



Shire of
Katanning
heart of the great southern

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

**NOTICE OF AN
ORDINARY COUNCIL MEETING**

Dear Council Member

The next Ordinary Council Meeting of the Shire of Katanning will be held on
28 October 2009, in the Shire of Katanning Council Chambers,
16-24 Austral Terrace, Katanning, commencing at 6.00pm.

Dean Taylor
CHIEF EXECUTIVE OFFICER

23 October 2009

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.

Cr Richard Kowald
SHIRE PRESIDENT

PRESIDING MEMBER _____

DATE SIGNED _____

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at pm.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Richard Kowald - Shire President

Members: Cr Alan McFarland – Deputy Shire President
 Cr Greg Crofts
 Cr Ainslie Evans
 Cr Robert Godfrey
 Cr Heather McCarley
 Cr Alep Mydie
 Cr David Potter
 Cr David Rees

Council Officers: Dean Taylor, Chief Executive Officer
 Carl Beck, Deputy CEO/Manager of Community Services
 Andrew Holden, Manager of Corporate Services
 Michelle Stewart, Manager of Planning & Environmental Services
 Warwick Kindt, Manager of Engineering Services

Council Observer: Lindy O'Toole, Secretary

Gallery:

Media:

Apologies:

Leave of Absence:

3. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

5. PUBLIC QUESTION/STATEMENT TIME**6. STANDING ORDERS****RECOMMENDATION**

OC/10 That Council suspend all standing orders and regulate the meeting in accordance with the draft standing orders adopted to be used as a trial at the October 2006 Ordinary Council meeting.

7. APPLICATIONS FOR LEAVE OF ABSENCE**7.1 RECOMMENDATION**

OC/10 That the leave of absence for Cr _____ for the _____ Ordinary Council Meeting be approved.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****9.1 Ordinary Council Meeting – 24 September 2009 and Special Council Meeting 21 October 2009****RECOMMENDATION**

OC/10 That the minutes of the Ordinary Council Meeting held 24 September 2009 and the Special Council Meeting held 21 October 2009, be confirmed as a true record of proceedings.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11. REPORTS OF COMMITTEES AND OFFICERS

11.1 MANAGER OF PLANNING & ENVIRONMENTAL SERVICES' REPORTS

11.1.1 Proposed Oversized Outbuilding, 32 (L857) Bond Street, Katanning SEE GREEN ATTACHMENT

File Ref: A823
Reporting Officer: Manager of Planning & Environmental Services
Date Report Prepared: 19 October 2009

Issue:

To consider an application for the construction of an oversized gable end outbuilding in a residential area.

Body/Background:

An application has been received for a proposed steel framed, zincalume clad gable end outbuilding to be constructed at 32 (L857) Bond Street, Katanning. The lot is zoned Residential with a R12.5/R25 density.

The proposed outbuilding will be 7m x 12m (84m²) with an eaves height of 3.6m and a ridge height of 4.34m. Existing development on the property includes a dwelling, carport, swimming pool and open bay garage. It is proposed that the existing open bay garage will be demolished once the proposed outbuilding has been constructed. This garage has been shown dotted on the site plan (attached).

The applicant has advised in writing that the outbuilding will be for private use and that the wall height needs to be 3.6m to allow enough clearance for vehicle storage.

It is proposed that the outbuilding be constructed 2m from the right hand side boundary, over 45m from the left hand side boundary and at least 58m from the rear boundary.

Setbacks are specified in the Residential Design Codes (R Codes).

Officer's Comment:

Council Policy 9.8 details requirements relating to outbuildings in residential areas with the objective of controlling the size and height of outbuildings. The policy states the maximum area of outbuildings in residential areas is not to exceed 10% of the lot area or 100m² in area whichever is the greater. It also stipulates that the wall height of an outbuilding shall not exceed 3m with the actual height of a pitched roof not to exceed 4.5m.

Where proposals do not meet the policy requirements they are required to be advertised to neighbours for comment and referred to Council for determination. The policy stipulates that Council is to have "... regard to the proposed use of the outbuilding, visual amenity, impact on the natural landscape and streetscape and any other matter determined relevant by the Council".

Neighbours in the vicinity of the development were invited to provide comment on the proposal. No responses were received during the 21 day advertising period.

The properties within the vicinity of this development range in size from 1,427m² to 7,463m². The property where this development is to occur is 5,043m². Many of the properties contain a number of large sheds, of varying construction materials. A shed on an adjoining property has a wall height exceeding 3m.

While this proposed outbuilding will exceed the maximum wall height by 0.6m, it will not exceed the maximum apex height or maximum floor area. It is set well back from the front street and is therefore unlikely to have a detrimental impact on the streetscape. Further, it is likely to be screened by a new dwelling to be constructed on an adjoining property.

No vegetation is to be removed to facilitate construction of this outbuilding. The outbuilding is to be used for private purposes, with the increase in wall height requested in order to fit a roller door with a height of 3.3m to facilitate vehicle storage.

The proposed setbacks meet the requirements of the R Codes.

The outbuilding will be engineer designed and is to be erected by the applicant.

It is considered appropriate to relax the policy requirements in this case. Approval is therefore recommended, subject to conditions.

Statutory Environment:

Town Planning Scheme No. 4
Residential Design Codes

Policy Implications:

Policy 9.8 Outbuildings in Residential Areas

Financial Implications: Nil.

Strategic Implications: Nil.

