



Shire of Katanning

heart of the great southern

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

MINUTES OF A ORDINARY COUNCIL MEETING

Dear Council Member

Minutes of the Ordinary Council Meeting of the Shire of Katanning held on
Tuesday 23 February 2016, in the Shire of Katanning Council Chambers,
14 Austral Terrace, Katanning, commencing at 6:00pm.

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.

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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS

The Presiding Member declared the meeting open at 6:00pm.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Liz Guidera - President

Members: Cr Craig McKinley - Deputy President
Cr Danny McGrath
Cr Owen Boxall
Cr Richard Kowald
Cr Alep Mydie
Cr Serena Sandwell
Cr Martin Van Koldenhoven

Council Officers: Julian Murphy, Chief Executive Officer
Andrew Holden, Deputy Chief Executive Officer
Uwe Striepe, Director of Engineering & Development Services
Len Calneggia, Acting Director of Corporate and Community Services
Sam Davis, Executive Manager – Strategic Projects
Diana Marsh, Manager of Finance
Sue Eastcott, PA to Director of Corporate and Community Services
Tessa Flugge, Administration Customer Service Officer

Gallery: Amy Kuchel
Sara Anderson
John Goodheart
Julie Forrest
Gary Quarmby

Media:

Apologies:

Leave of Absence:

3. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

10.2.6	Cr Danny McGrath	Disclose of Proximity Interest
10.3.2	Cr Danny MCGrath	Disclosure of Interest Affecting Impartiality
10.3.1	Cr Martin Van Koldenhoven	Disclosure of Financial Interest
10.3.1	Cr Richard Kowald	Disclosure of Proximity Interest
10.3.2	Cr Alep Mydie	Disclosure of Financial Interest
10.4.1	CEO Julian Murphy	Disclosure of Interest Affecting Impartiality
13.1	CEO Julian Murphy	Disclosure of Financial Interest

5. PUBLIC QUESTION/STATEMENT TIME

Sara Anderson from the Katanning Netball Association thanked Council for considering their application to the Community Financial Assistance Program. The money will be used to purchase much needed uniforms.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**8.1 Ordinary Council Meeting – 15 December 2015
(SEE ATTACHED MINUTES)**

MOVED: CR CRAIG MCKINLEY

SECONDED: CR SERENA SANDWELL

OC1/16 That the minutes of the Ordinary Council Meeting held on Tuesday 15 December 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED: 8/0

8.2 Special Council Meeting – 3 August 2015
(SEE ATTACHED MINUTES)

MOVED: CR CRAIG MCKINLEY

SECONDED: CR DANNY MCGRATH

OC2/16 That the minutes of the Special Council Meeting held on Monday 3 August 2015 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED: 8/0

8.3 Annual Electors Meeting – 2 February 2016
(SEE ATTACHED MINUTES)

MOVED: CR RICHARD KOWALD SECONDED: CR MARTIN VAN KOLDENHOVEN

OC3/16 That the minutes of the Annual Electors Meeting held on Tuesday 2 February 2016 be received.

Voting Requirement: Simple Majority

CARRIED: 8/0

Cr Richard Kowald spoke for the motion. Cr Kowald tabled his written statement for the record (see attachment).

Cr Martin Van Koldenhoven spoke for the motion.

President Liz Guidera spoke for the motion.

8.4 Management Review Committee Meeting – 16 February 2016
(SEE ATTACHED MINUTES)

MOVED: CR OWEN BOXALL

SECONDED: CR CRAIG MCKINLEY

OC4/16 That the minutes of the Management Review Committee Meeting held on Tuesday 16 February 2016 be received.

Voting Requirement: Simple Majority

CARRIED: 8/0

Cr Owen Boxall spoke for the motion.

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Guidera made the following announcement.

With such a long break it is difficult to list all of the goings on in our Community since December and tonight I'm not going to attempt this task.

I wish to acknowledge the support from the community of this new Council and its leadership team at our annual electors meeting earlier in the month.

What a difference a year makes – thanks especially to Julian Murphy, Sam Davis and Uwe Stripe for their willingness to listen and answer questions from the public at the meeting. This is what our community was asking for and in Local Government we always know there is room for improvement – especially in the area of drainage! But we are on the right path.

I would also like to acknowledge Deputy Shire President Cr Craig McKinley for carrying out official duties in my absence –much appreciated.

We have an election this Friday, Good luck to all candidates.

10. REPORTS OF COMMITTEES AND OFFICERS

Nil.

10.1 DIRECTOR OF ENGINEERING & DEVELOPMENT SERVICES REPORTS**10.1.1 Development Application – Farm Supply Centre, Extension**

File Ref: A1319
Reporting Officer: D Baesjou, Consultant Planner
Date Report Prepared: 11 February 2016

Issue:

To consider a Development Application for Lot 101 (41) Albion St, Katanning to be used for Farm Supply Centre – Extension.

Body/Background:

An application was received on 22 January 2016 to develop Lot 101 for outdoor storage associated with QFH Multiparts on the adjoining lot. A site plan was submitted on 1 February 2016.

The landowner intends to demolish the vacant building (former squash court), clear and level the site, construct gravel hardstand and crossovers, and erect fencing and gates. Following recent acquisition of Lot 101, the initial stage of business expansion involves development of for outdoor storage and display. Additional structures may be considered in the future.

Lot 101 is 1521m² and has frontage to both Albion St and Bonds St. The property is zoned 'Commercial' under the Shire of Katanning Town Planning Scheme No. 4 (TPS4).

Farm Supply Centre is listed in the Zoning Table as 'AA' (Discretionary) within the Commercial zone.



The draft Local Planning Scheme No.5 (LPS5) also designates both Lots as 'Commercial'. Farm Supply Centre is nominated as a "P" (Permitted) use in the draft LPS5. The land use definition contained in TPS4 is similar in intent to the following term set out in the draft LPS5:

farm supply centre means premises used for the supply and sale of seeds, fertilisers, agricultural chemicals, stock foods, tractors/farm equipment, implements and/or components and/or irrigation equipment for agriculture/primary production purposes.

The application was assessed, based on the requirements set out in TPS4, and the matters listed in Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) which came into effect on 19 October 2015 and introduced 'deemed provisions' that apply throughout Western Australia.

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 Farm Supply Centre (storage and display) is consistent with the objectives and intent of the zone and 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	Removal of the vacant premises and development of the site in accordance with the Scheme is regarded as orderly and proper planning. Similar zoning, permissibility, land use definitions and development requirements are proposed under draft LPS5.
(c) any approved State planning policy.	Neutral	
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d).	Yes	Subject to separate Statutes, Licences, compliance and Codes.
(e) any policy of the Commission.	Neutral	
(f) any policy of the State.	Neutral	
(g) any local planning policy for the Scheme area;	No	Not applicable.
(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) Regulations 2015</i> .	No	n/a.
(j) in the case of land reserved under	No	n/a.

