prepared: 14 November 2016

Issue:

Proposed Telecommunication Infrastructure, Lot 6 Badgebup Road North (Wolyaming Road), Badgebup.

Body/Background:

An application has been received to develop a Telstra Mobile Base Station Facility within the Badgebup Locality. The proposed 60m high tower, ancillary equipment and shelter will be within a new 12m by 15m fenced compound that is to be located behind the existing Telstra equipment shelter. The subject land is 1012m² (approximately 20m wide and 50m deep)

The proponent advises that the works include:

- Establishing a 60m lattice tower on the site (antennas will protrude to approximately 63m above ground level);
- Installing four (4) new 'omni' antennas mounted on top of the 60m lattice tower (note: antennas will protrude to approximately 63m above ground level);
- Installing two (2) new twin tower mounted amplifier (TMA) on the tower;
- Installing one (1) new equipment shelter at the base of the tower; and
- Installing associated ancillary equipment mounted on the lattice tower, including diplexers, combiners, feeders, cables and other ancillary equipment as required.



Lot 6 Badgebup Road North and surrounds

DRAFT



Subject Land (Lot 6) Badgebup Rd North, 2016 Aerial

The property is zoned 'Rural' under the Shire of Katanning Town Planning Scheme No. 4 (TPS4). Relevant Objectives of the 'Rural' zone set out in Clause 6.8 of TPS4 are:

- *to ensure the continuation of broad-acre farming as the principal landuse in the District and encouraging where appropriate the retention and expansion of agricultural activities*
- *to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.*

Schedule 1 – Definitions of TPS4 sets out:

Telecommunications Infrastructure: means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.

Telecommunication Infrastructure is defined, but is not listed in the Zoning Table of TPS4.

Lot 6 is designated as 'Rural' under draft Local Planning Scheme No5. A comparable definition is proposed and the use is not listed in the Zoning Table. A similar determination procedure would apply under LPS5.

Clause 3.2.5 of TPS4 and Clause 64(1) (b) of the Planning Regulations set out that when a use is not specifically mentioned in the Zoning Table, provided it is consistent with the zone objectives, the local government may advertise the proposal prior to determination. The duration of advertising under TPS4 and the new Regulations is 21 days and 14 days, respectively.

The Chief Executive Officer, acting under delegated authority, in accordance with clause 9.7 of Town Planning Scheme No. 4, and Clause 82, Division 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 undertook advertising of the proposed Telecommunication Infrastructure as a 'non-listed use'.

Notice of the proposal was published in the local newspaper and on the Shire's website. Plans and details of the proposed Telecommunication Infrastructure were available at the Administration Office and on the website. The Notice period closed on 27 October 2016. The advertising generated interest and general comment is support of 'improved coverage'. Correspondence, including a Neighbour's Comment Form was forwarded to the adjoining landowner.

At the time of preparing this report no submissions or comments were received.

Officer's Comment:

The development site is across the road from the Badgebup CBH receival facility. It is close to Crown Reserve 42677, which is the subject of the Shire's recent request to the Department of Lands for Power to Lease, in response to the proposal from the Badgebup Aboriginal Corporation to establish a Training and Cultural Hub in the area.

The Reserve to the south at the corner of Katanning-Nyabing Road contains the Badgebup Hall. Also in the vicinity is Heritage site No. 1362 (A2290) St Peter's Church, Badgebup Lot 2 Nyabing Road and the old school site.

Given the nature of this proposal and its proximity to community facilities and the Heritage Site, a 21 day advertising period was considered appropriate.

Notwithstanding that planning approval isn't required for a boundary fence (Clause 8.1.2 (b) (iii) of TPS4) given the height and characteristics of the proposed security fencing and the nature of the adjoining landuse, it is considered appropriate to include the compound fence in the determination of this Development Application.

Although the site is within a designated Bush Fire Prone area, an 'Exemption' from the requirements of SPP 3.7 and the deemed provisions is considered to apply in this case for the Telecommunications infrastructure and because as it "will not involve employees on site for any considerable amount of time".

Statutory Environment:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Katanning Town Planning Scheme No. 4

Draft Local Planning Scheme No. 5

In accordance with the procedure outlined in Clause 9.7 of TPS4 and Clause 82, Division 2 of Schedule 2 of the Planning and Development Regulations 2015, the Chief Executive Officer has been delegated the authority to:

1. Approve certain development applications; and

2. Undertake advertising of a proposed extension of a non-conforming use, 'SA' and non-listed uses that are considered to be consistent with the zone objectives, in accordance with Clause 64 (3), Part 8, Schedule 2 of the LPS Regulations.

The application was assessed, based on the requirements set out in TPS4 and the matters listed in Clause 67, Part 9 Schedule 2 of Planning and Development (Local Planning Schemes) Regulations 2015.

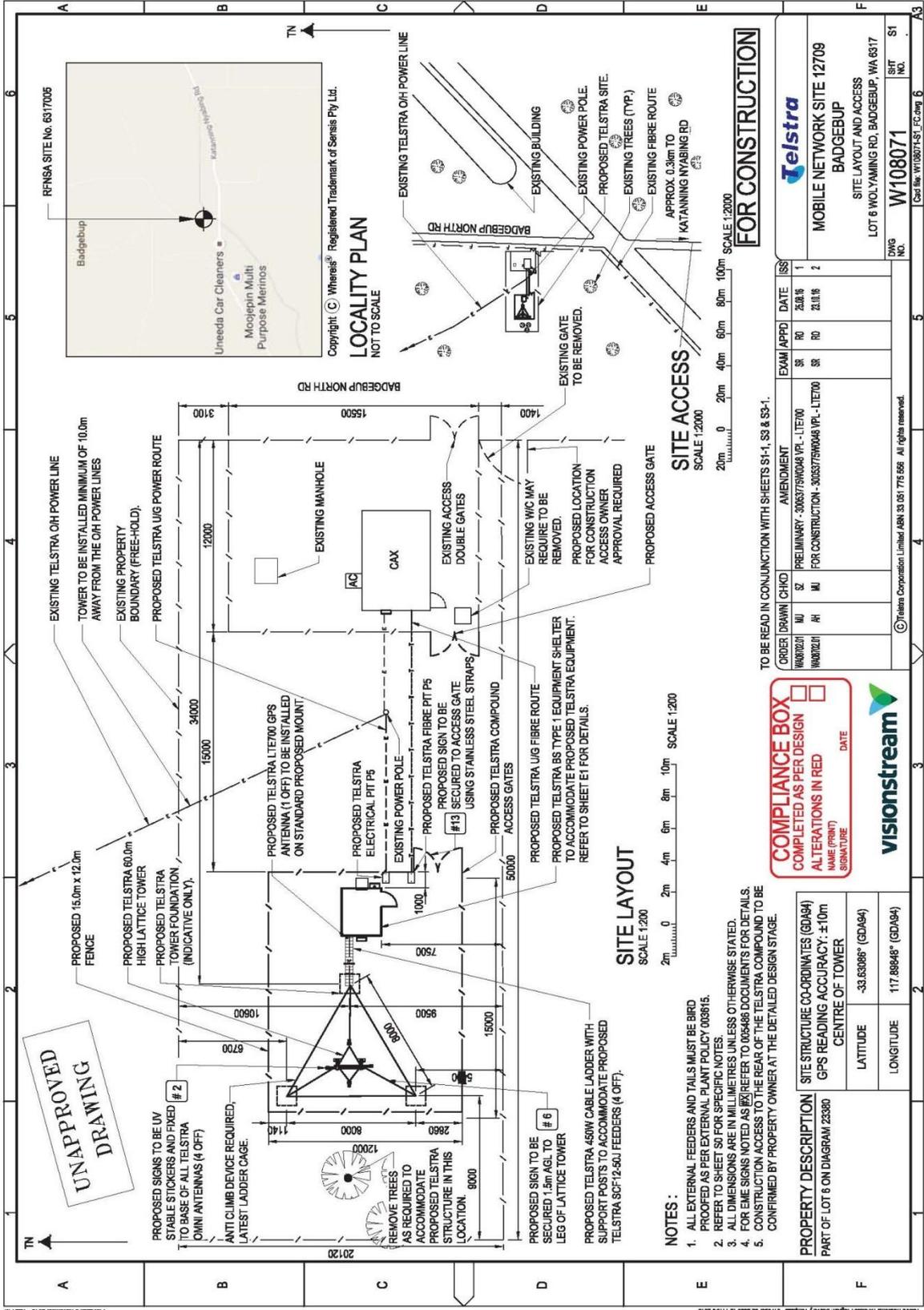
The following Table lists the various matters that Council is required to consider under the LPS Regulations, together with planning comments relevant to this application.

