



Shire of
Katanning
Heart of the Great Southern

‘A prosperous, vibrant and diverse community working together.’

**NOTICE OF
ORDINARY COUNCIL MEETING**

Dear Council Member

The next Ordinary Council Meeting of the Shire of Katanning will be held on
Tuesday 27 October 2020 in the Shire of Katanning Council Chambers,
52 Austral Terrace, Katanning, commencing at 7:00pm.

Julian Murphy
CHIEF EXECUTIVE OFFICER
Thursday 22 October 2020

DISCLAIMER

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

PRESIDING MEMBER _____

DATE SIGNED _____



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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at ____ pm.

2. RECORD OF ATTENDANCE**PRESENT**

Presiding Member: Cr Liz Guidera - President

Members: Cr John Goodheart – Deputy President
Cr Danny McGrath
Cr Serena Sandwell
Cr Martin van Koldenhoven
Cr Owen Boxall
Cr Ernie Menghini
Cr Kristy D’Aprile
Cr Mark Stephens

Council Officers: Julian Murphy, Chief Executive Officer
Heidi Cowcher, Executive Manager Infrastructure and Assets
Sue Eastcott, Executive Assistant to CEO

Gallery:

Media:

Apologies:

Leave of Absence:

3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**4. RESPONSE TO PUBLIC QUESTIONS TAKEN ON NOTICE****5. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS****6. PUBLIC QUESTION/STATEMENT TIME****7. APPLICATIONS FOR LEAVE OF ABSENCE****8. PETITIONS/DEPUTATIONS/PRESENTATIONS****9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

9.1 Ordinary Council Meeting – Tuesday 22 September 2020
(SEE ATTACHED MINUTES)

OC/20 That the minutes of the Ordinary Council Meeting held on Tuesday 22 September 2020 be confirmed as a true record of proceedings.

Voting Requirement: Simple Majority

CARRIED/LOST:

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 EXECUTIVE MANAGER INFRASTRUCTURE AND ASSETS

10.1.1 Development Application – Holiday Accommodation, Lot 70 Warren Road, Katanning

File Ref: A1935
Reporting Officer: Delma Baesjou, Consultant Planner
Date Report Prepared: 14 October 2020

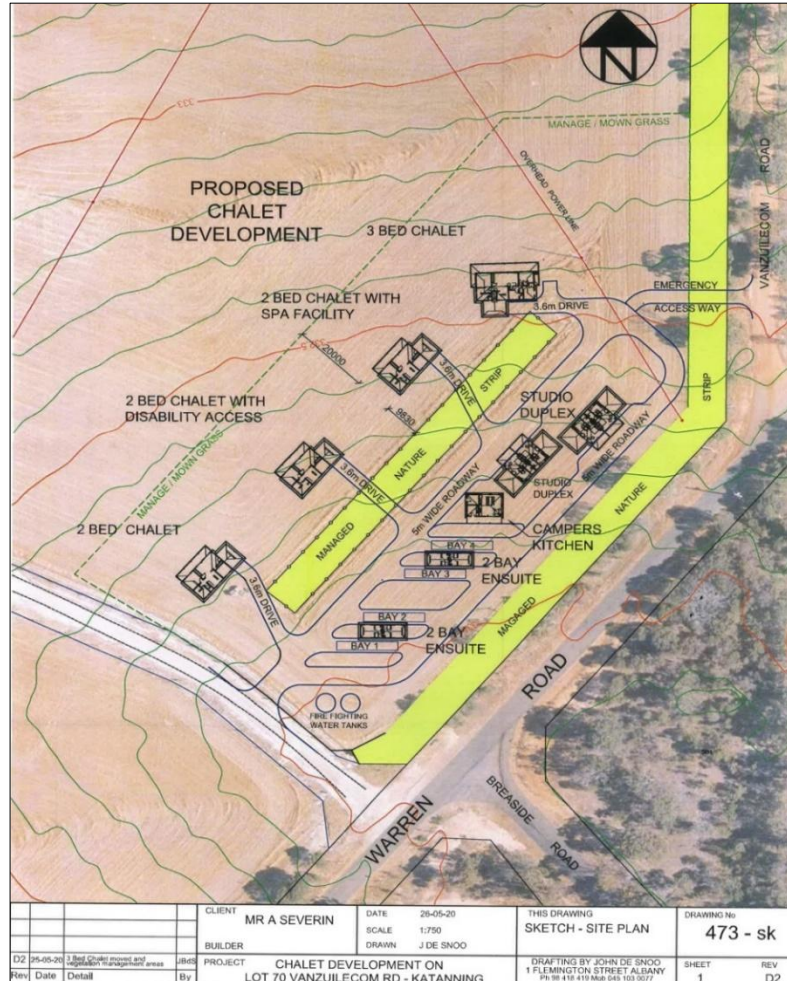
Issue:

To consider an application for Holiday Accommodation on portion of Lot 70 Warren Road, Katanning, following advertising and re-referral to the Department of fire and Emergency Services (DFES). The proposed development comprises eight Chalets (four single-room studios, three 2 bedroom and one 3 bedroom Dwellings) four Caravan Sites with ensuites, a camper's kitchen and a new entry gate.

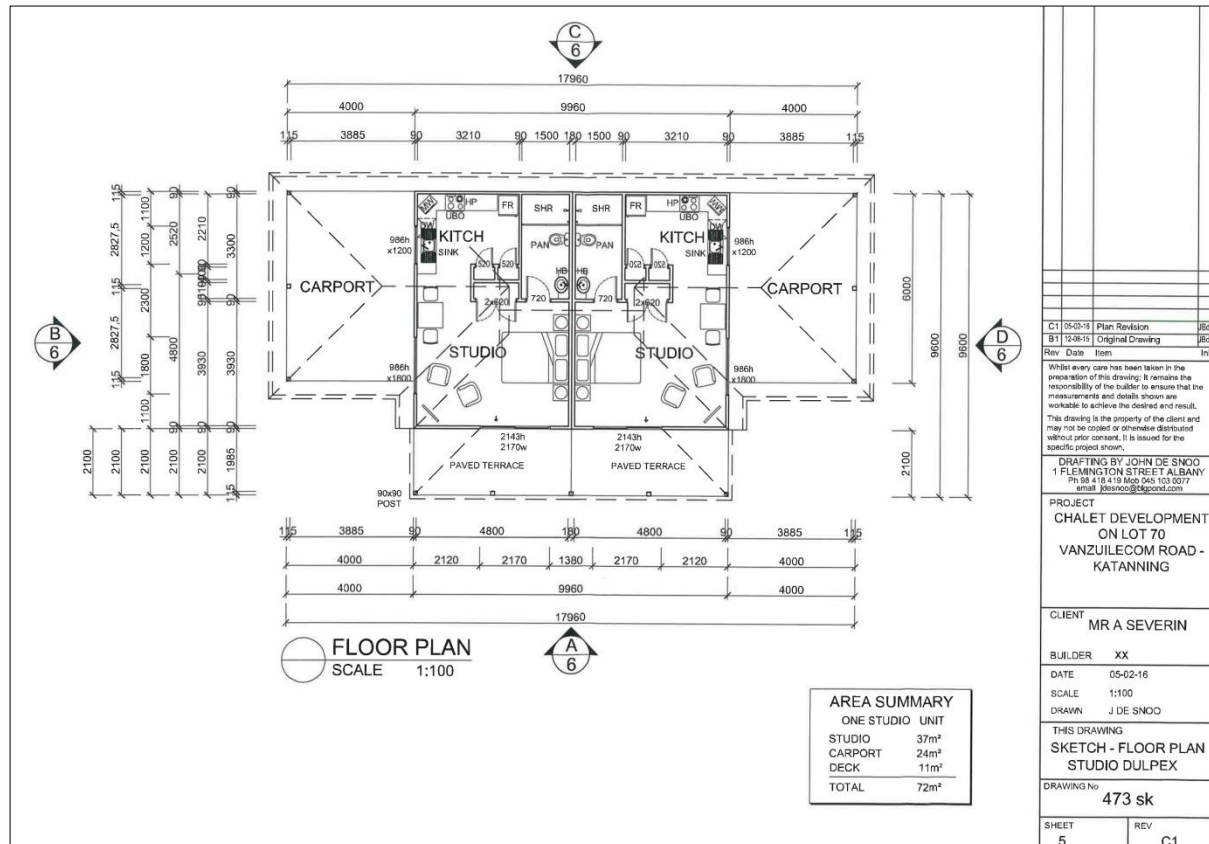
Body/Background:

The subject land is 42.5ha. It has frontage to Warren Road and Van Zuilecom Road along the south eastern and eastern boundaries respectively. The western boundary adjoins Strathfield Road.