<p>this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;</p>		
<p>(k) the built heritage conservation of any place that is of cultural significance.</p>	No	No registered sites or places on the subject land.
<p>(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;</p>	No	n/a.
<p>(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.</p>	Yes	<p>This proposal represents an extension of the land use on the adjoining property. Removal of the vacant, neglected premises is supported. Construction of boundary fencing and use of the land for storage and display is unlikely to have a significant negative impact on adjoining land.</p>
<p>(n) the amenity of the locality including the following:</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development; 	Yes	<p>Removal and disposal of asbestos (during demolition) and storage of dangerous or hazardous materials associated with the Farm Supply Centre are subject to separate Legislation and Codes.</p> <p>No significant impact on amenity in regard to noise, odour, and lighting given the setting, function and purpose of the zone.</p>
<p>(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.</p>	Yes	<p>Subject to licensing and compliance with relevant statutes. No significant impact anticipated.</p>
<p>(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;</p>	Yes	<p>The site plan shows removal of all existing trees. No on-site landscaping is shown/proposed. Verge and median plantings and trees within the adjoining Reserve to the south afford some screening of the site.</p>

		Landscaping requirements for this development are at the discretion of Council.
(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.	Yes	Katanning is recognised as being at risk of townsite salinity, however there is no evidence of flood for this site.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	Yes	Storage of dangerous/flammable goods has implications for human health and safety; considered to be appropriately managed through relevant Legislation.
(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	Proposed layout allows for access/egress, parking and unloading/loading and appears to address safety and design requirements. New crossovers require approval, adequate drainage and tie in to the existing pavement, kerb and footpaths.
(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.	Neutral	Development may result in slight increase in vehicle movements. Appropriate signage to designate loading areas, customer parking and to ensure one-way circulation should be provided.
(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.	Neutral	Majority of customers load rural and bulky goods onto private vehicles, therefore i, iv and v public transport services and access for pedestrians, cyclists and non-motorised transport has limited significance. If required, water, waste water and power are operational matter for the proponent. Management of solid waste and refuse by developer, to LG specifications. Commercial premises and parking to satisfy relevant standards re: accessibility.

(vi) 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	Removal of the disused premises and development of the site does not represent loss of a community service.
(w) the history of the site where the development is to be located;	Yes	The former Squash Courts are vacant and the building has fallen into disrepair. Development of the site is supported.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Neutral	Development of the site and extension of the adjoining land use represents and intensification of an existing activity.
(y) any submissions received on the application;	No	Permissible Uses under TPS4, no formal advertising required.
(za) the comments or submissions received from any authority consulted under clause 66;	No	n/a.
(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 Super Town Growth and Implementation Plan.

Officers Comment:

Site Requirements for the Commercial zone are 'at the discretion of the Council which, as set out in Clause 6.4.2.1, may be guided by the following:

- setbacks are to comply with the Building Code of Australia and the Council will encourage building to the front boundary where this will be consistent with the existing development on adjoining lots facing the same street.

Relevant Development Requirements set out in clause 6.4.3 include:

Architectural style and design details;

Function;

Relationship to surrounding development;

Landscaping shall be provided to complement the appearance of the proposed development and the town centre: and

The layout of car parking provided in accordance with the provisions of Clause 7.1 of the Scheme shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

Comments on these matters are included in the above table. Generally the Development Requirements are adequately addressed, however further consideration of landscaping and verge parking is necessary given the nature of this proposed extension, and the precedent set for existing land-use.

The site plan indicates removal of all existing trees from Lot 101. No landscaping is shown or proposed on either lot. Verge and median plantings in the Albion and Bond St road reserves and trees within the adjoining Reserve to the south afford some screening of the site. Landscaping is to “complement the appearance of the proposed development and the town centre”. Other development requirements for this zone are at the discretion of Council. Lot 101 had dual frontage and TPS4 ‘encourages’ nil front setbacks, similar to the Town Centre zone, thereby not allowing room for on-site landscaping. By comparison, the first 5m in the Industrial zones is required to be landscaped. Should Council consider it appropriate to require landscaping for the proposed development, approval could be granted subject to the following additional conditions:

- 9) Submission of a landscaping plan for approval by the director of Engineering Services.
- 10) Installation and maintenance of landscaping in accordance with the approved plan.

Clause 7.1 and Schedule 5 of TPS4 deal with car parking requirements, including minimum number of spaces, dimensions, layout, access, manoeuvring, screening and landscaping. Accordingly, four (4) bays are required for first 200sqm of NLA and thereafter one (1) for every additional 100sqm.

From the plans provided, it is estimated the existing land-use on Lot 102 comprises 800sqm of building and display area, therefore the current minimum parking requirement is ten (10) spaces [4 for the first 200sqm plus 6 for remaining 600sqm]. The proposed display and storage area on Lot 101 [allowing for access, parking and loading in that portion of the site between the gates] is approx. 970sqm. The development requires ten (10) parking spaces. Based on total floor and display area across both lots, the minimum number of parking spaces required is twenty (20).

Parking and loading areas are provided for the existing business. Sealed parking and manoeuvring areas are available allowing for thirteen (13) on-site bays. Internal hardstand access and loading areas are also provided. The on-site parking is supplemented by twelve (12) sealed angle bays within the Beaufort St road reserve immediately adjacent to the premises. In total, twenty five (25) parking spaces are currently available. The parking requirements are met if the on-street parking is included; however it could be interpreted that there is a shortfall of seven (7) bays if the calculation involves only the freehold/private property.

The site plan indicates gravel based crossovers the full width of both frontages of Lot 101. The fence on the Bond street frontage is setback 3m from the boundary and truncated at the northern end to align with the existing building on Lot 102. Supplementary customer parking could be provided within this area and partially in the verge. The fence could be located 12m inside the lot to accommodate vehicle parking and manoeuvring areas entirely within private property (i.e. not straddling/encroaching the verge). This is reflected in condition 1 of the Recommendation. Alternatively the fence could be 6m inside the boundary to accommodate parked vehicles within private property. Condition 1 could be deleted or amended accordingly.

Rationalisation of the proposed crossovers is necessary to comply with Shire Policy 8.3 and design specifications. A revised site plan can be submitted showing access, parking and loading areas.

In addition, details relating to on-site stormwater management are yet to be provided. Given the extensive area of hardstand/impervious surface proposed for this development, the soil types and the possible implications for drainage infrastructure, it is appropriate that this information is submitted for assessment and approval.

The Chief Executive Officer has been delegated the authority to approve development applications that meet that meet the requirements of the Town Planning Scheme and are not contentious. In this case, given the history of the site, the community interest and the need for direction/decision on verge parking and landscaping for the proposed development, determination by the Council is considered appropriate.

Supplementary information and technical details can be provided subsequent to Council's determination of this Development Application under the Planning Regulations, parts (1) and (2) of Clause 74 - Approval subject to later approval of details. Utilising this process will enable the proposal to be assessed and finalised at officer level without the need for a further report to the Council.