Matter	Relevance	Comment
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	Yes	Use of the subject land for the purpose of Telecommunication Infrastructure can be regarded as consistent with the objectives of the Rural zone under TPS4.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	Yes	This proposed development is considered as orderly and proper planning. A similar definition for Telecommunication Infrastructure is contained in draft LPS5.
(c) any approved State planning policy	Yes	SPP 5.2 Telecommunications Infrastructure. Applicant's assessment indicates compliance. Refers to
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	No	Not applicable
(e) any policy of the Commission	No	Not applicable
(f) any policy of the State	No	Not applicable
(g) any local planning policy for the Scheme area;	Yes	Objectives of LPP3 of TPS4 relate to amenity and impact, however there are no specific standards or criteria.
(h) any structure plan, activity centre plan or local development plan that relates to the development	No	Not applicable
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes)</i>	No	Not applicable

<i>Regulations 2015</i>		
(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;	No	Not applicable
(k) the built heritage conservation of any place that is of cultural significance	Yes	No registered sites or places on the subject land. St Peters Church, Registered Heritage Site 1362 (A2290) is in the vicinity, but unlikely to be impacted.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Neutral	No significant negative impact anticipated.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	Yes	The proposal is unlikely to have a significant negative impact on adjoining land.
(n) the amenity of the locality including the following: (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	Yes	The proposed 60m high Tower will have an impact on views and amenity. This needs to be balanced against the community benefit of improved telecommunications services and coverage. Evaluation by 'Visionstream' against the Policy Measures in 5.1.1 of SPP 5.2 indicates compliance. Such towers are becoming increasingly commonplace in rural and remote areas. Redressing 'Black Spots' in regional WA, coupled with anecdotal support from ratepayers during advertising imply preference for the new facility.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.	Neutral	The proposal is unlikely to have a significant impact on the natural environment or the water resource.

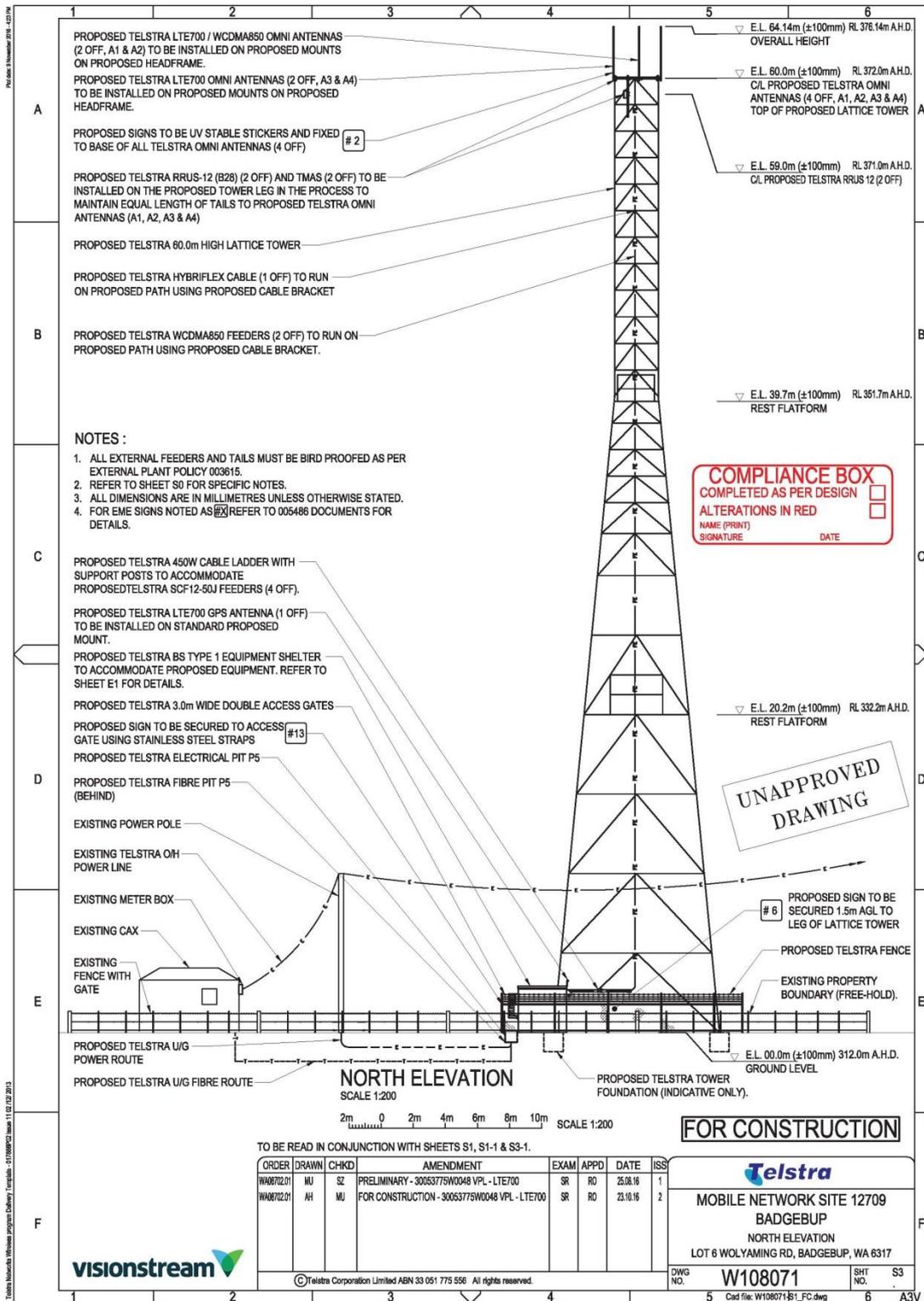
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.	Yes	Site Plan and supporting documentation indicates removal of trees to accommodate development. No landscaping proposed.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	Neutral	Subject land is designated as Bush Fire Prone (DFES mapping 2016). 'Exemption' from the requirements of SPP 3.7 and the deemed provisions is considered to apply to this Development.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	Neutral	Land use not considered to be a risk/within acceptable limits.
(s) the adequacy of: (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	Yes	Upgrade of crossover and alterations to existing gate/access arrangements are proposed. Low intensity, infrequent use; parking and access can be accommodated on-site.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.	Yes	A very slight increase in vehicle movements may occur (maintenance anticipated to be 2-4 times per year) and can be readily accommodated without any significant impact on traffic safety.
(u) the availability and adequacy for the development of the following: (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability	Yes	The site is not open to/accessible by the public, therefore i, iv and v public transport services and access for pedestrians, cyclists non-motorised transport and disability access have limited relevance. Utilities (power, water and waste management) are operational matters for the proponent.
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	Neutral	Development is likely to result in community benefit.
(w) the history of the site where the development is to be located;	Neutral	Existing Telecommunications Infrastructure on the subject land.

(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Yes	The proposed facility provides the community with alternative/choice and is regarded as beneficial.
(y) any submissions received on the application;	Yes	No submissions or objections received during 'advertising'. Anecdotal support/comments.
(za) the comments or submissions received from any authority consulted under clause 66;	No	Not applicable
(zb) any other planning consideration the local government considers appropriate.	Neutral	The proposal is considered to be consistent with the Shire Katanning Strategic Plans, business Plan and SuperTown Growth and Implementation Plan.



Final date: 8 November 2016 - 4:22 PM

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The Development and Requirements for the 'Rural' zone are set out in Part 6.8 of TPS4. Comments on these matters are included in the assessment table and applicant's supporting report. Generally the Development Requirements are adequately addressed, other than setbacks. The minimum building setbacks applicable in the Rural zone are: Front 50m, Side and Rear 15m. Because Lot 6 is only 20m wide and 50m deep, the minimum setbacks cannot be satisfied. Accordingly, variations to the setbacks are sought.

The following summary/table compares the minimum and proposed setbacks for this development:

Prescribed Setback Under TPS 4		Proposed		
		New Compound	Equipment Shelter	Tower
Front:	50m	27m	28m	34m
South Side:	15m	2.54	7.5m	5.4m
North Side:	15m	5.56m	10m	6.7m
Rear:	15m	8m	19m	9m

Clause 7.2 of TPS4 provides Council with discretion to modify development standards, including setbacks, if it is satisfied the development is orderly and proper, and will not have adverse effects.

More Particularly:

if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Policy Implications:

TPS4 Local Planning Policy No. 3 (26 March 2014) Radio Masts/Satellite Dishes. This Policy contains objectives relating to amenity and impact of structures, and purports to set standards and criteria, including height, cumulative area and setbacks. While reference is made to the Rural zone, the Shire Policy contains no specific criteria and is considered irrelevant in this instance.

The Western Australian Planning Commission (WAPC) Statement of Planning Policy No. 5.2 - Telecommunications Infrastructure (SPP 5.2) provides a framework for the preparation, assessment and determination of applications for planning approval of telecommunications and sets Guiding Principles for their location, siting and design. The Policy references Commonwealth legislation, Codes and guidelines and with specific regard to public concern over possible health issues associated with exposure to electromagnetic emissions SPP 5.2 cites the Australian Communications and Media Authority (ACMA) Radio communications Licence Conditions (Apparatus Licence) Determination 2003 and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiofrequency (RF) Standard. The Applicant's supporting report includes an evaluation of the proposal based on the criteria outlined in SPP 5.2. More specifically, in regard to amenity and impact, Part 5.1 – Visual Impacts of SPP 5.2 list policy measures and states:

For telecommunications infrastructure to be effective, structures are generally located prominently, at high points in the landscape or on top of buildings, where they are more likely to be visible to the public. The planning authority may exercise discretion in addressing the visual impacts of telecommunications infrastructure.

The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.