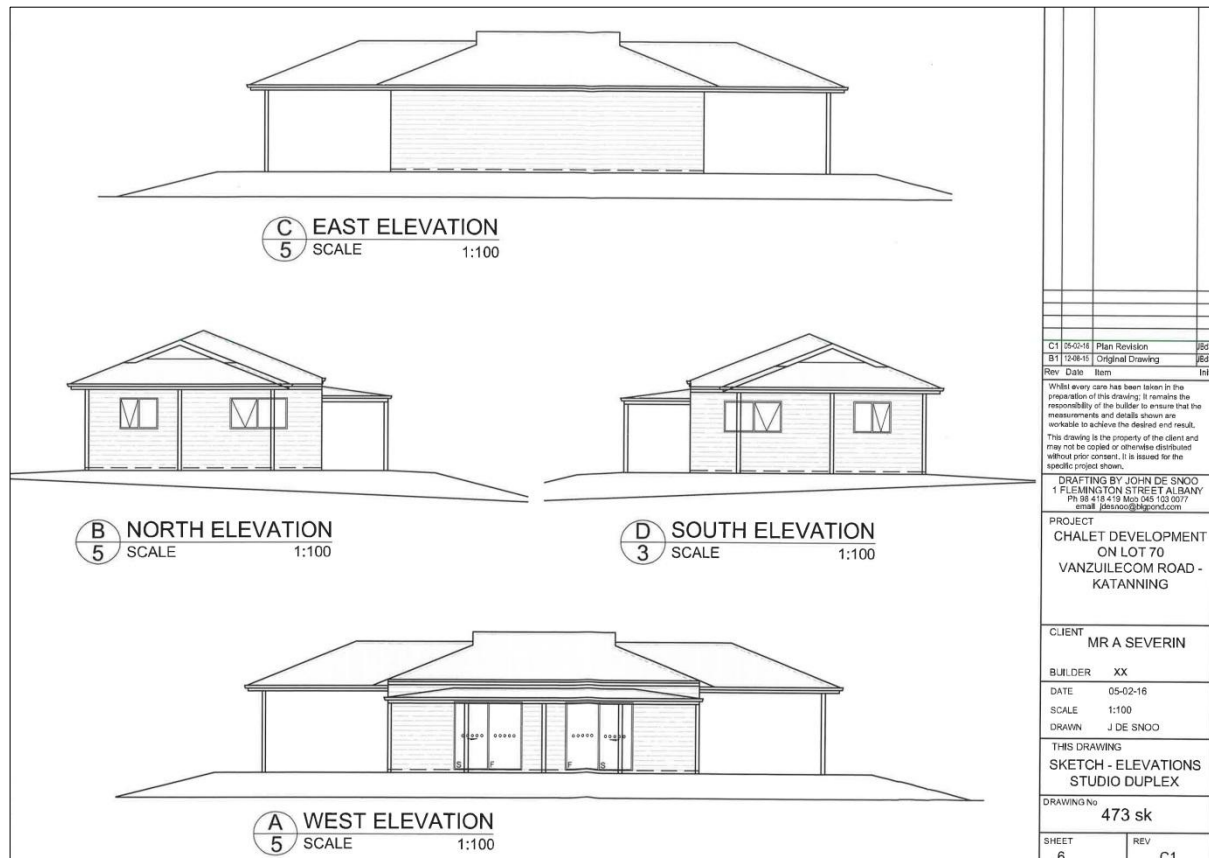
The land is used for rural purposes, predominantly cropping and grazed pasture. Lot 70 is zoned Urban Development under the Shire of Katanning Local Planning Scheme No. 5 (LPS5).