Statutory Environment:

Shire of Katanning Town Planning Scheme No. 4

The Planning and Development (Local Planning Schemes) Regulations 2015

Policy Implications:

Transport and Engineering - 8.3 Footpath/Vehicle Crossover

Financial Implications:

An Application Fee of \$147 has been paid, based on the published schedule of Fees and Charges.

Strategic Implications:

Shire of Katanning Community Strategic Plan 2013 – 2023 and Corporate Business Plan 2013-2018 and Planning Strategy

Environment & Land Use – Land Use Development:

- Flexible Land Use Planning – Facilitate Development and Encourage progressive consolidation and Redevelopment [CBP Ref. P8.5.2 and O8.5.1]

Development & Leadership - Governance:

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

Economy Objectives

- *To assist business to create and maintain sustainable employment opportunities for residents.*

Community Objectives:

- To actively promote Katanning as a regional centre.

Leadership and Development:

- Strengthening our economy through the continued support of existing businesses and by exploring opportunities to expand our business base.

Officer's Recommendation/Council Motion:**MOVED: CR MARTIN VAN KOLDENHOVEN SECONDED: CR CRAIG MCKINLEY****OC5/16 That Council:**

Approves the Development Application for Lot 101 (41) Albion St, Katanning for the purpose of Farm Supply Centre (storage and display) subject to the following conditions:

- 1) The proposed fence adjacent to Bond Street is to be set back a minimum of 12m to accommodate a minimum of seven (7) on-site parking bays.**
- 2) Submission of a detailed parking and access plan for approval by the Director of Engineering Services.**
- 3) Construction of the crossover, internal accessways, loading and parking areas in accordance with the approved plan and the Shire's Specifications and requirements.**
- 4) Submission of detailed stormwater drainage design and management plan for approval by the Director of Engineering Services prior to commencement of site works**
- 5) Maintenance of parking, manoeuvring and accessways is the responsibility of the developer.**
- 6) Development is to be generally in accordance with approved plans.**
- 7) Lighting devices to be controlled to minimise 'spill' and off-site impact**
- 8) All signage is to comply with Clause 7.11 of the Shire of Katanning Town Planning Scheme No. 4 and relevant requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.**

Advice Notes

- I. All stormwater runoff from the new hardstand to be adequately contained on-site, with disposal via connection to the district drainage system to the satisfaction of the Director of Engineering Services.**
- II. Removal of the existing structure is subject to the issue of a Demolition Licence.**
- III. Handling and Disposal of Asbestos to comply with relevant legislation**
- IV. Future use and development is to comply with the requirements of relevant Health and Environmental statues, the Dangerous Goods Safety Act 2004 and the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 (the Storage and Handling Regulations).**

Voting Requirement: Simple Majority

CARRIED: 8/0

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

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

File Ref: FS/0021
Reporting Officer: D Marsh, Manager Finance
Report Prepared: 15 February 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 CRAIG MCKINLEY

SECONDED: CR SERENA SANDWELL

OC6/16

That Council:

Adopts the Statement of Financial Activity for the month ending 31 December 2015 and 31 January 2016, as presented, and notes any material variances.

Voting Requirement: Simple Majority

CARRIED: 8/0

10.2.2 **Schedule of Accounts**
(ATTACHMENTS)

File Ref: FS/0021
Reporting Officer: D Marsh, Manager Finance
Report Prepared: 15 February 2016

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.

Officer's Comment:

The schedule of accounts for month of November 2015 is attached.

Statutory Environment:

Local Government (Financial Management) Regulations

Policy Implications:

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

Financial Implications:

Expenditure in accordance with the 2015/2016 Annual Budget.

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023
Development and Leadership

- Governance

Officer's Recommendation/Council Motion:

MOVED: CR CRAIG MCKINLEY

SECONDED: CR SERENA SANDWELL

OC7/16 That Council:
Endorses the Schedule of Accounts for December 2015 and
January 2016, as presented.

Voting Requirement: Simple Majority

CARRIED: 8/0

10.2.3 Delegation Register Review
(ATTACHMENTS)

File Ref: AC/02/0018
Reporting Officer: L Calneggia, Acting Director Corporate & Community Services
Date Report Prepared: 12 February 2016

Issue:

To review and amend (if necessary) the delegations register.

Body/Background:

Under the Local Governments Act 1995 Council is permitted to delegate some powers to either a committee of council or to the CEO. The CEO can on-delegate to a council officer. The delegator is required to review these delegations each financial year.

Officer's Comment:

The delegation register has been updated to reflect past and present delegations. There is one delegation, delegation number 10, ancillary accommodation and group dwellings which will need to be revoked as new town planning regulations have been introduced that has rendered this delegation ultra vires. Council does not now have discretion to approve ancillary accommodation.

The CEO has indicated that a new delegation; power to approve the disposing of surplus materials, furniture plant & equipment to the value of twenty thousand (\$20,000) is needed in accordance with Sect 3.58 of the Local Government Act 1995.

Statutory Environment:

Local Government Act 1995 Sections 5.18, 5.46 & 3.58.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Not applicable as item is a statutory matter.

Officer's Recommendation/Council Motion:

MOVED: CR RICHARD KOWALD

SECONDED: CR CRAIG MCKINLEY

OC8/16 That Council:

1. **Approves the delegations contained in the delegation register with the exception of delegation number 10, ancillary accommodation and group dwellings which shall be revoked; and**

2. **Delegates to the Chief Executive Officer the power to dispose of surplus materials, furniture plant & equipment to the value of twenty thousand dollars (\$20,000) in accordance with section 3.58 of the Local Government Act 1995.**

Voting Requirement: Absolute Majority

CARRIED: 8/0

Cr Richard Kowald spoke for the motion.

10.2.4 Car Park Zebra Finch Lane (ATTACHMENTS)

File Ref: A1387

Reporting Officer: L Calneggia, Acting Director Corporate & Community Services

Date Report Prepared: 11 February 2016

Issue:

To endorse the parking plan and approve the lease of land between Rogerson and Council Lot 63 Clive Street Katanning.

Body/Background:

Council through the Clive street improvement plan has previously agreed to undertake to construct parking at the rear of lots facing Zebra Finch Lane. A number of owners with only the owner of lot 63 agreeing to participate and lease council the rear portion of the land for a period of 20 years. A plan of the area is attached for council consideration and endorsement. Also a lease agreement has been drafted between the parties and will need council approval.

Officer's Comment:

This project is funded through the Super Towns funding and approval to use these funds for this purpose has been received from DRD with funds needed to be expended by May 2016. Negative or nil responses have been received from owners alongside lot 63 and it was decided not to proceed with this option for the present.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Nil.

Financial Implications:

Funding has been allowed in the 2015/16 Budget.

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023

Development & Leadership CBD revitalization – assemble land to accommodate parking.

Officer's Recommendation/Council Motion:**MOVED: CR CRAIG MCKINLEY****SECONDED: CR DANNY MCGRATH**

OC9/16 That council endorses the parking plan (PA 03) for the parking area Zebra Finch lane and approve of the lease between Rogerson and the Shire of Katanning for a period of twenty (20) years.