Example of 60m lattice tower (In Tambellup).

The applicant's assessment of the proposal against these visual impact policy measures set out in Part 5.1.1 is reproduced overleaf.



Under section 5.1.1 of the State Planning Policy 5.2: Telecommunications Infrastructure Policy the West Australian Planning Commission provides a set of measures in assessing the visual impact of a proposed telecommunications facility.

An assessment of these guidelines below has found that the proposed Telstra Mobile Phone Base Station is compliant with the intent and requirements of the State Planning Policy 5.2: Telecommunication Infrastructure Policy.

Measures	Comments	Complies
Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;	Telstra has selected a site and location that seeks to minimise any perceived negative impacts on the visual amenity of the area. The subject site is within a rural setting and is isolated from any surrounding residential areas. As such, the proposed facility will have minimal visual impact on the area.	✓
Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;	Telstra has selected a site and location that seeks to minimise any perceived negative impacts on the visual amenity of the area. The subject site is within a rural setting and is isolated from any surrounding residential areas. As such, the proposed facility will have minimal visual impact on the area.	✓
Not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised;	There are no known items of Environmental, Cultural or social significance located in the vicinity of the proposed site. Any visual impact has been mitigated through a variety of design elements.	✓
Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;	The proposed facility will sited in a rural setting that is isolated from residential areas or any significant view corridors. As such, the proposal is sympathetic to the setting.	✓
Be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community;	Telstra wish to establish a new mobile telecommunication base station facility in the area to provide the community with a far greater choice of mobile carrier services, as part of the Mobile Black Spot Programme. As such, the facility will provide improved coverage to the surrounding area.	✓
Telecommunications infrastructure should be co-located and whenever possible: Cables and lines should be	No opportunities for co-location were identified in the area and as such it has been identified that the proposed Telstra site location is seen as the preferred site location.	✓

<p>located within an existing underground conduit or duct; and</p> <p>Overhead lines and towers should be co-located with existing infrastructure and/or within an existing infrastructure corridor and/or mounted on existing or proposed buildings.</p>	<p>As this is a greenfield site there is no option to utilise existing underground conduit or ducts.</p> <p>Overhead lines are not applicable to this application.</p>	
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Financial Implications:

An Application Fee of \$1,376.00 has been paid.

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023

This item assists the Council to deliver on several of its strategic objectives as follows:

Environment & Land Use – Land Use Development:

- Flexible Land Use Planning [CBP Ref. P8.5.2]

Development & Leadership - Governance:

- Legal & Ethical Compliance [CBP Ref. P10.5.3]

Officer's Recommendation/Council Motion:

MOVED: CR MARTIN VAN KOLDENHOVEN SECONDED: CR JOHN GOODHEART

OC137/16 That Council:

Grants approval to the Development Application for Lot 6 Badgebup Road North (Wolyaming Road), Badgebup for the proposed Telecommunication Infrastructure (60m lattice Tower, associated ancillary equipment, shelter, compound fencing and signage) subject to the following conditions:

- 1) Development is to be generally in accordance with approved plans (DWG No. W108071).**
- 2) Maintenance of the crossover is the responsibility of the developer.**
- 3) Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.**

Advice Notes

- I. Any alterations or upgrading of the crossover to be in accordance with Shire of Katanning specifications and requirements.
- II. Stormwater from the equipment shelter and any other impervious surface to be contained and managed on-site.
- III. All development is to be confined to the subject land; any access, works or activity (including fencing of the common boundary) involving Lot 3 or Lot 5945 to be by arrangement with, and at the agreement of the adjoining/affected landowners.
- IV. This Development Approval does not constitute a Building Permit.
- V. Future use and development is to comply with the Building Code of Australia and the requirements of relevant Health and Environmental statutes.

Voting Requirement: Simple Majority

CARRIED: 8/0

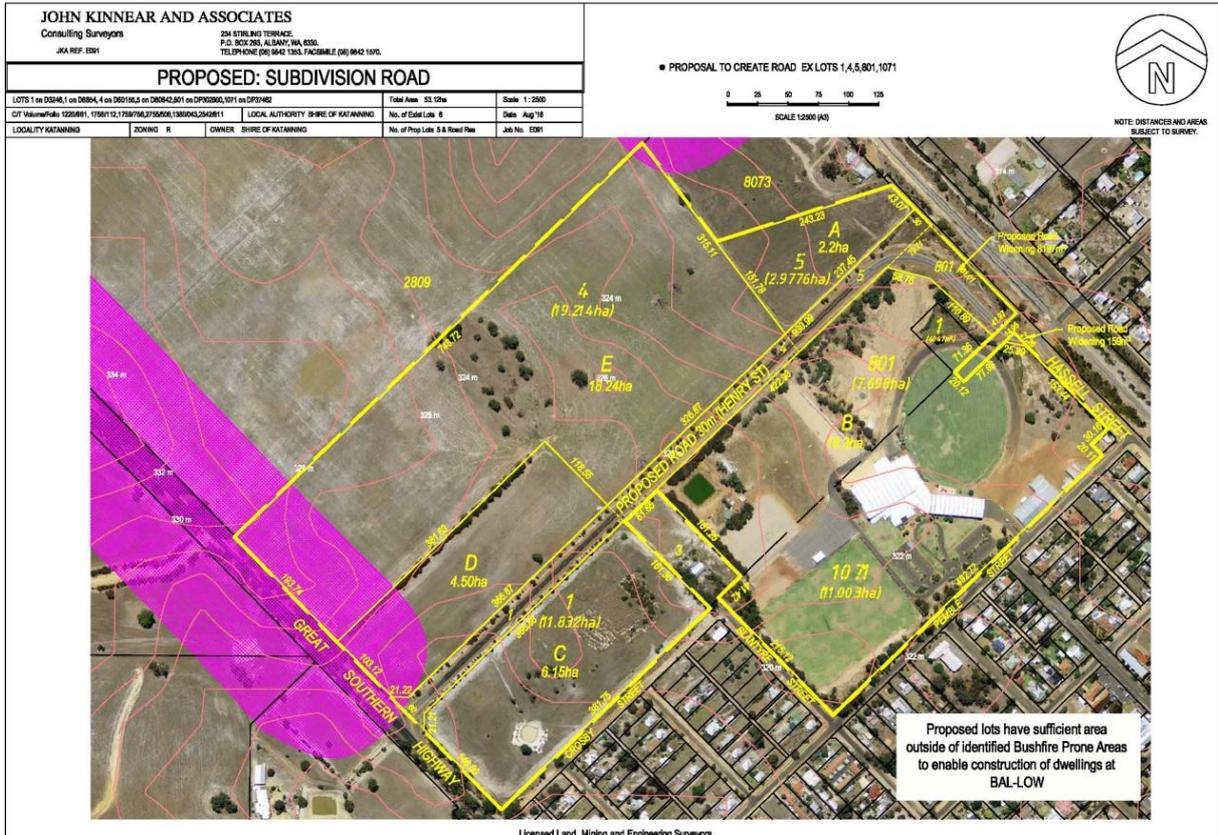
Cr Martin Van Koldenhoven spoke for the motion.

KLC and Surrounding Shire Landholdings (Subject of Boundary Adjustment and Henry Street road dedication)			
Lot Number/Address	Land use	Lot Size	Impact of Henry St
1071 (P37462) 4 Pemble St A2323	Katanning Leisure Centre Quartermaine Clubhouse & Oval (portion). Top Oval, kiosk Ram Pavilion, Agricultural Sheds, Parking	10.988ha	159m ² northern cnr
801 (D 302900) Hassell/Henry St A2323	Equestrian Centre Quartermaine Oval (western portion) Proposed extension of KLC [Gymnasium and storage]	7.689ha	8197m ² north-east cnr
1 (D 8654) Hassell/Crosby St A942	Quartermaine Oval (portion)	4046m ²	n/a
1 (D 3246) Great Southern Hwy A2821	Rural [Leased] Vacant. Stock pile of clean fill	11.8312h a	1.168ha Significant physical division thru core of lot
4 (D 60155) Great Southern Hwy A2821	Rural [Leased]	19.21885 ha	975m ²
5 (D 60642) Hassell St A2142	Rural [Leased]	2.9667ha	7.84m ² 30m wide, full length of south-east boundary

Body/Background:

An application for Subdivision/Amalgamation has been referred to the Shire by the Western Australian Planning Commission.

It is proposed to amalgamate Lot 1 Hassell Street together with Lots 801 and 1071 to accommodate the KLC, Ovals, Ram Pavilion and sheds (proposed Lot B), formalise the Henry Street road reserve, rationalise the corresponding boundaries and subdivide Lot 1 Great Southern Hwy into two parcels (proposed Lots C and D). Five new lots and the road reserve will be created from the six existing lots.



Officer's Comment:

Following the Council decision in June 2015 to name the truck by-pass route, Geographic Names advised that the Minister had approved the name Henry Street [Order dated 31 August 2015]. Dedication of the road Reserve is yet to be effected, commencing with an Application for subdivision [WAPC Form 1A].