Officer's Recommendation:**OC/10**

That Council approve the construction of a 84m² steel framed, zinalume clad outbuilding with wall height of 3.6m and ridge height of 4.34m at 32 (L857) Bond Street, Katanning, in accordance with the submitted plans and subject to the following:

- 1. The outbuilding is not to be used for business or commercial purposes, without further Council approval;**
- 2. The outbuilding is not to be used as a habitable room; and**
- 3. The open bay garage, shown as dotted on the site plan, is to be demolished within 12 months of the completion of construction of the new outbuilding.**

Voting Requirement: Simple Majority

Footnote:

A building licence is required to be obtained prior to the commencement of construction on the property

11.1.2 Unallocated Budget Expenditure – Katanning Aerodrome

File Ref: A3084
Reporting Officer: Manager of Planning & Environmental Services
Date Report Prepared: 19 October 2009

Issue:

To consider approving unbudgeted expenditure in order to apply to the Civil Aviation Safety Authority for registration of the Katanning Aerodrome.

Body/Background:

In response to the inquest into an airplane crash at Young Airport (NSW) in 1993, the Federal Government provided Regional Aerodromes with a published instrument approach. This instrument approach is like a “line in the sky” that pilots use to locate an airstrip, allowing them to fly low to locate the strip (lower than without an instrument approach) and is particularly important for use at night or during bad weather. Those aerodromes with a published instrument approach are regarded as one of the safest to use.

The Katanning Aerodrome is currently an unregulated airstrip that has a published instrument approach and is the only one in the region, with the closest aerodromes using published instrument approaches being Bunbury, Albany, Kalgoorlie and Perth metropolitan.

The Civil Aviation Safety Authority (CASA) has notified the Shire that in order to maintain the instrument approach it is necessary to apply for the aerodrome to be registered.

This process will include initial certification costs of:

1. A one off fee of \$500 to register the premises
2. A safety inspection to be conducted by a CASA certified person – \$3,800 plus travel approximate cost \$1,200 = \$5,000
3. Initial training/certification of safety officers – 2 at \$1,000 = \$2,000

Ongoing annual costs will include:

1. Annual safety inspection – approximate cost of \$5,000 per year
2. Training of replacement safety officer if, and as, required (\$1,000 per person)
3. Ongoing costs associated with the re-allocation of the Ranger for perhaps 3-4 hours/week from other duties to undertake:
 - inspections (minimum 2/week)
 - recording of maintenance
 - recording of any issues or closure of the aerodrome
 - completing compliance reports

While the actual time required to complete the additional tasks is unknown it is not unreasonable to envisage they may require a commitment of 3-4 hours per week. Fully costed at around \$60/hour (including vehicle usage) that may amount to between \$9,360 - \$12,480 additional cost to Council to backfill to maintain other Ranger duties as scheduled.

Registration certifies that there has been no change to the external environment that will affect the use of the published instrument approach.

CASA informs that should the Shire choose not to register the aerodrome, that the published instrument approach will be withdrawn. They have informed that this means *"...that aircraft may not be able to land in conditions of poor visibility, so limiting the use of your facilities. For example, it may impact on the ability of the [Royal Flying Doctors Service] to land at your aerodrome"*.

Officer's Comment:

The Shire of Katanning's 2009/10 budget for the aerodrome is \$25,043. This budget includes provision for grounds maintenance (carried out by Shire Works Crew), some inspections (carried out by the Shire Ranger) and building maintenance (which includes replacement lights for the airstrip lighting).

The aerodrome is used by recreation pilots, agricultural operators and the Royal Flying Doctors Service (RFDS).

The RFDS was requested to indicate what, if any impact, the removal of the published instrument approach would have in regard to their ability to service the district. The Chief Pilot of the service indicated that the published instrument approach permits the pilot to descend to a lower level, often lower than low cloud, allowing the airstrip to be more visible. If a pilot is unable to see the airstrip, they are not permitted to land. In the event that the airstrip is not visible (eg during periods of heavy rain) the strip would still not be able to be used. The Chief Pilot estimated that the existence of a published instrument approach would allow their pilots to land in 60% of instances of poor weather.

At least twice last year, planes were diverted from Wagin (where there isn't a published instrument approach) to Katanning, on account of low cloud. Patients were transported from Wagin to Katanning and airlifted to Perth.

Katanning Hospital is the second largest hospital (to Albany) in the Great Southern Region. Hospital staff have informed that while the hospital is equipped to stabilize critical patients, it does not contain an intensive care unit for ongoing care. This means that any critical patients are transferred to Perth. Due to the discomfort and stress, ambulance transfer is not used where travel distance is greater than 110km. Transport via plane or helicopter is therefore utilised.

The Katanning Hospital advised that in the 2008/09 financial year, 92 patients were transferred from Katanning to Perth. This compares with 6 from Gnowangerup and 10 from Kojonup. Of the 92, 20 cases were reported as 'life threatening', 40 as 'urgent' and 32 as 'non urgent'.

CASA officers have indicated that a published instrument approach is the safest operating system available for Regional Aerodromes. Should Council decide not to register the aerodrome at this stage but wish to become registered in the future, officers at CASA have informed that it can cost between \$40,000 to \$80,000 to have an instrument approach developed for a site.

To ensure the continued safe use of the Katanning Aerodrome for the RFDS and recreational pilots and clubs, it is recommended that Council authorise unbudgeted expenditure in 2009/10 of up to \$10,000 being for:

- Registration of the Katanning Aerodrome
- A safety inspection to be conducted by a CASA certified person of the Katanning Aerodrome
- Training of a designated safety officer
- Development of recording and maintenance schedules, log books etc

Statutory Environment:

The Local Government Act 1995 requires unbudgeted expenditure to be approved by an absolute majority of Council.

Policy Implications: Nil.