Voting Requirement: Simple Majority

CARRIED: 8/0

Cr Craig McKinley spoke for the motion.

10.2.5 **Local Government (Rules of Conduct) 2007 Regulations**
(ATTACHMENTS)

File Ref: AC/02/0015**Reporting Officer:** L Calneggia, Acting Director Corporate & Community Services**Date Report Prepared:** 10 February 2016

Issue: To consider a response to a review of the Local Government Rules of Conduct 2007 Regulations.

Body/Background:

WALGA is seeking feedback on the Department of Local Government and Communities "Rules of Conduct Regulations Review" consultation paper. The Department of Local Government has elected to carry out a review of these regulations and have prepared:

- Consultation Paper – attachment 1
- Summary of Proposals and issues attachment 2

The author has prepared a response paper to the proposals and issues for council's consideration attachment 3. WALGA is asking all Local Governments to provide feedback and comment by 4 March 2016.

Officer's Comment:

This review is regarded as an important step in updating and improving the official conduct rules relating to Elected Members. As such it is of high importance that members consider each of the proposals carefully. There have been no amendments to the rules of conduct regulations since their inception in 2007. The author has provided a version based on limited experience in administering the regulations as there has not been occasions where any breaches have ever occurred and is based on "gut feeling" in most of the proposals. A copy of the current regulations is attached (attachment 4).

Statutory Environment:

Local Government Act 1995

Local Government Code of Conduct Regulations 2007

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

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

OC10/16 That Council forwards a response to WALGA in accordance with those outlined in the response paper (attachment 3) with/without modifications.

Voting Requirement: Simple Majority

CARRIED: 8/0

Cr Richard Kowald spoke for the motion.

10.2.6 **Keystart Home Loans**

File Ref: A1249
Reporting Officer: Diana Marsh, Manager of Finance
Date Report Prepared: 17 February 2016

Issue:

Council to consider providing Keystart Home Loans (Keystart), mortgagee-in-possession of 94 Dijon St, Katanning, financial relief in the form of a rebate/waiver for outstanding rates and charges.

Body/Background:

This property has had outstanding rates for a number of years made up of the following charges:

Rates	\$6,495.00
Emergency Services Levy	510.00
Residential Bins	1,944.05
Soil Conservation Charge	180.00
Waste Levy	181.00
Legal Charges	<u>8,572.49</u>
	\$17,882.54

Over the past few years the Shire has entered into a number of payment arrangements with the legal owner of the property following the commencement of legal action. These arrangements were subsequently dishonoured on each occasion. In October 2015 after exhausting all other options, the Shire instructed its debt collection agency, AMPAC, to bring the property to sale to recover the debt.

AMPAC contacted the Shire to advise that Keystart had, on 23 November 2015, taken possession of the property (copy of Mortgagee in Possession Advice attached) thus becoming responsible for the outstanding rates act. A decision was made for the Shire to defer action while Keystart continued the sale process.

The Shire received a letter from Keystart dated 12 February 2016 (see attached) stating that they are looking at a significant loss from the sale of this property given the current market conditions. The letter also informs that the purpose of Keystart under the State Government's Affordable Housing programme is to provide affordable housing to West Australians, including those in country towns, and any relief the Shire can provide will assist Keystart with its continued efforts in providing this service.

On 16 February 2016 the Shire received an Account Enquiry and Advice of Sale form which is notification from the requesting settlement agent that the property is being sold. The sale price accepted by Keystart is for \$55,000 with a settlement date of 8 March 2016. In the normal course of events, the full amount of rates outstanding would be withheld by the agent and remitted to the shire following settlement.

Officer's Comment:

Keystart is an entity that is in the business of lending money to generally lower income individuals which subsequently leaves them exposed to a higher risk of default. Keystart itself is not an individual person(s) experiencing financial hardship.

The sale price of \$55,000 for the property was accepted by Keystart knowing the financial ramifications of doing so and they are now asking the Shire to take on some of the consequences of their decision.

The Shire bears the cost of outstanding charges from the moment they fall due. The Emergency Services Levy, the Soil Conservation Levy and the rubbish collection charges are paid to the relevant organisation/service provider each year and there is no reimbursement to the Shire where these charges are unable to be collected from the ratepayer.

Under the *Local Government Act 1995*, Keystart, as mortgagee-in-possession, is the owner of the land and as such the Shire is able to recover all unpaid rates and services charges from them (see below).

Should Council choose to waive some or all of the outstanding rates and charges it may set a precedent that may pave the way for future claims of a similar nature.

Statutory Environment:

Section 6.55 of the *Local Government Act 1995* gives provision for the recovery of rates and service charges as follows:

- (1) Subject to subsection (2) and the *Rates and Charges (Rebates and Deferrals) Act 1992* rates and service charges on land are recoverable by a local government from —
 - (i) the owner at the time of the compilation of the rate record; or
 - (ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.

- (2) A person who, by virtue of an Act relating to bankruptcy or insolvency or to the winding up of companies, has become the owner of land in the capacity of a trustee or liquidator, is not on that account personally liable to pay, out of the person's own money, rates or service charges which are already due on, or become due on that land while that person is the owner in that capacity.

Section 1.4 of the *Local Government Act 1995* defines owner, where used in relation to land as:

- (a) means a person who is in possession as —
- (i) the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple; or
 - (ii) a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not rateable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy rateable land under this or another Act for the purposes of this Act; or
 - (iii) a mortgagee of the land; or
 - (iv) a trustee, executor, administrator, attorney, or agent of a holder, lessee, tenant, or mortgagee, mentioned in this paragraph;

Section 6.47 of the *Local Government Act 1995* allows a local government to provide concessions as follows:

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a Local Government may at the time of imposing a rate or service charge, or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate of service charge.

*Absolute Majority Required

Policy Implications:

Nil.

Financial Implications:

By providing a rebate/waiver for some or all of the outstanding rates and charges the Shire will forego income to the extent of any relief provided.

Strategic Implications:

Nil.

Officer's Recommendation/Council Motion:**MOVED: CR DANNY MCGRATH****SECONDED: CR CRAIG MCKINLEY**

OC11/16 That Council declines the request from Keystart Home Loans for financial relief for outstanding rates and charges on the property 94 Dijon Street, Katanning.

Voting Requirement: Absolute Majority

CARRIED: 8/0

Cr Danny McGrath spoke for the motion.

Cr Martin Van Koldenhoven spoke for the motion.

Cr Richard Kowald spoke for the motion.

10.3 EXECUTIVE MANAGER – STRATEGIC PROJECTS

Cr Richard Kowald declared a disclosure of proximity interest and Cr Martin Van Koldenhoven declared a disclosure of financial interest and they left the room at 6:29pm.