It would appear the proposed addition to the Katanning Leisure Centre will extend across the common boundary of Lots 1071 and 801. Quartermaine Oval encompasses both lots, together with Lot 1. Refer attached site plan

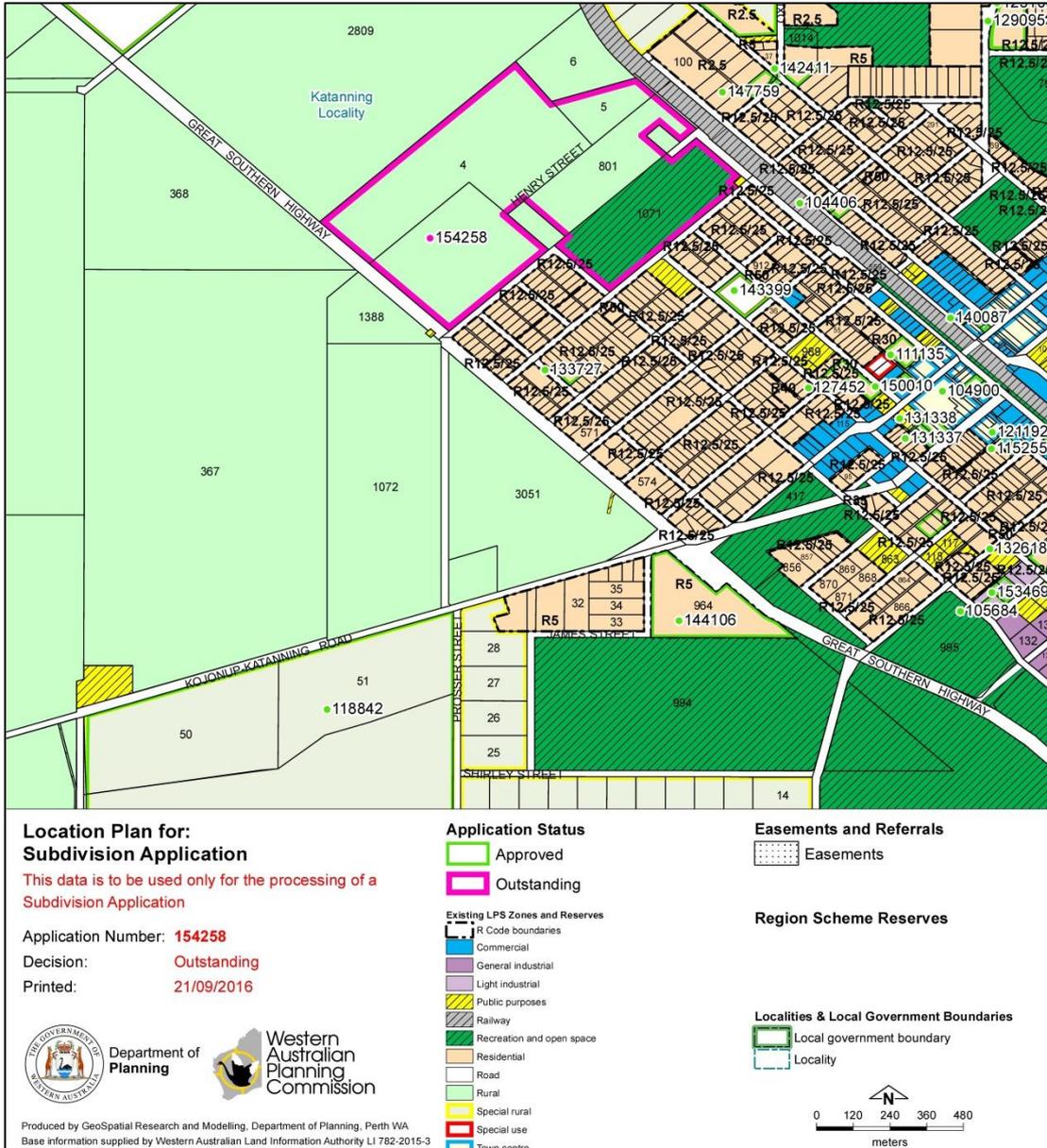
Concurrent with the subdivision to create the road reserve, it was considered prudent for the Shire to rationalise the associated land holdings. Primarily this involves amalgamating lots 801, 1071 and 1 [to accommodate proposed extensions to the KLC] and potentially creating separate titles for the two portions of existing Lot 1 divided by Henry Street.

Amalgamation will facilitate the proposed additions to the Katanning Leisure Centre. Creation and dedication of the Henry Street road Reserve accords with Council's endorsed strategies and previous Resolution.

The proposed amalgamation/boundary rationalisation and road dedication should be supported, without conditions.

Statutory Environment:

Lot 1071 is designated as Parks and Recreation on Map 7 of Shire of Katanning Town Planning Scheme No.4 (TPS4). The balance of the subject land is zoned Rural under TPS4. Refer WAPC Zoning and Application display plan below.



Draft Local Planning Scheme No. 5 (LPS5) pre-empt the proposed boundary rationalisation and road dedication and will address the minor zoning/boundary anomalies. Proposed Lot B, encompassing the whole of the KLC site, is designated as ‘Public Open Space’ local scheme reserve under LPS5. The Henry Street road reserve is designated as ‘Primary Distributor Road’. Proposed Lots A, C, D and E are designated as ‘Industrial Development’ under LPS5. This area is also the subject of Structure Plan SPN/2030.

The north-western edge of the new Henry Street alignment is also the Gazetted Town Site boundary.

10.1.3 Subdivision Referral – Amalgamation of Lots 7 and 8 Hassell Street, Katanning

File Ref: Lot 7 - A775, Lot 8 - A774. WAPC Sub Ref: 154467
Reporting Officer: Delma Baesjou – Consultant Planner
Date Report Prepared: 15 November 2016

Issue:

To consider an application for Amalgamation (Subdivision) involving Lots 7 (29) and Lot 8 (27) Hassell Street, Katanning.



Subject Land – 2016 Aerial

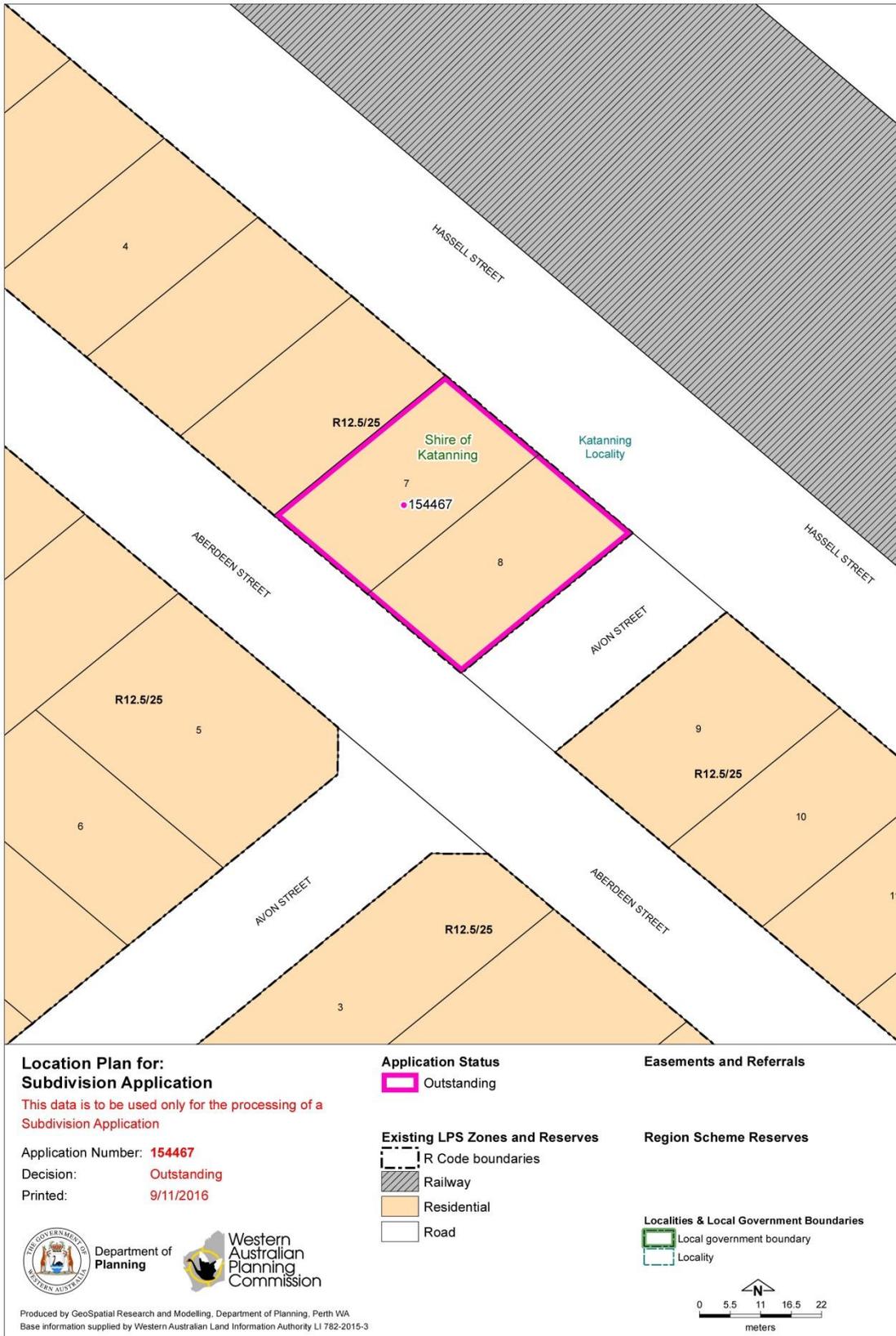
Body/Background:

An application for Amalgamation has been referred to the Shire by the Western Australian Planning Commission. The Application was prepared by 35 Degrees South on behalf of AD & MD Shaw. The documentation was received on 11 November 2016. It is proposed to Amalgamate two 728m² Lots and create a single 1456m² parcel.