Financial Implications:

Certification will require unbudgeted expenditure of up to \$10,000 (including GST) this financial year. In future years it may require additional expenditure of up to \$20,000 per year for the maintenance and management of the aerodrome to remain compliant.

Strategic Implications:

The Katanning Aerodrome is currently the only aerodrome in the region with a published instrument approach and thus provides the region with, in particular, RFDS evacuation capability at night and in bad weather where other aerodromes cannot be used.

Should Council decide not to register the aerodrome at this stage but wish to become registered in the future, officers at CASA have informed that it can cost between \$40,000 to \$80,000 to have an instrument approach developed for a site.

Officer's Recommendation:

OC/10 That Council:

- 1. Authorise unbudgeted expenditure of up to \$10,000 for the purpose of applying for registration of the Katanning Aerodrome.**
- 2. Authorise the Chief Executive Officer to approach surrounding Councils to ask whether they would provide some financial support for this vital regional facility.**

Voting Requirement: Absolute Majority

11.2 MANAGER OF ENGINEERING SERVICES' REPORTS

Nil.

11.3 MANAGER OF CORPORATE SERVICES' REPORTS**11.3.1 Receipt of Financial Reports SEE ATTACHED FINANCIAL REPORTS****RECOMMENDATION**

OC/10 **That Council:**

- 1. Receive the Schedule of Accounts for September 2009.**
- 2. Receive the Financial Statement for September 2009.**

11.3.2 Unallocated Budget Expenditure – Katanning Townsite Drainage Study

File Ref: TW/98/0001
Reporting Officer: Manager of Corporate Services
Date Report Prepared: 13 October 2009

Issue:

To approve unbudgeted expenditure to pay Thompson McRobert Edgeloe Pty Ltd (TME) in regard to services they have provided in undertaking a Study of Drainage within the Katanning Townsite (the project).

Body/Background:

In 2007 the then CEO (Brian Jones) approved a consultant to undertake a drainage study of the Katanning urban areas.

At the time the quote from Thompson, McRobert and Edgeloe (TME) was a lump sum of \$22,209 (GST inc). The CEO approved an amended authorisation dated 10 October 2007 accepting an increase in the scope and value of works to \$27,379 (GST inc).

The study was delayed and the project completed and a draft report received by the then Manager of Works (Guy Lister) in March 2009.

From investigations it has been determined that no purchase order was raised in 2007 for the works. Consequently, in the absence of a purchase order, no liability was accrued for the project in 2007, 2008 or 2009. With the recent changes to personnel, particularly the CEO and Manager of Works, the administration had no knowledge of this un-invoiced/unpaid liability when preparing the 2009/10 budget, consequently this expenditure has not been included in the budget.

It appears that the draft report (March 2009) had a covering letter attached, which outlined that additional hours had been required to finalise the project and contended that this was due to incorrect/incomplete data being provided by the Shire. TME indicated that they wished to increase the value of works to \$34,309 (GST inc). TME is yet to present an invoice to the Shire.

Officer's Comment:

From records reviewed, TME was authorised by the previous CEO to both commence the project and later to increase the value of the project to \$27,379 (GST inc) and thus the Shire has a clear liability to pay at least this sum.

TME has provided some detail to support their request for a further \$6,930 (GST inc). In the absence of any first hand knowledge of the project by current officers there seems little option to negotiate a final payment. Accordingly it is recommended that Council authorise unbudgeted expenditure of up to \$34,309 (\$31,109 GST excl) and the CEO to negotiate with TME to settle on the final amount.

Statutory Environment:

The Local Government Act 1995 requires unbudgeted expenditure to be approved by an absolute majority of Council.

Policy Implications: Nil.

Financial Implications:

The payment to settle this previously unrecognised liability will incur unbudgeted expenditure of up to \$31,190 (GST exc).

Strategic Implications: Nil.

Officer's Recommendation:

OC/10 That Council authorise the CEO to negotiate with TME unbudgeted expenditure of up to \$31,190 (GST exc) for the purpose of settling the Shire's liability in relation to the Katanning Townsite Drainage Study.

Voting Requirement: Absolute Majority

11.3.3 **Acceptance of Annual Report SEE ATTACHED REPORT**

File Ref: AC/02/0019
Reporting Officer: Manager of Corporate Services
Date Report Prepared: 20 October 2009

Summary:

Council is required to adopt the annual report for 2008/09 and set a date for the Annual General Meeting of Electors.

Background:

The acceptance of the Annual Report is covered by sections 5.53, 5.54 and 5.56 of the Local Government Act.

A copy of the draft annual report has been provided to Councillors.

The draft report is in accordance with the Local Government Act in that it contains:

- A report from the Shire President
- A report from the Chief Executive Officer
- The financial report for the 2008/09 financial year
- The Auditors report for the 2008/09 financial year
- Other reporting requirements:
 - Disability Services
 - Public Interests Disclosure
 - National Competition Policy
 - Recordkeeping Requirements
 - Waste Management Plan

The Act requires Council to adopt the Annual Report by absolute majority.

The Annual Report must be adopted by 31 December 2009 and the Annual General Meeting of Electors is required to be scheduled within 56 days of accepting the Annual Report.

Comment:

It is suggested that following the acceptance of the Annual Report that the Annual General Meeting of Electors be scheduled for 17 November 2009, commencing at 7.00pm in the Council Chambers.

Statutory Obligations:

Sections 5.27, 5.53, 5.54 and 5.56 of the Local Government Act 1995.

Policy Implications: Nil.

Financial Implications:

The Annual Report will be printed in house therefore there are no financial implications in terms of unbudgeted expenditure.

Strategic Implications:

Communication with ratepayers/electors.