10.3.1 Community Financial Assistance Program (CFAP)

File Ref: FL/0019

Reporting Officer: S Davis, Executive Manager Strategic Projects

Date Report Prepared: 11 February 2016

Issue:

To consider the recommendations put forward by the Community Financial Assistance advisory committee for the allocation of the 2015/2016 Round 2 Katanning Community Financial Assistance Funding.

Body/Background:

The sixteenth round of funding under this program was advertised in December 2015 and January 2016 with advertisements in the Great Southern Herald, the Shire of Katanning Website, Shire Matters Newsletter, letters and emails to the community and Facebook.

The Community Financial Assistance Program (CFAP) provides funding support in three categories; Minor Community Grant (up to \$5,000), Major Community Grant (Over \$5,000) and Triennium Community Grant (3 year approval- Minor or Major), to enable organisations to develop projects that increase participation and benefit the community.

At the closing date 8 applications were received: 6 applications requesting a minor community grant, 2 applications requesting a major community grant and no applications requesting a triennium grant.

The application process was coordinated by the PR/Community Relations Officer Amy Kuchel.

The Community Financial Assistance Program Council Advisory Committee consisting of Cr McGrath; Cr Van Koldenhoven; the Executive Manager of Strategic Projects; and the PR/Community Relations Officer Amy Kuchel met to assess the CFAP applications on 9 February 2016.

Summary of applicants

Minor Community Grant (up to \$5,000)

Full Organisation Name: Katanning Men's Shed

Project Title: New equipment

Requested Amount from Council:
\$3,048.64 ex GST

Total Project Cost: \$3,048.64 ex GST

Full Organisation Name: Katanning Community Resource Centre

Project Title: New equipment for Community Harvest Garden

Requested Amount from Council: \$4,765.45 ex GST

Total Project Cost: \$4,765.45 ex GST

Full Organisation Name: Katanning High School P&C

Project Title: Senior School Ball

Requested Amount from Council: \$456.36 ex GST

Total Project Cost: \$4,777inc

Full Organisation Name: Palmerston Association Inc

Project Title: International Women's Day

Requested Amount from Council:
\$2,488.18 ex GST

Total Project Cost: \$2,738.14

Full Organisation Name: Katanning Netball Association

Project Title: Association Uniform Replacement

Requested Amount from Council: \$4,000 ex GST

Total Project Cost: \$10,000

Full Organisation Name: Burundi Peace Choir

Project Title: Twa Culture in Katanning Project

Requested Amount from Council: \$916 ex GST

Total Project Cost: Unconfirmed

Major Community Grant (Over \$5,000)

Full Organisation Name: Katanning Speedway Club

Project Title: Rejuvenation of speedway track surface

Requested Amount from Council: \$12,000 ex GST

Total Project Cost: \$12,000 ex GST

Full Organisation Name: Katanning Wanderers Football Club

Project Title: Goal post upgrade at Quartermaine Oval

Requested Amount from Council: \$11,457 ex GST

Total Project Cost: \$20,654inc

Triennium Community Grant (3 year approval) Minor or Major

Nil

Minor Community Grant (up to \$5,000)**Application 1**

Full Organisation Name:	Katanning Men's Shed
Brief Description of Organisation:	Katanning Men's Shed is a community-based, non-profit, non-commercial organisation that is accessible to all men and whose primary activity is the provision of a safe and friendly environment where men are able to work on meaningful projects at their own pace in their own time in the company of other men.
Current Membership Numbers:	40
Project Title:	New equipment
Project Description:	The purchase of new equipment to enable them to better achieve the aims of the Shed.
Estimated project start date:	On approval of grant
Estimated project end date:	Ongoing
Actual event date:	
Location of event:	Rear of Katanning Stock and Trading, Austral Terrace

Expected project benefits to the community:

- Provide a safe and caring environment for older men, men with disabilities, or unemployed men of any age;
- To help men suffering depression and other mental illnesses;
- Provide a place of social interaction for men within the community; and
- Provide local information on men's health issues and how to source that help.

Other community groups and/or key people involved in the project:

- Not listed

Project expenditure:

- Table saw
- Dust collector
- Dust collector hose
- Belt sander
- Incidentals for above equipment

Applicant Cash Contribution:	\$0
Applicant In-Kind Contribution:	Pick up of equipment- 2 people, 8 hours drive and load
Other Cash Contribution:	\$0
Other In-Kind Contribution:	\$0
Requested Amount from Council:	\$3,048 ex GST
Total Project Cost:	\$3,048 ex GST
Advisory Committee Recommendation:	Approve \$3,048 ex GST subject to acquiring a local quote.

Application 2

Full Organisation Name:	Katanning Community Resource Centre
Brief Description of Organisation:	The CRC supports the economic and social development of the entire community by offering a range of services. They make a measurable contribution to the capacity and sustainability of the Katanning community through projects and initiatives.
Current Membership Numbers:	19
Project Title:	New equipment for Community Harvest Garden
Project Description:	The purchase of new equipment to be able to pick up a wider variety of food items for the Community Harvest and manure for the community garden.
Estimated project start date:	30 February 2016
Estimated project end date:	Ongoing
Actual event date:	On approval of grant
Location of event:	16 Albion Street Katanning

Expected project benefits to the community:

- Greater variety of foods available at the Community Harvest;
- Increased crops at the community garden; and
- Fill identified need for a variety of foods requested by the community.

Other community groups and/or key people involved in the project:

- CRC
- Community Harvest
- Community Garden
- Foodbank WA
- Local businesses and farmers

Project expenditure:

- Trailer, brakes and spare wheel
- Mulcher
- Portable fridge/freezer with cover

Applicant Cash Contribution:	\$0
Applicant In-Kind Contribution:	\$0
Other Cash Contribution:	\$0
Other In-Kind Contribution:	\$0
Requested Amount from Council:	\$4,765.45 ex GST
Total Project Cost:	\$4,765.45 ex GST

Advisory Committee Recommendation: Approve \$4,765.45 ex GST

Application 3

Full Organisation Name:	Katanning High School P&C
Brief Description of Organisation:	The P&C supplies support to teachers and students through organising the school ball, paying for various services required and organising the graduation ceremony.
Current Membership Numbers:	Varies depending on attendance and project.
Project Title:	Senior School Ball
Project Description:	Every year the Year 11 and 12 students attend a school ball and participate in a parade to the local residents. The ball includes food, drink, gift, photography, DJ and decorations.
Estimated project start date:	12 March 2016
Location of event:	Pioneer Room, Katanning Leisure Centre

Expected project benefits to the community:

- Gives the students the ability to socialise outside of school hours; and
- Honours the students leaving the school that year.