Officer's Comment:

Lots 7 and 8 are both zoned Residential under the Shire of Katanning Town Planning Scheme No.4 (TPS4). (Refer WAPC Zoning and Application display plan)



The R12.5/20 Density Code applies. The respective minimum lot sizes prescribed in the current Residential Design Codes (R Codes) are 700m² and 300m².

The land is shown in Draft Local Planning Scheme No. 5 (LPS5) as Residential, R30.

10.1.4 Long Term Kerbside Waste And Recycling Collection Services Contract - RFQ 1/2016

File Ref: A2140
Reporting Officer: Uwe Striepe, Director of Engineering and Development Services
Date Report Prepared: 15 November 2016

Issue:

To approve the appointment of a contractor for the provision of waste and recycling collection services within the Shire's CBD and surroundings for the maximum contract period of 5 years and 5 months, starting 30 January 2017 completing 30 June 2022 with a possible contract term extension of 5 years.

Body/Background:

The Shire's existing waste collection contract with Great Southern Waste and recycling collection contract with Warren Blackwood Waste expired on 30 June 2016. Specifications and conditions of a new long-term contract have been developed and offered via the West Australian Local Government Associations' (WALGA) e-Quote platform.

Great Southern Waste and Warren Blackwood Waste have agreed to continue providing the service under the present terms and conditions until a new contract is awarded.

The Shire posted a request for quotation RFQ 1/2016 through WALGA's eQuotes platform on 24 October 2016 with the WALGA eQuotes reference number of VP61629.

Officer's Comment:

All waste management companies listed on WALGA's panel of suppliers were invited to quote by email. The companies are:

- Avon Waste (read but did not respond);
- Cleanaway (responded);
- Great Southern Waste Disposal (responded);
- Perthwaste/Green Recycling (not read);
- Southern Metropolitan Regional Council (not read);
- Suez Recycling & Recovery Pty Ltd (not read);
- Tox Free Australia Pty Ltd (read but did not respond);
- Veolia Environmental Services (not read).
- Warren Blackwood Waste (responded);

The above listed companies made up the vast majority of the major waste management companies which may be interested in providing waste and recycling collection services to the Shire.

The RFQ resulted in three submissions being received by the shire. The RFQ closed at 5 pm on 11 November 2016 and three submissions being received from:

- Cleanaway Waste Management Ltd
- Great Southern Waste
- Warren Blackwood Waste

The price schedule received from these companies is with confidential attachments A, B and C. There is also a letter received by the Shire regarding Cleanaway Pty Ltd which is with confidential attachment D.

Compliance criteria for VP61629 was as below –

Description of Compliance Criteria	
a)	<p>Respondents profile: Respondents must address the following information in an attachment and label it "Respondents profile":</p> <ul style="list-style-type: none"> • Respondent to provide Australian Business Number (ABN) and registered entity name; • Provide your organisations contact details including phone contact, generic email address, postal and physical address; • Provide details of the Respondents Contract Manager for this Contract and any Area Managers if applicable including full name, position title, phone number and email address; • Respondents to provide a minimum of two (2) referees, including the name, position, contact details and a description of the services provided. Describe the nature of the relationship and the relevance to this Request.
b)	Compliance with the Specification contained in the Request.
c)	Respondents to attach their Quality Management Plans including Policies and/or Procedures which cover quality assurance and quality control.
d)	Complete Pricing Schedule.
e)	<p>Occupational Safety & Health</p> <ul style="list-style-type: none"> • Respondent to attach Safety & Health Management Plans, Policies and Procedures; • Respondents are to complete the attached "Occupational Safety & Health Management Questionnaire" document and submit it as part of their Response.
f)	<p>Risk Assessment</p> <p>Respondents must address the following information in an attachment and label it "Risk Assessment":</p> <ul style="list-style-type: none"> • An outline of your organisational structure inclusive of any branches and number of personnel; • Are you acting as an agent for another party? If Yes, attach details (including name and address) of your principal; • Do you intend to subcontract any of the Requirements? If Yes provide details of the subcontractor(s) including; the name, address and the number of people employed; and the Requirements that will be subcontracted; • Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract? If Yes, please supply in an attachment details of any actual or potential conflict of interest and the way in which any conflict will be dealt with; • Are you presently able to pay all your debts in full as and when they fall due; • Are you currently engaged in litigation as a result of which you may be liable for \$50,000 or more? If Yes please provide details.

All three submissions were deemed compliant.

Qualitative selection criteria for VP61629 are as detailed below –

Description of Qualitative Criteria	Weighting (in %)
<p>A. Organisational Capabilities / Key Personnel / Relevant Skills and Past Experience</p> <ul style="list-style-type: none"> • Respondent to demonstrate recent experience with Contracts of similar size and scope with Local Government; • Respondent to highlight the percentage of operational capacity this Contract would represent providing detail of resource pool; • Respondents to provide as a minimum information of proposed personnel to be allocated to this Contract, such as: <ul style="list-style-type: none"> – Their role in the performance of the Contract; – Qualifications, with particular emphasis on experience of personnel in Contracts of a similar size and scope; – Curricular vitae's; – Membership to any professional or business associations; – Any additional information. 	35%

<p>B. Respondent Performance / Operational Requirements / Strategy to deliver</p> <p>Respondents are to demonstrate an understanding of the Requirements of this Contract, by addressing how each of the following will be achieved:</p> <ul style="list-style-type: none"> • The waste collection strategy/specification outline proposed in the Specification; • Ability to deliver services and be fully operational from August/September 2016 onwards; • Details of the proposed system for provision of a Customer Service Centre, in particular efficiency, effectiveness and reporting systems; • Quality and standard of work; • Timeliness of work (productivity); • Any other issues or matters that will maximise the net benefit of the Services to the Principal and community. <p><u>Strategy for Collection and Processing Services</u></p> <ul style="list-style-type: none"> • Waste and Recycling Collection Service (side lift); • Multi-Unit dwelling Waste and Recycling Collection Service (front lift & side lift); • Processing of Recyclables; • Reduction of noise during collection; • Promotion of Waste separation and Recycling. <p><u>Waste and Recycling Bins</u></p> <ul style="list-style-type: none"> • Maintenance strategy for bins; • Record keeping procedure; • Exchange strategy for bins. <p><u>Plant and Equipment</u></p> <ul style="list-style-type: none"> • Provision of Plant and Equipment; • Plant and Equipment ownership (owned or leased); • Handling procedure for vehicle breakdowns; • Maintenance programs. <p><u>System for Customer Service Centre</u></p> <ul style="list-style-type: none"> • Operating logistics; • Handling procedure of telephone enquiries from customers; • Communications between the Respondent and the Principal's Officers; • Notices/information procedure; • Complaints resolution and recording. <p><u>Risk Management Program</u></p> <ul style="list-style-type: none"> • Strategy: <ul style="list-style-type: none"> – Work policy and procedures; – Staff training; – Communication systems; and – Emergency procedures. • Monitoring procedure and staff performance. 	55%
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<p>C. Corporate Social Responsibility</p> <ul style="list-style-type: none"> • Provide information on your organisation’s sustainability credentials and practices as well as any related ratings or certifications which demonstrate your organisation’s practical commitment to sustainability. • Provide details of your organisation’s environmental policy and/or practices which manage or reduce the impact on the environment; • Offer details of any recycling, collection, disposal, product stewardship or other initiatives that would support the sustainability objectives of the Principal and assist them to achieve environmental targets (i.e. how could you assist them to recycle, reuse and reduce). 	10%
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Price was not a weighted component of the evaluation scoring. The submitted price was however used in conjunction with the qualitative scores to assess the “best-value” submissions.

The evaluation of this RFQ was undertaken by the following Shire Officials:

1. Director of Engineering and Development Services (Uwe Striepe)
2. Manager Operations (Stephen Thomson)
3. Asset Management Officer (Richard Bralich)

All three contractors have been assessed to be sustainable in terms of financial management, environmental management and Occupational Safety and Health management (OSH).

The qualitative scores calculated by the panel of assessors were averaged and the weightings applied and the final scores for the selection criteria are provided in the table below:

Selection Criteria	Weighting	Cleanaway Pty Ltd		Great Southern Waste		Warren Blackwood Waste	
		Score (/10)	Weighted score	Score (/10)	Weighted score	Score (/10)	Weighted score
A. Organisational Capabilities / Key Personnel / Relevant Skills and Past Experience	35%	8	28	8	28	8	28
B. Respondent Performance / Operational Requirements / Strategy	55%	8.5	47	7.7	42.5	8.5	47

to deliver							
C. Corporate Social Responsibility	10%	8	8	6.5	6.5	6.5	6.5
Total Score	100%		83		77		81.5

The highest score for the qualitative criteria was attained by Cleanaway Pty Ltd. with Warren Blackwood Waste marginally lower.