Officer's Recommendation:

OC/10 **That Council:**

- (1) Accept the 2008/09 Annual Report for the year ended 30 June 2009.**
- (2) Set the date for the Annual General Meeting of Electors to be held 17 November 2009 in the Council Committee Meeting Room commencing at 7.00pm.**

Voting Requirement: Absolute Majority

11.4 DEPUTY CEO/MANAGER OF COMMUNITY SERVICES' REPORTS**11.4.1 Tender 0409 – Construction of Kiosk, Store Rooms and Covered Spectator Facility at Katanning Leisure Centre
SEE WHITE ATTACHMENT**

File Ref: AA/09/0409
Reporting Officer: Deputy CEO/Manager of Community Services
Date Report Prepared: 18 October 2009

Issue:

To consider tenders for the construction of a kiosk, store rooms and covered spectator facility adjacent to the Katanning Leisure Centre "Top Oval".

Body/Background:

A call for tenders for the construction of a kiosk, store rooms and covered spectator facility (as per attached plans) adjacent to Katanning Leisure Centre "Top Oval" were advertised in September 2009.

Tenders closed on Friday 16 October 2009 at 4pm, with tenders opened at 4.05pm by the Chief Executive Officer and the Deputy CEO.

A total of one tender was received, being from local builder EJ Menghini.

Officer's Comment:

The tender from EJ Menghini was reviewed on Friday 16 October 2009.

EJ Menghini has completed a large number of projects for the Shire over the last 12 years to a high standard.

The price submitted by EJ Menghini (\$192,450 inc GST) is within the amount allocated in the Shire's 2009/10 budget.

The builder has indicated that the project could be completed by April 2010, meeting the requirements of the external funding secured for this project.

Statutory Environment:

Local Government Act 1995 Section 3.57 - tenders for providing goods & services.

Policy Implications:

Policy 3.17 Purchasing Policy – projects of \$100,000 and above to be by public tender process.

Policy 3.17 Purchasing Policy – Regional Price Preference

- (a) A price preference can be applied to quotes from suppliers based within the defined area. The price preference can be up to 5% of the value of goods and services but will only apply to goods over the value of \$1,000 and the maximum value of the price preference cannot exceed \$10,000;
- (b) The price preference can only be applied to businesses within the defined area, who have operated continuously for not less than six months;
- (c) The defined area is the region falling within the boundaries of the Local Government Authorities of Katanning, Kent, Gnowangerup, Tambellup, Broomehill, Kojonup, Woodanilling, Wagin and Dumbleyung; and
- (d) The price preference can be applied to businesses based outside the defined area, but only on goods and services sourced by that business from other businesses based within the defined area. The onus will be on the supplier to quantify any local content component.

Financial Implications:

Funding for this project has been secured from a range of sources including Department of Sport & Recreation CSRFF Grant (\$50,000), Royalties for Regions Great Southern Regional Grant (\$50,000), Hockey Club contribution (\$25,000), Cricket Club Contribution (\$15,000) and Shire Contribution (\$60,000) giving an overall project budget of \$200,000.

These funds are included in the Shire's 2009/10 budget.

Strategic Implications:

Project is consistent with the Shire's Plan for the Future, Corporate Plan and Leisure Centre Master Plan

Officer's Recommendation:

OC/10 That Council instruct the CEO to accept the tender from EJ Menghini of \$192,450 (inc GST) for the construction of a kiosk, store rooms and covered spectator facility adjacent to Katanning Leisure Centre "Top Oval".

Voting Requirement: Simple Majority

11.4.2 Railway Reserves – License to Occupy Renewal
SEE WHITE ATTACHMENT

File Ref: AD/98/0043
Reporting Officer: Manager of Community Services
Date Report Prepared: 14 October 2009

Issue:

To consider the offer of a new 10 year peppercorn rental license to occupy for Perth Transport Authority leases of:

- Car parks opposite the Town Hall
- Car parks between Taylor St and railway line opposite Katanning Cash & Carry
- RSL rose garden
- Car parks, gardens and railway station between Austral Terrace & Railway line from Clive St to Bokarup St.

Body/Background:

In the late 1990s the Shire of Katanning entered into a number of license to occupy land agreements with Westrail for land including:

- Car parks opposite the Town Hall
- Car parks between Taylor St and railway line opposite Katanning Cash & Carry
- RSL rose garden
- Car parks, gardens and railway station between Austral Terrace & Railway line from Clive St to Bokarup St.

The licenses to occupy were for a period of ten years and have therefore now expired. PTA is now proposing to amalgamate these into one license to occupy (PTA L1531 – see attached maps).

Property management company Burgess Rawson, acting on behalf of the Public Transport Authority (PTA), has now contacted Administration to investigate if the Shire would like to enter into a further 10 year license to occupy.

Officer's Comment:

The land covered by this license to occupy is regularly used by the public as public car parking as well as public gardens etc. The area also includes the railway station buildings that are currently occupied by the One In Christ Church and local group Read Write Now, which provides reading and writing lessons to migrants.

Apart from maintenance costs on the railway station buildings there have been no significant issues or maintenance costs associated with this land in the past five years or expected in the next ten years.

Burgess Rawson has indicated that if Council confirms their interest in continuing to hold the license to occupy for this land, they will prepare the PTA standard document for Council's consideration as a draft agreement.

Statutory Environment: Nil.

Policy Implications: Nil.

Financial Implications:
\$1/year peppercorn rental.

Strategic Implications: Nil.