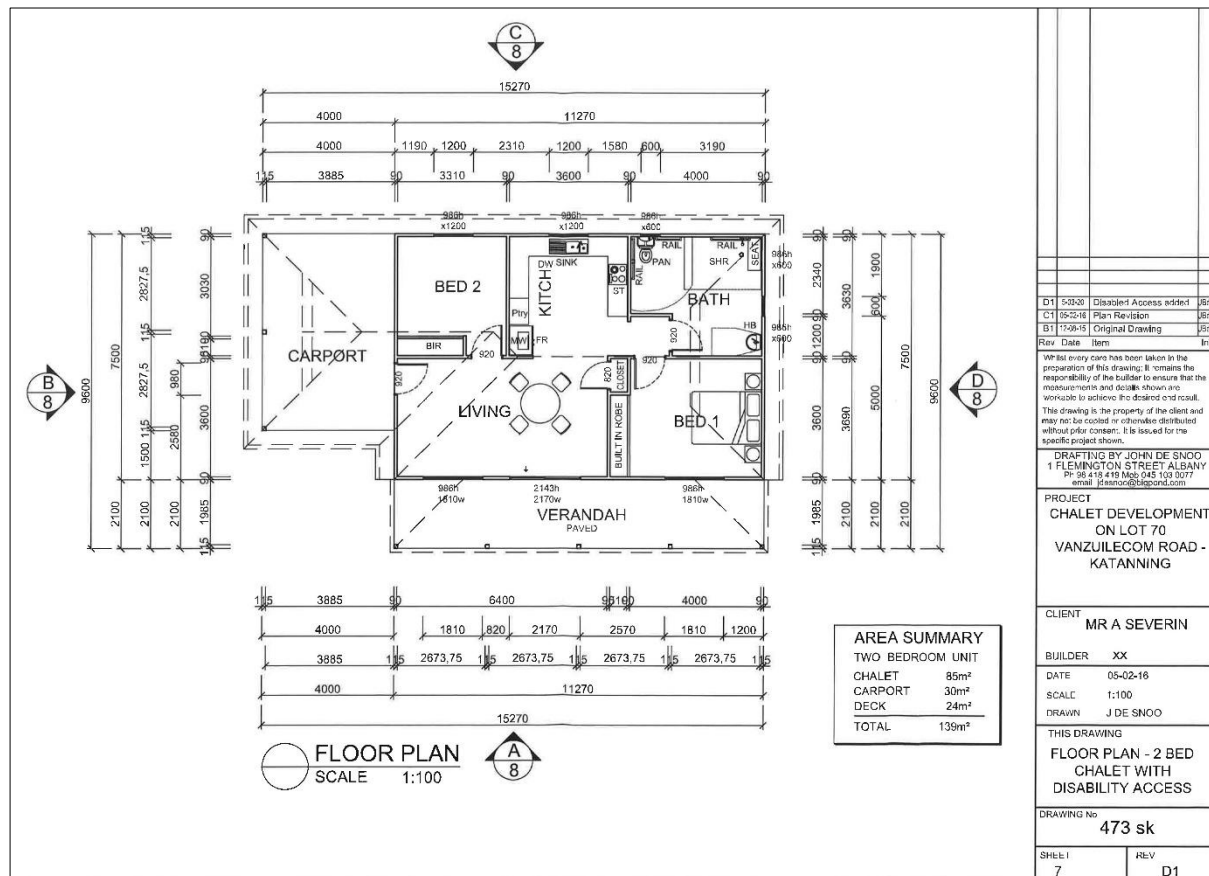
Site Plan



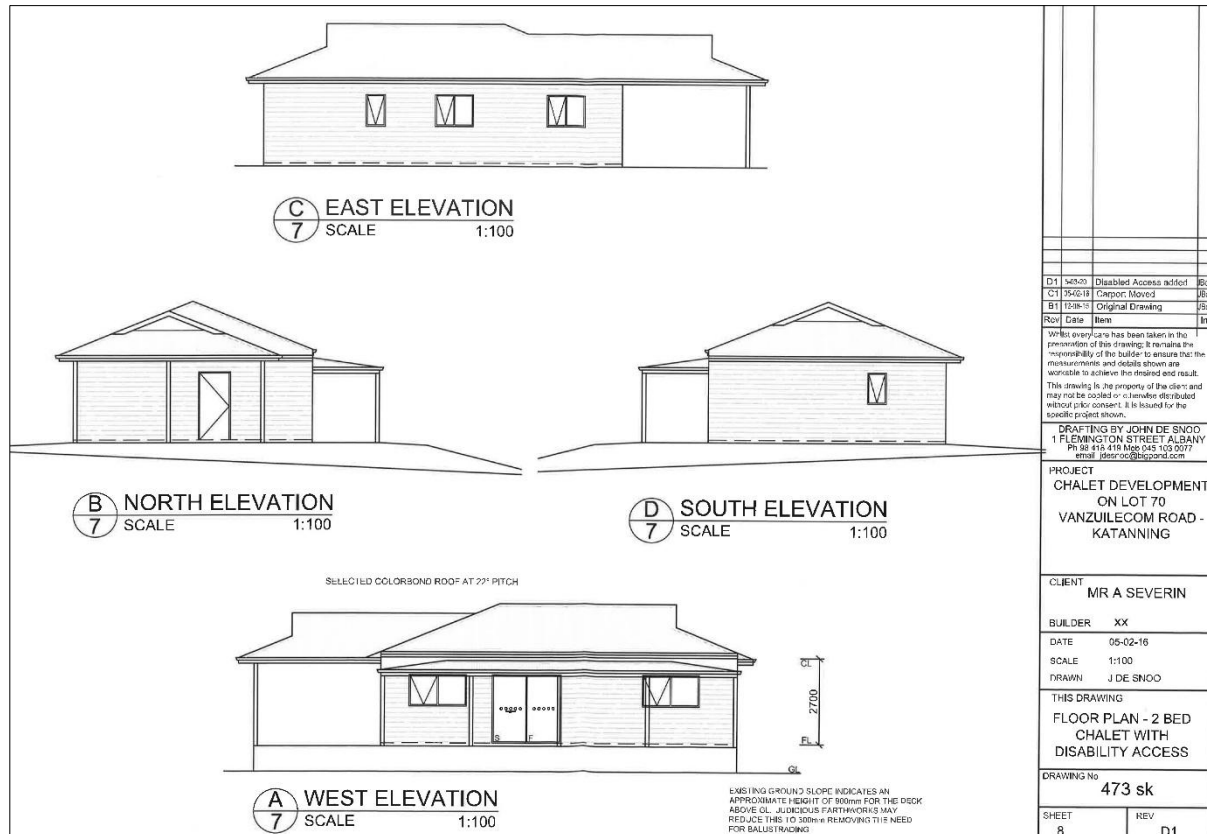