Below is a table that provides indicative cost over the initial contract period:

Cost Comparison based on rates submitted	Indicative cost over 5 year 5 months contract period based on collection cost and recycling cost, kerbside bins only. (Excl GST)
Cleanaway Pty Ltd	\$ 1,119,451.51
Great Southern Waste	\$ 1,064,688.00
Warren Blackwood Waste	\$ 853,925.40

The above table indicates that Warren Blackwood Waste prices are up to 23.7 % cheaper than Cleanaway and 19.7 % cheaper than Great Southern Waste.

The Shire has identified Warren Blackwood Waste as being the most advantageous contractor for the waste and recycling collection services RFQ.

Warren Blackwood Waste is the Shire's current contractor for recycling collection services and the level of service provided to the Shire has been satisfactory.

To enable the Shire to continue to provide waste and recycling collection services to rate payers, Council's endorsement of the acceptance of the offer made by Warren Blackwood Waste is sought. This will enable the Shire to accept the quotation provided by Warren Blackwood Waste for the waste and recycling collection services for a period of five years and five months commencing 31 January 2017 and ending on or prior to 30 June 2022 with further five year extension subject to satisfactory performance demonstrated by the contractor.

Statutory Environment:

Local Government Act 1995

Policy Implications:

In line with Council's purchasing policy

Financial Implications:

Expenditure for waste collection services with budget parameters.

10.1.5 Application to Register Three Dogs

File Ref: CU.PU.4
Reporting Officer: Ernie Polis, Ranger
Date Report Prepared: 15 November 2016

Issue:

To approve the application of three dogs housed on a property in the Shire of Katanning subject to certain conditions.

Body/Background:

The Shire of Katanning *Dog Local Law 1986 as amended 1995* limits the number of dogs kept on any premises to two dogs over the age of three months and the young of those dogs under that age.

A resident from Kwinana would like to reside in Katanning and has requested an exemption to keep three dogs. In terms of section 26 of the *Dog Act 1976 as amended 2013*, Council may grant an exemption to its local law.

Once a decision has been made by Council, any person who is aggrieved by conditions imposed by the decisions or the refusal of a local government to grant an exemption may appeal in writing to the State Administrative Tribunal for a review of the decision.

Officer's Comment:

Currently there is no provision in the *Dog Act 1976 as amended 2013* allowing a local government to delegate authority to council officers regarding these matters, and all applications must be considered by the Council.

Statutory Environment:

Under Section 26 of the *Dog Act 1976 as amended 2013*, Subsection (1) states that a local government may, by a local law under this Act-

- (a) *Limit the number of dogs that have reached 3 months of age that can be kept in premises in the local government's district.*

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:***Shire of Katanning Strategic Plan 2013 – 2023***

Community and Culture

- Lifestyle

Officer's Recommendation/Council Motion:

MOVED: CR MARTIN VAN KOLDENHOVEN SECONDED: CR SERENA SANDWELL

OC143/16 That Council, pursuant to the provisions of the *Dog Act 1976 as amended 2013* and the *Shire of Katanning Dog Local Law 1986 as amended 1995*, approve the application for an exemption to keep three dogs on a property purchased by Sheryl Bull-Collins being;

- 1 male dog 9 years registered with City of Kwinana, sterilized, microchipped & vaccinated
- 1 male dog 6 years registered with City of Kwinana, sterilized, microchipped & vaccinated
- 1 Female dog 2 years registered with City of Kwinana, sterilized, microchipped & vaccinated

This approval is subject to the following conditions:

- 1) Only the dogs subject to this exemption are to be kept at this property;
- 2) All dog registrations and microchip details be transferred to the Shire of Katanning in accordance with the *Dog Act 1976 as amended 2013*;
- 3) *Fences are to be maintained in order to secure the dogs on the property;*
- 4) The yard area of the property where the dogs are kept is to be maintained in a clean and tidy condition;
- 5) Dog faeces are to be disposed of in the weekly refuse service or by other approved means;
- 6) Dogs kept at the property are not permitted to bark so as to create a nuisance;

- 7) The exemption relates to the individual dogs subject to this application *only*. The applicant will not be permitted to register more than the prescribed number of dogs upon any of these dogs no longer being in the applicant's care, control and/or possession; and
- 8) On receipt of a justifiable complaint, Council may revoke or vary the exemption at any time.

Voting Requirement: Absolute Majority.

CARRIED: 8/0

Cr Martin Van Koldenhoven spoke for the motion.
Cr Owen Boxall spoke for the motion.
Cr Danny McGrath spoke for the motion.

DRAFT

10.2 DIRECTOR OF CORPORATE SERVICES REPORTS**10.2.1 Monthly Financial Reports**
(ATTACHMENTS)

File Ref: FM.FI.3
Reporting Officer: Andrew Holden, Deputy Chief Executive Officer
Report Prepared: 17 November 2016

Body/Background:

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

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

Officer's Comment:

A variance report is included with the monthly financial statements.

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.

Strategic Implications:***Shire of Katanning Strategic Plan 2013 – 2023***

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL **SECONDED:** CR DANNY MCGRATH

OC144/16 **That Council adopts the Statement of Financial Activity for the month ending 31 October 2016, as presented, and notes any material variances.**

Voting Requirement: Simple Majority

CARRIED: 8/0

10.3 EXECUTIVE MANAGER, PROJECTS AND COMMUNITY BUILDING REPORTS**10.3.1 Katanning Early Childhood Hub Concept Schematics
(ATTACHMENT)**

File Ref: CP.TE.6
Reporting Officer: Sam Davis, Executive Manager Projects & Community Building
Date Report Prepared: 16 November 2016

Issue:

To endorse the final concept schematics for the Katanning Early Childhood Hub (ECH) developed by Slavin Architects.

Body/Background:

The need for the ECH was identified in 2011. It was driven and developed by a community-based early childhood hub committee.

The vision for the ECH is for integrated service delivery from all stakeholders involved with early childhood development in Katanning and surrounding region.

The project which has been predominantly community driven and has made significant progress over the last 5 or more years.

In February 2015, following four years of planning by the community, the Shire of Katanning secured \$5,725,000 of funding through the Royalties for Regions – Growing Our South Initiative to construct a purpose-built colocation facility for early childhood and family services in Katanning.

Officers Comment:

In May 2016 Council appointed Slavin Architects to provide detailed design plans and specification for construction of the ECH. Following extensive consultation with the ECH Project Advisory Group (PAG), ECH Stakeholder Committee and the potential tenant group, the schematics were presented by Slavin Architects at a community/Council information session held on 10 November 2016. Slavin Architects have now delivered the final concept schematics for Council's endorsement.

Once the schematics have been endorsed by Council, Slavin Architects will proceed with the next stage of detailed design planning and specification, guided by the ECH PAG.

Policy Implications:

Nil.

Financial Implications:

Expenditure within budget allowances for the design and construction of the ECH.

Strategic Implications:

Shire of Katanning Community Strategic Plan 2013 – 2023: Community and Culture > Create an Early Childhood Hub for the region.

Officer's Recommendation/Council Motion:**MOVED: CR SERENA SANDWELL****SECONDED: CR JOHN GOODHEART**

OC146/16 That Council endorses the Katanning Early Childhood Hub concept schematic submitted by Slavin Architects on 10 November 2016.

Voting Requirement: Simple Majority

CARRIED: 8/0

Cr Serena Sandwell spoke for the motion.

Cr John Goodheart spoke for the motion.

10.4 EXECUTIVE MANAGER, PROPERTY & ASSETS REPORTS

Nil.

DRAFT

10.5 DEPUTY CHIEF EXECUTIVE OFFICER**10.5.1 Council Opening Hours – Christmas/New Year Closure**

File Ref: CS.SV.1
Reporting Officer: Andrew Holden, Deputy Chief Executive Officer
Date Report Prepared: 7 November 2016

Issue:

To approve an adjustment to the scheduled operating hours of Council facilities over the 2016 Christmas/New Year festive season.

Body/Background:

Commencing in December 2009 Council has approved the variation of the Shires normal operating hours during the Christmas/New Year festive season to close from lunchtime on the last business day before Christmas until the morning of the first business day following New Year's Day. Each year since then this arrangement has been appreciated by staff without unduly inconveniencing the public and will continue to be normal on-going business practice. With both Christmas and New Year's Day falling on a Sunday this year there is no requirement to vary from the normal closure period to accommodate the festive season.

Officer's Comment:

Executive Management has this year agreed that the closure period for the coming festive season should be from 12 noon on Friday 23 December 2016 until Tuesday 3 January 2017. A small number of Works Crew and other staff will be on-call throughout the closure. All staff will be required to take some form of accrued leave during the closure.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Financial Implications:

Staff (except for skeleton or called out support) will be accessing approved leave types during the closure, which assists in managing the liability in regard to individual leave balances. There will be minor reductions in overheads due to offices not being open.