Officer's Recommendation:

OC/10 That Council:

1. **Authorise the CEO to inform the Public Transport Authority of the Shire's interest in entering an amalgamated license to occupy agreement as per the attached plan for the:**
 - **Car parks opposite the Town Hall**
 - **Car parks between Taylor St and railway line opposite Katanning Cash & Carry**
 - **RSL rose garden**
 - **Car parks, gardens and railway station between Austral Terrace & Railway line from Clive St to Bokarup St.**

2. **Authorise the CEO to review the draft license to occupy agreement when supplied by PTA and finalise the signing of the document.**

Voting Requirement: Simple Majority

11.4.3 License Agreement for Katanning Agricultural, Pastoral and Horticultural Society SEE MAUVE ATTACHMENT

File Ref: RL/06/0007
Reporting Officer: Deputy CEO/Manager of Community Services
Date Report Prepared: 7 October 2009

Issue:

To consider a new agreement with the Katanning Agricultural, Pastoral and Horticultural Society for use of the Katanning Leisure Centre and grounds.

Body/Background:

The Katanning Agricultural, Pastoral and Horticultural Society (the "Society") license agreement for use of the Katanning Leisure Centre facility and grounds has expired and requires renewal. The license permits the Society exclusive use of the Katanning Leisure Centre/Grounds for the purpose of conducting the annual Katanning Show.

The Society has advised that they would like to renew the license and have not requested any changes to the terms of the agreement (copy attached).

Officer's Comment:

The Agricultural Society has a long history of hosting the annual Katanning Show at the Katanning Leisure Centre, which was previously the Katanning Show Grounds. Council has always been very supportive of this significant community event and provides in kind assistance each year as follows:

Assistance	Cost 2008
Provision and set up of 60 bins	\$50
Exclusive use of Leisure Centre on Thursday to Sunday for set up and pack up	\$6,000
Removal of any rubbish on Friday prior to the Show	\$100
Arrange for the street sweeper to clean the Ram Pavilion on Sunday	\$200
TOTAL	\$6,600

For its part, the Society is required to contribute up to \$2,000 on upgrading the facilities at the Leisure Centre each year. In 2008/09 this will go towards the upgrade of power outlets around the oval.

Given that no issues of concern have been raised regarding the agreement by either party, it would appear appropriate to renew the agreement for a further five years on the same terms.

Statutory Environment: Nil.

Policy Implications: Nil.

Financial Implications:

The agreement represents Council support to the value of \$6,600 per annum, to be recorded as a Council donation.

Strategic Implications: Nil.

Officer's Recommendation:

OC/10 **That Council endorse the attached license agreement with the Katanning Agricultural, Pastoral and Horticultural Society for use of the Katanning Leisure Centre and grounds for a five year period expiring 30 June 2014.**

Voting Requirement: Simple Majority

11.4.4 License Agreement for Katanning Agricultural, Pastoral and Horticultural Society – Farmers Markets SEE PINK ATTACHMENT

File Ref: RL/06/0007
Reporting Officer: Deputy CEO/Manager of Community Services
Date Report Prepared: 7 October 2009

Issue:

To consider a new agreement with the Katanning Agricultural, Pastoral and Horticultural Society (Farmers Market Committee) for use of the poultry shed at the Katanning Leisure Centre to conduct monthly Farmers Markets.

Body/Background:

The Katanning Agricultural, Pastoral and Horticultural Society (Farmers Market Committee) (the "Society") hire agreement for use of facilities at the Katanning Leisure Centre has expired and requires renewal. The agreement permits the Society access to the poultry shed for the purpose of conducting farmers markets on a monthly basis.

The Society has advised that they would like to renew the contract and have not requested any changes to the terms of the agreement (copy attached).

Officer's Comment:

The Farmers Markets are a popular community event and provide an opportunity to attract people to the Leisure Centre who may not otherwise have utilised the facility.

Given that no issues of concern have been raised regarding the agreement by either party it would appear appropriate to renew the agreement on the same terms, with one amendment to clarify the basis on which the annual fee is to be increased in future.

Statutory Environment: Nil.

Policy Implications: Nil.

Financial Implications:

Annual income from hire fee of \$300 p.a.

Strategic Implications: Nil.

Officer's Recommendation:

OC/10 That Council endorse the attached hire agreement with the Katanning Agricultural, Pastoral and Horticultural Society (Farmers Market Committee) for a three year period expiring 30 June 2012 with a further three year option.

Voting Requirement: Simple Majority

11.4.5 Proposed Sale of Residential Block

File Ref: A3313
Reporting Officer: Manager of Community Services
Date Report Prepared: 14 October 2009

Issue:

To consider the sale of Lot 97 (55A) Beaufort Street to the Great Southern Housing Association Inc for the purpose of constructing a community housing development.

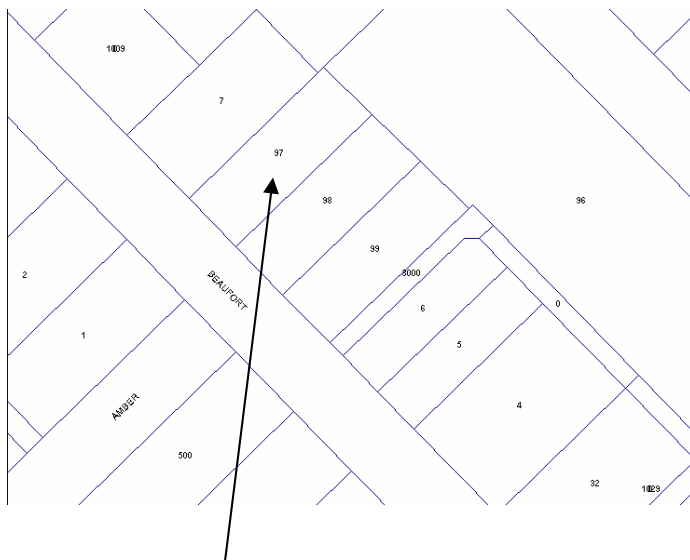
Body/Background:

For several years Council has been investigating a number of strategies to provide additional community housing for disadvantaged groups in the community.