Other community groups and/or key people involved in the project:

- Not listed

Project expenditure:

- Venue hire
- Decorations
- Photographer
- Food and drink
- Music/DJ
- Gift

Applicant Cash Contribution:	\$3,850
Applicant In-Kind Contribution:	\$0
Other Cash Contribution:	\$0
Other In-Kind Contribution:	\$0
Requested Amount from Council:	\$456.36 ex GST
Total Project Cost:	\$4,777 inc GST

Advisory Committee Recommendation: Approve \$456.36 ex GST

Application 4

Full Organisation Name:	Palmerston Association Inc
Brief Description of Organisation:	Palmerston aims to prevent and reduce the harmful effects of alcohol and other drugs on people, families and community by offering tailored responses to their desired goals. Palmerston provides counselling services to groups, individuals and significant others of those affected by drugs or alcohol and in the prevention of harms associated with alcohol and other drugs within the community.
Current Membership Numbers:	5 staff
Project Title:	International Women's Day event
Project Description:	As a member agency of the recently formed Katanning Migrant Advocacy group, Palmerston are taking the lead in organising an event for the International Women's Day 2016 to be held in the Katanning Town Square on Tuesday 8 March from 11am – 1pm. The concept is 'bring and share' a picnic lunch with guest speakers on topics which impact or celebrate women. There will also be music performances which highlight the diversity of culture and various stalls.
Estimated project start date:	8 March 2016
Location of event:	Katanning Town Square

Expected project benefits to the community:

- Celebrate the diversity of women in Katanning and strengthen the sense of inclusion, connectedness and belonging amongst Katanning residents through fostering a sense of shared experience of being a woman; and
- Opportunity for women to meet and celebrate with others and feel part of a vibrant community.

Other community groups and/or key people involved in the project:

- Katanning Migrant Resource Centre
- Katanning Senior High School
- Southern Aboriginal Corporation
- WA Country Health Service- Population Health
- Shire of Katanning Community Development team

Project expenditure:

- Advertising
- Welcome to Country fee
- Entertainment (Burundi Peace Choir)
- Decorations
- Gift for attendees
- Gazebo
- Sausage sizzle

Applicant Cash Contribution:	\$249.95
Applicant In-Kind Contribution:	\$1,800
Other Cash Contribution:	\$0
Other In-Kind Contribution:	Volunteer hours from other organisations
Requested Amount from Council:	\$2,488.18 ex GST
Total Project Cost:	\$2,738.14
Advisory Committee Recommendation:	Approve \$2488.18 ex GST

Application 5

Full Organisation Name:	Katanning Netball Association
Brief Description of Organisation:	Administer and promote the sport of netball, encourage women and children to participate in the sport and encourage an active community. They participate in the Net-Set-Go competition, Junior competition, senior competition, Vets competition, representative competitions and pathways, coaching, umpiring, Grassroots programs and Pathways.

Current Membership Numbers: 7 teams

Project Title: Association Uniform Replacement
Project Description: Purchase new uniforms for 7 teams (juniors and seniors) that are worn at representative carnivals in Perth, Albany, Narrogin, Denmark, Ongerup and Katanning which have currently been used for approximately 25 years unchanged.

Estimated project start date: Upon funding approval
Location of event: Katanning Leisure Centre

Expected project benefits to the community:

- Put some pride back into Katanning representative teams;
- Continue to help encourage an active society through sport; and
- Reduce the borrowing of uniforms from the high school.

Other community groups and/or key people involved in the project:

- QFH Multiparts

Project expenditure:

- Skirts, tops and jackets
- Printing of logos
- Freight

Applicant Cash Contribution: \$3,000
Applicant In-Kind Contribution: \$0
Other Cash Contribution: \$3,000
Other In-Kind Contribution: \$0
Requested Amount from Council: \$4,000 ex GST
Total Project Cost: \$10,000

Advisory Committee Recommendation: Approve \$4,000 ex GST subject to final logo approval and viewing of correct quote.

Application 6

Full Organisation Name: Burundi Peace Choir
Brief Description of Organisation: The choir aims to increase cultural awareness and bring the community together through the celebration of culture. Their efforts raise funds to assist the Twa people back home in Burundi.

Current Membership Numbers: Not listed

Project Title: Twa Culture in Katanning Project
Project Description: Holding an event showcasing the Burundi choir where people from all over are invited.

Estimated project start date: TBA
Location of event: Katanning Town Hall

Expected project benefits to the community:

- The event will see the Katanning community come together to celebrate culture through music; and
- Help strengthen community relationships, understanding and awareness.

Other community groups and/or key people involved in the project:

- Choir of the Children
- Uniting Church
- Anglican Church

Project expenditure:

- Venue hire
- Advertising
- Other event costs

Applicant Cash Contribution: \$0
Applicant In-Kind Contribution: Coordinating event.
Other Cash Contribution: \$0
Other In-Kind Contribution: \$0
Requested Amount from Council: \$916 ex GST
Total Project Cost: TBC

Advisory Committee Recommendation: Approve \$700 ex GST upon event confirmation and quotations for Burundi Peace Choir advertisement. Approve \$216 ex GST for venue hire as a CEO donation.

Application 7

Full Organisation Name: Katanning Speedway Club
Brief Description of Organisation: The club coordinates the motor sports in Katanning through events that bring cars from all over Australia to provide entertainment for the youth and general community of Katanning.

Current Membership Numbers: 20

Project Title: Rejuvenation of speedway track surface
Project Description: Track has not been resurfaced for 15 years. Purchase, spread and work sand into the track surface to attract drivers.

Estimated project start date: 1 March 2016
Location of event: Lot 134 Climie Road Katanning

Expected project benefits to the community:

- Supply entertainment to the community which will involve 80% of participants travelling to Katanning; and
- Bringing in extra income to the town and local businesses.

Other community groups and/or key people involved in the project:

- Not listed.

Project expenditure:

- Supply of 600 meters of sand

Applicant Cash Contribution: \$0

Applicant In-Kind Contribution: Spreading and working in the sand onto track

Other Cash Contribution: \$0

Other In-Kind Contribution: \$0

Requested Amount from Council: \$12,000 ex GST

Council: \$12,000 ex GST

Total Project Cost:

Deny request in this round due to insufficient CFAP budget funding.

Advisory Committee**Recommendation:****Application 8**

Full Organisation Name:

Katanning Wanderers Football Club

Brief Description of**Organisation:**

Aim to provide a safe playing ground for the local community members and visitors from surrounding towns to participate and compete in AFL Rules within the Upper Great Southern Football League, Auskick and Under 13 Football Competition.

Current Membership Numbers:

120

Project Title:

Quartermaine Oval Upgrade

Project Description:

To replace existing goal posts due to the deterioration over time and to meet with AFL standards so clubs can host WAFL and NAB football games at the oval.

Estimated project start date:

1 April 2016

Location of event:

Quartermaine Oval, Katanning Leisure Centre

Expected project benefits to the community:

- Safe equipment;
- AFL standard equipment;
- Prospect of hosting a WAFL or NAB Cup AFL match in Katanning;
- Prospect of hosting WAFL preseason training open to public viewing; and
- Would be able to host the Upper Great Southern Football League Grand Final.