Strategic Implications:

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:

MOVED: CR DANNY MCGRATH

SECONDED: CR JOHN GOODHEART

OC147/16 That Council:

- 1) **Authorise a variation to normal opening hours during the 2016 Christmas/New Year period as follows:**

Friday 23 December - Closed from 12 noon

Wednesday 28 December - Closed

Thursday 29 December – Closed

Friday 30 December - Closed

- 2) **Locally advertise the varied opening hours in the lead up to the Christmas closure.**

Voting Requirement: Simple Majority

CARRIED: 8/0

Cr John Goodheart declared a financial interest and left the room at 5:36pm.

10.5.2 Lease A2760 – Forrest Hill Golf Club Inc.

File Ref: A2760
Reporting Officer: Andrew Holden, Deputy Chief Executive Officer
Date Report Prepared: 9 November 2016

Issue:

To consider extending the lease agreement between the Shire of Katanning and the Forrest Hill Golf Club Inc. (Club).

Body/Background:

Reserve 25962 (A2760) is vested in the Shire of Katanning for the purpose of “Recreation Golf Links” and was originally leased to the Club from 1 October 2001 to 30 September 2006 at a “peppercorn” rental of \$1 per annum. At the August 2006 Ordinary Meeting Council agreed to extend that lease for a further 10 years on the same terms with a further 10 years option (OC22/07). A letter dated 24 August 2006, confirming that decision was issued to the Club by the then CEO Brian Jones advising that the Shire records had been amended accordingly (see attached).

It is apparent that the letter was the extent of the record of the decision – no amendment or addendum to the lease document occurred.

It is clear that Council intended the lease to continue until 30 September 2016 at a “peppercorn” rental (\$1 per annum); however, it is unclear whether the option of a further 10 years, until 30 September 2026, was intended to be a right solely exercisable by the Club or intended to be somehow at the discretion of Council if/when requested by the Club. Similarly, it is unclear whether such an option, if/when so exercised or requested, was intended to be on the same terms including at a “peppercorn” rental.

The original lease agreement, prepared by lawyers McLeod & Co, does not include any clause in relation to an option to extend the term of the lease and thus provides no guidance on any terms of such an extension. However, in clause 2.26 which covers the terms of any month to month continuation of possession by the Lessee with the consent of the Lessor after the expiration of the lease term reference is made to “or any extension thereof”.

In the lead up to the 30 September 2016 expiration date the Club was contacted to determine whether they wanted to continue to lease the land and thus wanted to Council to provide a further extension of the lease and on what terms they wanted such an extension.

The Club responded by asking for a further extension of 5 years and for the “peppercorn” rental of \$1 per annum to continue until that extended expiration date of 30 September 2021 (see attached). The Club’s Secretary also provided a copy of the Club’s current bank statement in support of the claim that they have little capacity to cater for increased operational costs. Club members have stated to this officer that should an extended lease fee be set at the equivalent of the minimum rate, currently \$915, it may lead to the Club’s demise.

Officer's Comment:

Council Policy 3.13 sets guidelines when leasing Shire assets to community organisations including that annual rental should be at least equivalent to Council's minimum rate as adopted from year to year. Further guidelines within the policy consider the historical use, tenure periods and capital contributions made by the Lessee. After due consideration Council determined in 2006, to continue a lower lease rental at the "peppercorn" rate of \$1 per annum for the following reasons:

- The land is a reserve for a specified purpose and the lessee currently utilises the land for this purpose (golf course).
- The lessee has funded the capital costs of development.
- The lessee undertakes all of their own maintenance and therefore there is no cost to Council whatsoever for maintenance of the premises.

There has been no change in the circumstances that Council reasoned that a "peppercorn" rental should be set in 2006 and thus there is a good reason for Council, should an extension to the lease be granted, to continue on the same terms. Accordingly, it is recommended that the annual lease fee of \$1 remain.

Statutory Environment:

As this is a disposition of property to a non-profit sporting club it is deemed an exempt disposition in accordance with the Local Government Act.

Policy Implications:

Council Policy 3.13 provides guidance on the Lease of / License to Occupy Community Assets.

Financial Implications:

Nil - Council in the 2016/17 budget has not budgeted for either rent from, or expenditure on, the leased land.

Strategic Implications:

Nil. The leased land is not located in a forecast development area under either the Local Planning Scheme 5 or any related Local Structure Plans.

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL SECONDED: CR DANNY MCGRATH

OC148/16 That Council suspends standing orders.

Voting Requirement: Simple Majority

CARRIED: 7/0

PROCEDURAL MOTION

MOVED: CR DANNY MCGRATH SECONDED: CR OWEN BOXALL

OC149/16 That Council resumes standing orders.

Voting Requirement: Simple Majority

CARRIED: 7/0

Officer's Recommendation/Council Motion:**MOVED: CR OWEN BOXALL****SECONDED: CR RICHARD KOWALD****OC150/16 That Council:**

- 1) Agrees to further extend the current lease agreement between the Shire of Katanning and the Forrest Hill Golf Club Inc. for use of reserve 25962 in accordance with the terms and conditions of the lease dated 1 October 2001, for a term of five (5) years expiring on 30 September 2021;**
- 2) Agrees that the Lessee be granted an option to request a further extension of five (5) years, with such a request:**
 - a) being required to be made in writing, at least 3 months prior to the expiration of the lease; and**
 - b) with the granting of any such a request being solely at the discretion of the Lessor; and**
 - c) with the terms of any such further extension being solely at the discretion of the Lessor.**

Voting Requirement: Simple Majority

CARRIED: 7/0

Cr John Goodheart returned to the room at 5:40pm.

10.5.3 Review of Council's Code of Conduct (ATTACHMENT)

File Ref: GV.PO.1
Reporting Officer: Andrew Holden, Deputy C.E.O.
Date Report Prepared: 15 November 2016

Issue:
To consider amendments to Council's Code of Conduct.

Body/Background:

The Shire of Katanning Code of Conduct (Code) provides a guide and basis of expectations for Council Members, Committee and Working Group Members and Employees as to the ethical and professional behaviours expected. The Code was first adopted at the Ordinary Council Meeting of 24 March 2004 and has been amended periodically since.

Earlier in 2016 the Department of Local Government and Communities (DLGC) undertook a Procurement and Purchasing Probity Audit with the report being received by Council on 15 June 2016. Recommendation 11 of the 12 detailed in the report was:

That the CEO reviews the Shire's Code of Conduct and updates information contained in the document to include the content that is required by Regulation 34B and 34C of the Local Government (Administration) Regulations 1996.

Officer Comment:

While the Shire's existing Code did cover gifts that are received by Council Members and Employees (Regulation 34B) and the disclosure of interests affecting impartiality (Regulation 34C) DLGC considered those areas of the Code did not sufficiently align with the regulations.

The review of the Code has been conducted, including a comparison with other Shire's suggested by DLGC as having well-presented and current Codes of Conduct. The recommended amendments regarding Regulation 34B and 34C have been effected along with the addition of further details to the subject matter elsewhere in the document with the objective of providing further clarity to readers of the Code.

Statutory Environment:

Section 2.7 of the Local Government Act includes the determining of the Local Government's policies as a role of the Council.

Policy Implications:

Policies are to be amended, deleted or added as detailed above.

Financial Implications:

Nil.

Strategic Implications:

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:**MOVED: CR JOHN GOODHEART****SECONDED: CR DANNY MCGRATH****OC151/16 That Council:**

- 1) Adopts the proposed amended Code of Conduct as the Shire of Katanning Code of Conduct; and**
- 2) Directs the CEO to provide the necessary refresher training so that all Council Members and Employees fully understand their responsibilities and obligations under the Code of Conduct.**

Voting Requirement: Absolute Majority.

CARRIED: 6/2

Cr John Goodheart spoke for the motion.

Cr Martin Van Koldenhoven spoke against the motion.

10.6 CHIEF EXECUTIVE OFFICER'S REPORTS

10.6.1 Review of Delegations to Committees

File Ref: GV.CM.2
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 15 November 2016

Issue:

To review delegations to Council Committees.

Body/Background:

A probity audit of the Shire of Katanning's procurement and purchasing procedures was undertaken by the Department of Local Government and Communities in March/April 2016. The Audit Report was received by Council in July 2016 included the following recommendation:

Recommendation: 8

That council review the operation of its committee structure to determine whether the powers and duties delegated to any of its committees are valid and are lawfully able to be delegated under the Local Government Act 1995.

The following powers and duties are delegated to Council Committees:

Audit & Risk Committee

- Council's Audit & Risk Committee is to meet with Council's Auditor at least once in every year as required by the Local Government Act.

Management Review Committee

- To receive information on each proposal to employ or dismiss a senior employee and accept or reject the Chief Executive Officer's recommendation. (s5.37(2)).
- To vary the contract of the Chief Executive Officer within the salary range limits set by Council. (s5.39(1)).

The Audit Report identifies that the delegation to the Audit Committee to meet with the Auditor is considered unnecessary as the requirement for a local government to meet with its Auditor at least once in every year is already provided for in section 7.12(2) the *Local Government Act 1995*.

The Report also states that the delegations to the Management Review Committee are questionable in regard to their validity and do not provide for good decision making.