This has included recent support of groups such as Baptistcare, who are proposing to construct Senior Housing Units on Aberdeen Street and the sale of the Shire's interest in Lions Aberdeen Village to the Department of Housing and Works (DHW) to improve management of this Village.

DHW has appointed Great Southern Community Housing Association (GSCHA) as managers of the Lions Aberdeen Village, which has resulted in this Association becoming interested in constructing additional Community Housing Units in Katanning.

GSCHA has identified Lot 97 (55A) Beaufort Street, which is owned by the Shire, as a preferred location for a community housing development and has written to Administration requesting the opportunity to purchase this block.



Lot 97 (55A) Beaufort Street

Officer's Comment:

The limited amount of community housing and private rental properties in Katanning has previously been identified as an issue.

Council staff have been working with a number of organizations to identify ways of addressing this issue without Council needing to commit to constructing and managing the housing developments.

GSCHA is a DHW "preferred supplier" for community housing and as such has the ability to access State and Federal Government funds to assist in constructing community housing developments. The Association also has significant experience and expertise in managing the construction and ongoing management of this type of housing development. The Association is a not for profit community group with charitable status.

Council currently owns the residence on Lot 98 (55B) Beaufort Street. Council recently considered constructing a "Shire" residence on Lot 97 (55A) and determined it is not ideal to have multiple "Shire" residences on adjoining blocks. Therefore it seems appropriate to investigate options for disposal of this block.

As the value of the block is currently unknown, it would be appropriate to have the block valued prior to any sale.

Statutory Environment:

Local Government Act section 3.58 Disposing of Property

Local Government (Functions and General) Regulations 1996

30. Dispositions of property to which section 3.58 of Act does not apply – Under this section of the Regulations the sale of the land is exempt from the rules in the LGA as follows:

- (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

Policy Implications: Nil.

Financial Implications:

Funds gained by the sale of Lot 97 (55A) Beaufort Street would be unbudgeted income (expenditure) as such the sale will require an absolute majority.

Strategic Implications:

Construction of future additional community housing is consistent with the Shire's Plan for the Future and Corporate Plans.

Officer's Recommendation:

OC/10 **That Council authorise the CEO to negotiate the sale of Lot 97 (55A) Beaufort Street to the Great Southern Community Housing Association at market value as determined by a licensed valuer, for the purposes of the construction of a community housing development.**

Voting Requirement: Absolute Majority

11.5 CHIEF EXECUTIVE OFFICER'S REPORTS

11.5.1 Appointment of Representatives to Committees SEE ATTACHED SCHEDULE OF COMMITTEES AND PLANNING GROUPS

File Ref: AG/99/0010
Reporting Officer: Chief Executive Officer
Date Report Prepared: 20 October 2009

Issue:

To appoint members to committees.

Body/Background:

Appointment as a representative to committees, planning and working groups ceased at the ordinary Local Government election on 17 October 2009. It is therefore necessary to appoint members to committees for the next two year period.

Officer's Comment:

Council has two standing committees, six advisory committees and five planning/working groups. Council also appoints delegates to six committees representing other organizations, such as the Katanning Residential College and the WA Local Government Association Great Southern Zone.

All committees and groups are listed below. Where there are more nominations than positions a vote will be held.

Appointment to a committee or group will be for a period of two years, ending at the next ordinary Local Government elections.

COUNCIL STANDING COMMITTEES

Management Review Committee	Shire President, Deputy Shire President + 2 Councillors
Audit Committee	All Councillors

COUNCIL ADVISORY COMMITTEES

Amherst Village Committee	1 Councillor
Citizen of the Year Committee	3 Councillors
Community Financial Assistance Advisory Committee	3 Councillors
Katanning Bushfire Advisory Committee	1 Councillor
LEMC	1 Councillor
Katanning Art Committee	2 Councillors

COUNCIL WORKING GROUPS

Aquatic Centre Redevelopment Working Group	3 Councillors
Regional Entertainment Centre Working Group	3 Councillors
Saleyards Working Group	Shire President and 3 Councillors
Structural Reform Working Group	Shire President + 2 Councillors
Town Centre Improvement Working Group	3 Councillors

DELEGATES TO NON-COUNCIL COMMITTEES

WALGA	2 Councillors
Roadwise Committee	1 Councillor
Katanning LCDC	1 Councillor
Great Southern Regional Road Group	1 Councillor and 1 Proxy
Great Southern Regional Recreation Advisory Committee	1 Councillor and 1 Proxy
Hidden Treasures	1 Councillor and 1 Proxy
Katanning Residential College	1 Councillor

Statutory Environment:

Local Government Act – Part 5

Policy Implications:

Council Policy 1.12 states that appointments to committees requires an absolute majority decision of Council.

Financial Implications: Nil.

Strategic Implications: Nil.