Other community groups and/or key people involved in the project:

- Local Businesses
- DRR
- Local community
- WAFL
- Katanning Leisure Centre User Group Committee
- Clontarf
- Upper Great Southern Football League

Project expenditure:

- 4x goal posts plus ground tubes
- 4x point posts plus ground tubes
- Freight
- Removal of existing goal posts
- Installation costs (concrete, boring, surveyor machinery hire)
- Labour

Applicant Cash Contribution:	\$5,952
Applicant In-Kind Contribution:	\$2,100
Other Cash Contribution:	\$0
Other In-Kind Contribution:	\$0
Requested Amount from Council:	\$11,457 ex GST
Total Project Cost:	\$20,654 inc GST

Advisory Committee**Recommendation:**

Allocate funds within the Katanning Leisure Centre budget as part of the 2015/2016 Budget Review. If sufficient funds are unable to be allocated during the review, that Council considers this item in its 2016/2017 budget deliberations.

Additional Comments:

Community Financial Assistance Program Grant Budget 2015/2016: \$19,000

Funding of \$2,959.09 ex GST was approved in Round 1 of the CFAP with \$16,040.91 ex GST remaining in the budget for 2015/2016 Round 2.

Funding of \$500 ex GST was approved in Round 2 of the 2014/2015 CFAP to the Katanning Speedway Club. This amount was carried over and paid from the 2015/2016 budget.

Budget allocation available for Round 2: \$15,540.91 ex GST

Total cash contribution requested: \$39,131.63 ex GST

Recommended cash contribution: \$15,458.63 ex GST

A copy of each application received under the 2015/2016 round 2 Community Financial Assistance Program will be made available for inspection at the February Ordinary Council Meeting.

Statutory Environment:

Nil.

6. **Approve \$700 ex GST upon event confirmation and quotations for Burundi Peace Choir advertisement. Approve the \$216 ex GST venue hire as a CEO donation.**
7. **Deny the Katanning Speedway Club's request for \$12,000 ex GST in this round due to insufficient Community Financial Assistance Program budget funding.**
8. **Allocate funds within the Katanning Leisure Centre budget as part of the 2015/2016 Budget Review. If sufficient funds are unable to be allocated during the review, that Council considers this item in its 2016/2017 budget deliberations.**

Voting Requirement: Simple Majority

CARRIED: 6/0

Cr Danny McGrath spoke for the motion.

Cr's Richard Kowald and Martin Van Koldenhoven returned to the meeting at 6:38pm.

Cr Alep Mydie declared a disclosure of financial interest and left the room at 6:38pm.

10.3.2 Library Asset Disposal

File Ref: A959
Reporting Officer: J K Hagley, Acting Library and Gallery Coordinator
Date Report Prepared: 12 February 2016

Issue:

The Library/Gallery are seeking Council permission to dispose assets by private treaty to Islamic Association of Katanning as per section 3.58(5)(d) of the Local Government Act 1995 and regulation 30(3)(a) of the Local Government (Functions and General) Regulations 1996.

Body/Background:

The aforementioned assets are 35 chairs purchased in 1999 when the facility was established, making them 15 years old. Whilst they are still in good condition they are no longer appropriate for the facility due to their excessive weight, 8kg per chair, and their dated style.

Over the past 5 years the Library and Gallery has increased its community engagement by holding events and by promoting the Community Room as a free and welcoming space for community groups to hold meetings and functions. This increase in use has resulted in staff and the public having to regularly move, set up and pack up these chairs and with each chair weighing 8kg, they pose a risk to the health and safety of both staff and community groups.

Because of these issues, the library has used allocated funds from the 2015-16 library budget to purchase 40 new, light-weight chairs. The facility has also recently acquired a further 36 good quality used chairs from the City of Perth Library. This means that

the old chairs are no longer required and are taking up valuable storage space within the gallery storeroom.

The Islamic Association of Katanning has expressed an interest in purchasing the chairs for their mosque for \$100.00. The Library would put this money towards the replacement cost of new public access computers. Currently the Library has only two functioning public access computers, both of which are very old and are currently running on Windows XP.

Officer's Comment:

Whilst \$100.00 may seem like an unreasonable rate, what also needs to be taken into account is that the Islamic Association are more than happy to pick the chairs up using their own people and resources. This saves on staff time and also means that shire vehicles are not taken off jobs in order to move the chairs.

One alternative would be to move the chairs on to another facility within the organisation such as the Leisure Centre or the Town Hall. The problem with these alternatives is that the chairs do not match any other chairs within the whole organisation. It also means the problems that we've had with their suitability within the Library and Gallery facility are essentially being palmed off onto someone else.

As Katanning is in a process of renewal and improvement to encourage new families and professionals to relocate here, we must ensure all of our facilities are of a standard and quality to rival those in metropolitan areas. By letting go of the dated chairs, the Shire will be taking a small step towards updating the Library and Gallery facility to keep in line with community-wide improvements.

Statutory Environment:

Local Government Act 1995 – s. 3.58(5)(d)

Local Government (Functions and General) Regulations 1996 – r. 30(3)(a)

Policy Implications:

Nil.

Financial Implications:

Should council approve the request to dispose of the 35 chair at a rate of \$100.00, the money would go back into the library to put towards the purchase new public access computers.

Strategic Implications:

Shire of Katanning Strategic Plan 2013 – 2023

Community and Culture

- Cultural Diversity

Officer's Recommendation:**MOVED: CR OWEN BOXALL****SECONDED: CR RICHARD KOWALD**

OC15/16 That council approves the asset disposal of 35 chairs from the Library and Gallery facility to the Islamic Association of Katanning for \$100.00.

Voting Requirement: Simple Majority

CARRIED: 7/0

Cr Owen Boxall spoke for the motion.

Cr Alep Mydie returned to the meeting at 6:40pm.

10.4 DEPUTY CHIEF EXECUTIVE OFFICER**10.4.1 Appointment of Auditor****File Ref:** FU/03/0001**Reporting Officer:** A Holden, Deputy Chief Executive Officer**Date Report Prepared:** 18 February 2016**Body/Background:**

Council's current audit agreement with Lincolns, who are based in Albany, for the provision of audit services expired after the final audit of the year ended 30 June 2015 and Council therefore needs to appoint an auditor to provide services for a maximum period of five years commencing 1 July 2015.

The Minister for Local Government and Communities has advised that the government intends to effect changes to make the Auditor-General responsible for the audit of all local governments commencing in the year 2017/18. Transitional arrangements may apply such that individual local government's existing agreements with auditors that cover the 2017/18 and later years may be allowed to conclude before the Auditor-General will become their auditor.

Council's current auditor was requested to supply a quote for continuing for up to a further five years and quotes were requested from another two qualified audit practices being Moore Stephens (based in Perth) and AMD Chartered Accountants (based in Bunbury).