Officer's Comment:

In light of the findings of the Shire of Katanning Procurement and Purchasing Probity Audit Report 2016 and the alternatives available to Council to exercise its powers and duties, it is recommended that Council withdraw its delegations to the Audit and Risk Committee and the Management Review Committee.

Statutory Environment:

Local Government Act 1995, section 5.16. Delegation of some powers and duties to certain committees

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:***Shire of Katanning Strategic Plan 2013 – 2023***

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:

MOVED: CR SERENA SANDWELL

SECONDED: CR DANNY MCGRATH

OC152/16 That Council revokes the following delegations to the following Committees:

Audit & Risk Committee

- Council's Audit & Risk Committee is to meet with Council's Auditor at least once in every year as required by the Local Government Act.

Management Review Committee

- To receive information on each proposal to employ or dismiss a senior employee and accept or reject the Chief Executive Officer's recommendation. (s5.37(2)).
- To vary the contract of the Chief Executive Officer within the salary range limits set by Council. (s5.39(1)).

Voting Requirement: Absolute Majority

CARRIED: 8/0

10.6.2 Management Review Committee

File Ref: GV.CM.2
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 15 November 2016

Issue:

To review the purpose of the Management Review Committee.

Body/Background:

A probity audit of the Shire of Katanning's procurement and purchasing procedures was undertaken by the Department of Local Government and Communities in March/April 2016. The Audit Report was received by Council in July 2016 included the following recommendation:

Recommendation: 10

That council review the purpose for which the Management Review Committee was established and consider whether it is necessary for it to continue operating or whether it should be disbanded. Should it be determined that the committee is to continue operating, then consideration is to be given to the staff management matters for which the committee has been made responsible for and whether those responsibilities should legitimately remain with the committee or be dealt with by the CEO as part of his function, and responsibilities under the Act.

The Audit Report found that at the establishment of the Management Review Committee Council did not specify what the committee's roles and responsibilities or indicate the purpose for which it was established.

The Audit Report also states that:

"The Shire is also not promoting best practice in the provision of information about the purpose for which it is establishing its committees, and any limitations or restrictions placed on the operations of those committees.

It is considered that some functions performed by the Management Review Committee impinge on the employee management responsibilities of the CEO.

It is clearly the CEO's function to manage the day to day operations and be responsible for the employment, management supervision, direction and dismissal of other employees in accordance with section 5.41 of the Act and be entitled to make any decisions in regard to that function without any intervention or review by a committee of council."

Officer's Comment:

Some of the functions performed by the Management Review Committee would be better carried out by Council as a whole or by the Chief Executive Officer as part of his duties to manage the day-to-day operations of the Shire.

Statutory Environment:

Local Government Act 1995

- Part 3 – Functions of Local Governments
- Section 5.41. Functions of CEO

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:***Shire of Katanning Strategic Plan 2013 – 2023***

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:

MOVED: CR DANNY MCGRATH

SECONDED: CR JOHN GOODHEART

OC153/16 That Council disbands the Management Review Committee.

Voting Requirement: Absolute Majority

CARRIED: 8/0

Cr Danny McGrath spoke for the motion.

10.6.3 Committee Terms of Reference

File Ref: GV.CM.2
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 17 November 2016

Issue:

To consider and adopt terms of reference for Council Committees and advisory committees.

Body/Background:

A probity audit of the Shire of Katanning's procurement and purchasing procedures was undertaken by the Department of Local Government and Communities in March/April 2016. The Audit Report was received by Council in July 2016 included the following recommendation:

Recommendation: 9

That council develops "Terms of Reference" or Statements of Purpose" for each of its committees to improve transparency by providing information to the public on the purpose for which the committee has been established and any limits placed on the operation of the committee.

Terms of reference (attached) have been developed for the following Committees:

Committees of Council –

- Audit and Risk Committee
- Citizen of the Year Committee

Advisory Committees –

- Community Financial Assistance Advisory Committee
- Bush Fire Advisory Committee
- Shire of Katanning, Kent & Woodanilling Local Emergency Management Committee
- Katanning Early Childhood Hub Project Advisory Group
- Katanning Supertowns Project Advisory Group

Officer's Comment:

The terms of reference outline the Objectives, role, membership, meeting frequency and reporting lines for each committee.

Statutory Environment:

Local Government Act 1995, section 5.8. Establishment of committees

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:***Shire of Katanning Strategic Plan 2013 – 2023***

Development and Leadership

- Governance

Officer's Recommendation/Council Motion:**MOVED: CR DANNY MCGRATH****SECONDED: CR SERENA SANDWELL****OC154/16 That Council adopts the terms of reference as proposed for the following committees:****Committees of Council –**

- **Audit and Risk Committee**
- **Citizen of the Year Committee**

Advisory Committees –

- **Community Financial Assistance Advisory Committee**
- **Bush Fire Advisory Committee**
- **Shire of Katanning, Kent & Woodanilling Local Emergency Management Committee**
- **Katanning Early Childhood Hub Project Advisory Group**
- **Katanning Supertowns Project Advisory Group**

Voting Requirement: Simple Majority**CARRIED: 8/0**

10.6.4 Townscape Advisory Committee

File Ref: GV.CM.2
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 17 November 2016

Issue:

To consider the establishment the Katanning Townscape Advisory Committee.

Body/Background:

With the ongoing development of Katanning's parks, gardens and public places it has been identified that there is a need for increased community engagement in the area of townscape development through the establishment of a Townscape Advisory Committee.

The following terms of reference have been developed for the Katanning Townscape Advisory Committee:

Objectives of the Committee

The Katanning Townscape Advisory Committee is to make recommendations to assist Council in its decision making regarding the development of parks, gardens, public spaces and streetscapes in Katanning.

Role of the Committee

The Committee will –

- provide an avenue of communication and consultation between Council and the community;
- provide assistance and advice on the development of Katanning Townscape Plans;
- monitor and review the Katanning Townscape Plans;
- provide assistance and advice on landscape plans for projects;
- provide advice on townscape development priorities; and
- provide assistance with co-ordinating community participation.

Membership

The committee will consist of six (6) members appointed by Council:

- One (1) elected member of the Shire of Katanning
- Two (2) community members
- Shire of Katanning Manager Operations or his/her delegate
- One (1) representative of the Katanning Action Network (KAN)
- One (1) representative of the Broomehill Garden Club

The Shire of Katanning shall provide secretarial and administrative support to the committee.

Meetings

The committee shall meet at least quarterly.

Additional meetings shall be convened at the discretion of the presiding person.

Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

MOVED: CR OWEN BOXALL

SECONDED: CR SERENA SANDWELL

OC157/16 That Council:

- 1) establishes the Katanning Townscape Advisory Committee;**
- 2) adopts the terms of reference for the committee as amended;**
- 3) appoints Councillors McGrath and Van Koldenhoven to the committee and Councillor Goodheart as proxy; and**
- 4) seeks nominations to the committee from the community and member organisations.**

Voting Requirement: Simple Majority

CARRIED: 7/1

Reason for Decision

Council amended the terms of reference to increase the number of elected members appointed to the committee to ensure adequate representation of Council on the committee.

Cr Owen Boxall spoke for the motion.

Cr Richard Kowald spoke against the motion.

Cr Danny McGrath spoke for the motion.

Cr John Goodheart spoke for the motion.

Cr Martin Van Koldenhoven spoke against the motion.

Cr Liz Guidera spoke for the motion.

10.7 ADVISORY COMMITTEE MEETING

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

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

DRAFT

13. CONFIDENTIAL ITEM**PROCEDURAL MOTION****MOVED: CR DANNY MCGRATH****SECONDED: CR OWEN BOXALL****OC158/16 That Council closes the meeting to the public to consider the following item regarding the Performance Review of the Chief Executive Officer.****CARRIED: 8/0**

The Public and staff left the room at 6:03pm

13.1 Chief Executive Officer Performance Review**File Ref:** MURPHY, J**Reporting Officer:** Julian Murphy, Chief Executive Officer**Date Report Prepared:** 16 November 2016**Disclosure of Interest:** Financial Interest - Matters affecting the employment of the CEO**Reason For Confidentiality**

The Chief Executive Officer's Report is confidential in accordance with section 5.23(2)(a) of the Local Government Act because it deals with matters affecting an employee of Council. The Chief Executive Officer's Report has been provided to Council under separate cover.

Officer's Recommendation/Council Motion:**MOVED: CR MARTIN VAN KOLDENHOVEN****SECONDED: CR DANNY MCGRATH****OC159/16 That Council:**

- 1) Accepts the report of the CEO performance for the review period 2015/16 and notes that the CEO generally met the performance criteria during the review period; and**
- 2) Endorses the Performance Criteria as submitted for the forthcoming review period.**

Voting Requirement: Simple Majority**CARRIED: 8/0**

Cr Martin Van Koldenhoven spoke for the motion.

Cr Danny McGrath spoke for the motion.

Cr Owen Boxall spoke for the motion.

PROCEDURAL MOTION

MOVED: CR DANNY MCGRATH

SECONDED: CR JOHN GOODHEART

OC160/16 That Council reopens the meeting to the public.

CARRIED: 8/0

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:06pm

DRAFT