Officer's Recommendation:

OC/10 **That Council appoint the following representatives to Committees and Working Groups:**

COUNCIL STANDING COMMITTEES

Management Review Committee

(Shire President)
(Deputy Shire President)
(2 Councillors)

Cr Richard Kowald
Cr Alan McFarland
Cr
Cr

**Audit Committee
(All Councillors)**

Cr Crofts
Cr Evans
Cr Godfrey
Cr Kowald
Cr McCarley
Cr McFarland
Cr Mydie
Cr Potter
Cr Rees

COUNCIL ADVISORY COMMITTEES**Amherst Village Committee
(1 Councillor)**

Cr

**Citizen of the Year Committee
(3 Councillors)**

Cr
Cr
Cr

**Community Financial Assistance Advisory Committee
(3 Councillors)**

Cr
Cr
Cr

**Katanning Bushfire Advisory Committee
(1 Councillor)**

Chief Fire Control Officer

Deputy Chief Fire Control Officer

Cr
Ian Coleman
Alan Wilson

LEMC

(1 Councillor)

Cr

**Katanning Art Committee
(2 Councillors)**

Cr
Cr

COUNCIL WORKING GROUPS**Aquatic Centre Redevelopment Working Group
(3 Councillors)**

Cr
Cr
Cr

Regional Entertainment Centre Working Group	
(3 Councillors)	Cr
	Cr
	Cr
Saleyards Working Group	
(Shire President)	Cr Richard Kowald
(3 Councillors)	Cr
	Cr
	Cr
Community Representative	Phil Rae
Saleyard Manager	Rod Bushell
Town Centre Improvement Working Group	
(3 Councillors)	Cr
	Cr
	Cr
DELEGATES TO NON-COUNCIL COMMITTEES	
WALGA	
(2 Councillors)	Cr
	Cr
Roadwise Committee	
(1 Councillor)	Cr
Katanning LCDC	
(1 Councillor)	Cr
Great Southern Regional Road Group	
(1 Councillor)	Cr
(1 Proxy)	Cr
Great Southern Regional Recreation Advisory Committee	
(1 Councillor)	Cr
(1 Proxy)	Cr
Hidden Treasures	
(1 Councillor)	Cr
(1 Proxy)	Cr
Katanning Residential College	
(1 Councillor)	Cr

Voting Requirement: Absolute Majority

11.5.2 Tender 0509 – Construction of Executive Residence

File Ref: AA/09/0509
Reporting Officer: Chief Executive Officer
Date Report Prepared: 19 October 2009

Issue:

To consider tenders for the construction of an executive residence.

Body/Background:

A call for tenders for the construction of an executive residence was advertised in May 2009.

Tenders closed on Friday 16 October 2009 at 4pm with tenders opened at 4.05pm by the Chief Executive Officer and the Deputy CEO.

A total of three tenders were received; no local builders submitted a tender.

Officer's Comment:

The three tenders received were assessed against the selection criteria specified in the tender documents. Each criterion was allocated a weighting as follows.

- price 40%
- conformity with tender documents, quality of design, construction and value for money 30%
- construction program and construction period 10%
- proposed use of local subcontractors and suppliers; 10%
- tenderer's resources and previous performance 10%

Information provided in each was given a "raw" score of 1 -10 for each criteria as follows:

Raw Score	10	9	8	7	6	5	4	3	2	1	0
Price less Regional Price Preference (40%)	250-274K	275-299K	300-324K	325-349K	350-374K	375-399 K	400-424K	425-449K	450-474K	475K+	
Conformity Design and Value (30%)	All	90%	80%	70%	60%	50%	40%	30%	20%	10%	
Construction period Completion Date (10%)	Mar 10		May 10		Jul 10		Sep 10		Nov 10	Dec 10 or later	
Proposed use of local subcontractors and suppliers; (10%)	All	90%	80%	70%	60%	50%	40%	30%	20%	10%	0

Tenderer's resources and previous performance; (10%)	Similar Projects & Ref					Some Projects					Unsuitable
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The "raw" score and the criteria weighting were the combined (raw x %) to give a converted score for each criteria that were combined to give a total score for each tender.

	Countryside	Scott Park	Sims
Price	410,000	419,300	498,880
Regional preference	-10,000		
Adjusted Price	400,000	419,300	498,880
Score	4	4	1
Weighted score 40%	1.6	1.6	0.25

	Countryside	Scott Park	Sims
Conformity with Tender design, value	Yes	Yes	Yes
Score	7	5	8
Weighted score 30%	2.1	1.5	2.4

	Countryside	Scott Park	Sims
Construction period	Not indicated	Not indicated	Not indicated
Score	5	5	5
Weighted score 10%	0.5	0.5	0.5

	Countryside	Scott Park	Sims
Local Trades	Not stated	Not stated	Not stated
Score	5	5	5
Weighted score 10%	0.5	0.5	0.5

	Countryside	Scott Park	Sims
Previous performance	unknown	Large Builder	unknown
Score	5	8	5
Weighted score 10%	0.5	0.8	0.5
SUMMARY	Countryside	Scott Park	Sims
Total weighted score	5.2	4.9	4.15

Council should be aware that the tender does not include:

Carpet, curtains and light fittings, clearing and driveway provision, power provision, water provision or water tanks, shed, airconditioning, fencing or landscaping, which are estimated to cost \$60-70,000.

Council has provided a budget of \$330,000 for the construction of an executive residence. Each of the tenders received are well in excess of the budgeted amount and as such Council has effectively two options, either:

1. Accept a tender and decide to fund the shortfall, or
2. Reject the tenders and investigate alternative options to provide the required housing.

Should Council decide to accept a tender, the shortfall in funding could be taken from the Land and Building Reserve, unallocated Royalties for Regions Funding or by additional loan.

The alternative options to provide the housing include:

1. Council obtaining its own set of plans and re tender based upon these plans.
2. Investigate alternative building options including pre-constructed homes (Transportable).
3. Purchase an existing home.
4. Provide the senior officers with additional housing subsidy to enable them to rent or purchase suitable accommodation.
5. Negotiate an alternative design and price.

Statutory Environment:

Local Government Act 1995 Section 3.57 tenders for providing goods & services.

Policy Implications:

Policy 3.17 Purchasing Policy – projects of \$100,000 and above to be by public tender process.