A comparative analysis of the quotes, all shown GST exclusive, is as follows:

	Moore Stephens	Lincolns	AMD
Number of Local Governments providing audit services to	39	9	20 (approx.)
Base Fee quoted	Fixed	CPI	Fixed
Interim & Final Audit - 2015/16	\$18,000	\$19,500	\$23,000
Interim & Final Audit - 2016/17	\$18,500	\$19,988	\$23,700
Interim & Final Audit - 2017/18	\$19,000	\$20,487	\$24,400
Interim & Final Audit - 2018/19	\$20,000	\$21,000	\$25,200
Interim & Final Audit - 2019/20	\$21,000	\$21,524	\$26,000
Approx. round trip km	620	350	480
Approx. travel & accom costs p.a.	\$2,200	included	\$2,000
2015/16 effective gross cost	\$20,200	\$19,500	\$25,000
Estimated on-site hours	80+	75	75
OTHER REQUIRED SERVICES			
Roads to Recovery certification	\$800 - \$1,000	Inc. in fee	\$800 - \$1,000
Pensioner Deferred Rates certification	\$800 - \$1,000	\$800 - \$1,000	Inc. in fee
Other Certifications/Acquittals	\$800 - \$1,000	\$800 - \$1,000	\$800 - \$1,000
Financial Management Review	\$5,000 (with 1 st interim)	\$5,500 (over 1 week)	\$6,800

Indicative hourly rates for additional services	Moore Stephens	Lincolns	AMD
Audit Partner	\$450 - \$600	\$350	\$380
Associate Director	\$350 - \$400		
Audit Manager/Client Advisor	\$250 - \$300		\$225
Audit Senior	\$180 - \$200	\$170	\$210
Audit Intermediate	\$140 - \$180	\$130	\$130
Graduate	\$120		

Officer's Comment:

All three firms are currently providing audit services to a number of local governments and all are considered to be capable of providing a highly professional service. The quotes provided demonstrate that each of the firms have the capacity and staff to efficiently meet the service requirements of Council administration.

There is little variation in gross costs, inclusive of Roads to Recovery and Deferred Pensioner Certifications, between Lincolns (\$20,500) and Moore Stephens (\$22,000) with the quote from AMD an additional \$4,000.

The second table highlights the differences in quoted charge out rates for additional audit services by level which are primarily grant acquittals. It should be noted that

grant acquittal work is primarily done at the Audit Senior level and thus there is again little difference with those hourly rates only varying within a range of \$170 to \$210 per hour although with the number of acquittals required in a normal year this could easily approach \$2,000.

Given the Minister's advice that the all local government audits will be transitioned to the Auditor General it is considered prudent to only now make an appointment for the three year period covering the 2015/16, 2016/17 and 2017/18 financial years. It is also considered that a three year appointment will be sufficient for either a new or continuing auditor to efficiently plan their audit programme for the Shire.

Lincolns have been the Shire's auditors for the last five years and have carried out their work in a very professional and competent manner and have been very approachable when staff have sought advice. While there is nothing to stop Council from re-appointing Lincolns for a further period a change in auditor will also provide the intangible benefit associated with an examination of the accounts from a "fresh" perspective.

Consequently, while the quote from Lincolns is marginally lower cost, it is recommended on the basis of best value for money that Moore Stephens should be the preferred choice and that David Tomasi be appointed Council's auditor.

Statutory Environment:

Section 7.6(1) of the Local Government Act 1995 requires a Local Government to appoint an auditor for a term of not more than five financial years.

Policy Implications:

Nil.

Financial Implications:

Audit fees are budgeted annually.

Strategic Implications:

Nil.

Officer's Recommendation/Council Motion:

MOVED: CR DANNY MCGRATH

SECONDED: CR CRAIG MCKINLEY

OC16/16 That Council:

Appoint Mr David Tomasi of Moore Stephens to be the Shire of Katanning's Auditor, for the three-year period 1 July 2015 to 30 June 2018.

Voting Requirement: Absolute Majority

CARRIED: 7/1

Cr Danny McGrath spoke for the motion.

Cr Van Koldenhoven spoke against the motion.

Cr Richard Kowald spoke for the motion.

10.5 CHIEF EXECUTIVE OFFICER'S REPORTS**10.5.1 Fire Control Officer Badgebup Bushfire Brigade**

File Ref: TL/03/0003
Reporting Officer: C Pearce, Community Emergency Services Manager
Date Report Prepared: 22 January 2016

Issue:

Council to endorse the following Bushfire Brigade member as Authorised Fire Control Officer.

Body/Background:

Fire Control Officers are appointed by Council under Section 38 of the Bushfires Act 1954 to issue 'Permits to Burn' and to carry out other actions as set out in the Bushfires Act 1954 as enquired by Local Government.

Officer's Comment:

Council endorsement of appointment of Tim Harris – FCO Badgebup, as an Authorised Fire Control Officer for the Shire of Katanning.

Tim Harris – FCO Badgebup**Statutory Environment:**

Bushfire Act 1954.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Fire Control Officers under Section 38 of the Bushfires Act 1854 are appointed by Local Governments. Under Section 38 and 39 Bushfire Control Officer may, subject to directions given by the Local Government, take any measures he/she considers necessary and practicable for:

- The prevention of bushfires.
- Protecting life and property in the case of an outbreak of a bushfire
- Carry out any duty or exercising any authority referred to in the Bushfires Act.
- Procuring the due observance of the provisions of the Act. (For this purpose it is his/her duty to demand the name and address of any person committing an offence against the Act and to report the circumstances to the Local Government).

Officer's Recommendation/Council Motion:**MOVED: CR OWEN BOXALL****SECONDED: CR CRAIG MCKINLEY**

OC17/16 That Council appoints Tim Harris (FCO Badgebup) as Fire Control Officer.

Voting Requirement: Simple Majority

CARRIED: 8/0

Cr Owen Boxall spoke for the motion.

10.6 ADVISORY COMMITTEE MEETING

Nil.

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

Nil.

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

Nil.

13. CONFIDENTIAL ITEM**PROCEDURAL MOTION****MOVED: CRAIG MCKINLEY****SECONDED: DANNY MCGRATH**

OC18/16 That Council closes the meeting to the public to consider the following item in accordance with section 5.23(2)(a) of the Local Government Act.

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.

CARRIED: 8/0

13.1 Chief Executive Officer – Employment Contract**File Ref:****Reporting Officer: Julian Murphy, Chief Executive Officer****Date Report Prepared: 3 January 2017****Disclosure of Interest: Financial Interest – Matters affecting the employment of the CEO****Committee Recommendation/Council Motion:****MOTION****MOVED: CRAIG MCKINLEY****SECONDED: DANNY MCGRATH****OC19/16****That Council:**

- 1. Notes the successful completion of the six month probationary period of the Chief Executive Officer; and**
- 2. Confirms the ongoing employment of Mr Julian Murphy in the position of Chief Executive Officer effective from 29 February 2016 in accordance with the Contract of Employment dated 27 May 2015.**

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

Cr Craig McKinley spoke for the motion.

Cr Danny McGrath spoke for the motion.

Cr Alep Mydie spoke for the motion.

PROCEDURAL MOTION**MOVED: CRAIG MCKINLEY****SECONDED: OWEN BOXALL****OC20/16****That Council re-open the meeting to members of the public.****CARRIED: 8/0****14. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6:51pm