Studio Floor Plan



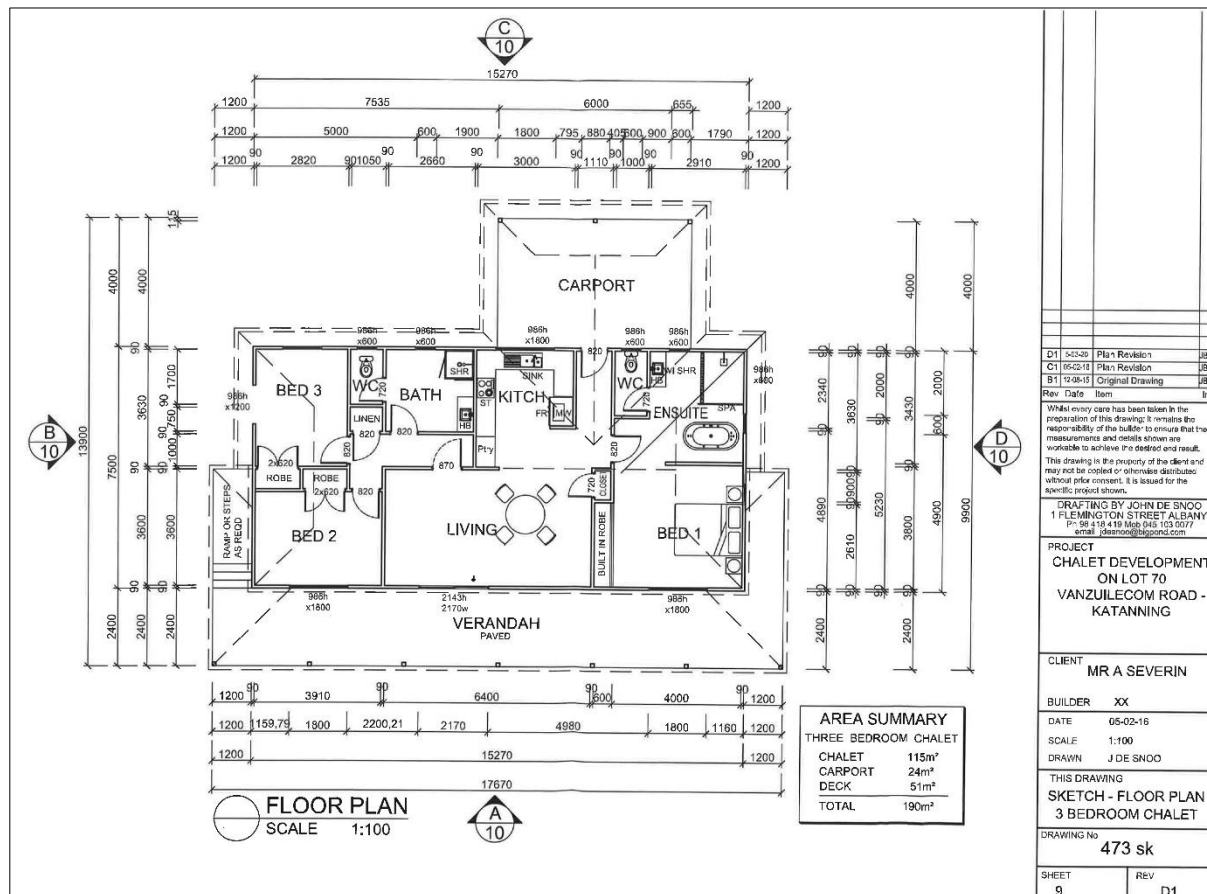
Studio Elevations