Policy 3.17 Purchasing Policy – Regional Price Preference

- (e) A price preference can be applied to quotes from suppliers based within the defined area. The price preference can be up to 5% of the value of goods and services but will only apply to goods over the value of \$1,000 and the maximum value of the price preference cannot exceed \$10,000;
- (f) The price preference can only be applied to businesses within the defined area, who have operated continuously for not less than six months;
- (g) The defined area is the region falling within the boundaries of the Local Government Authorities of Katanning, Kent, Gnowangerup, Tambellup, Broomehill, Kojonup, Woodanilling, Wagin and Dumbleyung; and
- (h) The price preference can be applied to businesses based outside the defined area, but only on goods and services sourced by that business from other businesses based within the defined area. The onus will be on the supplier to quantify any local content component.

Financial Implications:

Council has previously agreed to fund this project as follows:

Royalties for Regions - \$250,000
Loan - \$ 80,000

If Council is to accept a tender, \$150,000 additional funding will be required, which is available from the unallocated Royalties to Regions Funding.

Strategic Implications:

The project is consistent with Shire's Plan for the Future and Corporate Plan, which lists increasing the availability of executive housing stocks as a high priority.

Officer's Recommendation:

OC/10 **That Council:**

- 1. Reject all tenders as all tenders are in excess of Council's budget.**
- 2. Instruct the CEO to investigate the alternative options for providing the executive housing.**

Voting Requirement: Simple Majority

ALTERNATIVE RECOMMENDATION

OC/10 **That Council:**

- 1. Instruct the CEO to accept the tender from Countryside Homes of \$410,000 for the construction of an executive residence as per the tender, and;**
- 2. Increase the budget to \$480,000 and allocate an additional \$150,000 from the Royalties to Regions funding to the project.**

Voting Requirement: Absolute Majority

11.5.3 Review of Delegations Register SEE BLUE ATTACHMENT

File Ref: AC/02/0018
Reporting Officer: Chief Executive Officer
Date Report Prepared: 11 October 2009

Issue:

To review Council's delegations.

Body/Background:

Under Section 5.46 (2) of the Local Government Act 1995, there is a requirement for Council to review its delegations during each financial year.

Officer's Comment:

The Administration has reviewed the Delegations Register and is suggesting a few minor changes to the following:

1. Council Delegation 8 – Payment of Accounts

To remove the ability of Councillors and the Shire President to sign cheques.

Reason: Currently no Councillor is registered with the bank to sign cheques. Best practise suggests that Councillors should remain remote from operational issues.

2. Add a further CEO Delegation to the Manager of Corporate Services with regard the ability to enter into agreements for the payment of rates.

Reason: Operationally the Manager Corporate Services negotiates rate payments with residents; a formal delegation merely confirms the current process.

A copy of the Delegation Register including the proposed changes is attached.

Statutory Environment:

Local Government Act 1995 section 5.41(1) provide Local Governments with the authority to delegate powers to the Chief Executive Officer.

Local Government Act 1995 5.16(1) provides Local Government with the authority to delegate powers to committees.

Local Government Act 1995 section 5.46(2) requires delegations to be reviewed at least once each financial year.

Policy Implications: Nil.

Financial Implications: Nil.

Strategic Implications: Nil.

Officer's Recommendation**OC/10** **That Council:**

- 1. Amend Delegation 8 as indicated.**
- 2. Add CEO Delegation to the Manager of Corporate Services regarding arrangements to pay rates as indicated.**
- 3. Agree that all other current delegations remain in force.**

Voting Requirement: Absolute Majority

11.5.4 Lot 988 Annie Street – Offer to Purchase

File Ref: A2328
Reporting Officer: Chief Executive Officer
Date Report Prepared: 8 October 2009

Issue:

To consider an offer from the Department of Regional Development and Lands to allow the Shire to purchase Lot 988 Annie Street.

Body/Background:

Lot 988 Annie Street was previously Reserve 33313 for the purpose of ‘recreation’. In 1998 the Shire advised the Department of Land Administration that the reserve was deemed surplus to requirements and requested that it be made available as an unencumbered freehold title.

At the Ordinary Council meeting in February 2001, Council declined to proceed with the change in zoning and purchase of the reserve as initial interest from a prospective purchaser had disappeared.

The issue of rezoning the reserve was raised again in February 2006 and Council resolved to recommend the land be rezoned residential, including it as part of Town Planning Scheme 4 Amendment 8, which was approved by the Minister on 1 August 2007.

The Department of Regional Development and Lands has now written to the Shire again offering to make the land available for freehold purchase for the price of \$2,000 (plus GST).

Officer’s Comment:

The property is in a good location in a residential area. It is 1,196m² and would be suited to development for a single or grouped dwelling (depending upon access to sewer). Although a valuation has not been obtained, the purchase price is deemed to be more than reasonable. The property can be retained by Council as an asset or sold in accordance with the requirements of the Local Government Act S3.58 at a future date.



Lot 988 Annie Street

Statutory Environment: Nil.

Policy Implications: Nil.

Financial Implications:

The purchase of this property was not anticipated and has therefore not been included in the 2009/10 budget. An absolute majority decision of Council would be required.

Strategic Implications: Nil.

Officer's Recommendation:

OC/10 **That Council advise the Department of Regional Development and Lands that it accepts the offer to purchase Lot 988 Annie Street, Katanning.**

Voting Requirement: Absolute Majority

11.6 ADVISORY COMMITTEE MEETING MINUTES

Nil.

12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**RECOMMENDATION**

OC/10 That the urgent business item relating to _____ be dealt with by the Council at this point in time.

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at pm