2 Bedroom Chalet Floor Plan



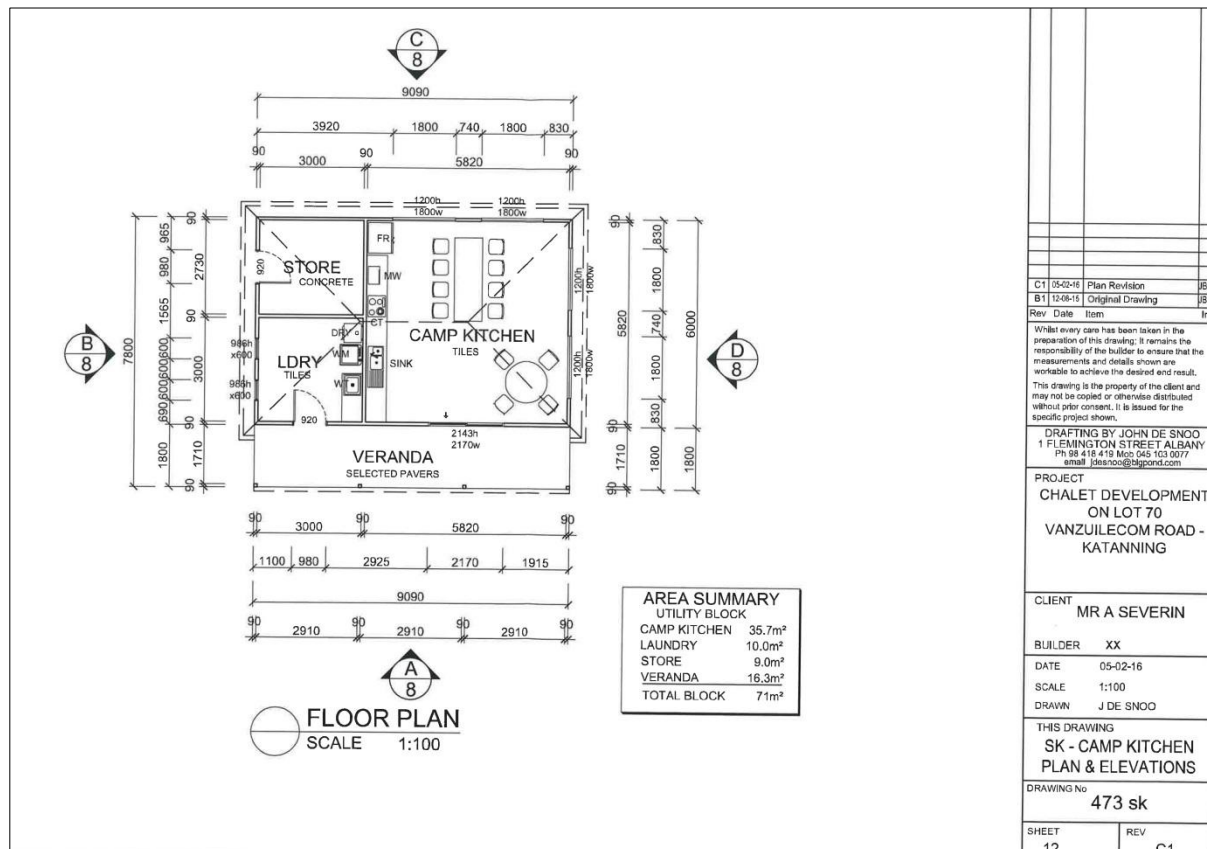
2 Bedroom Chalet Elevations



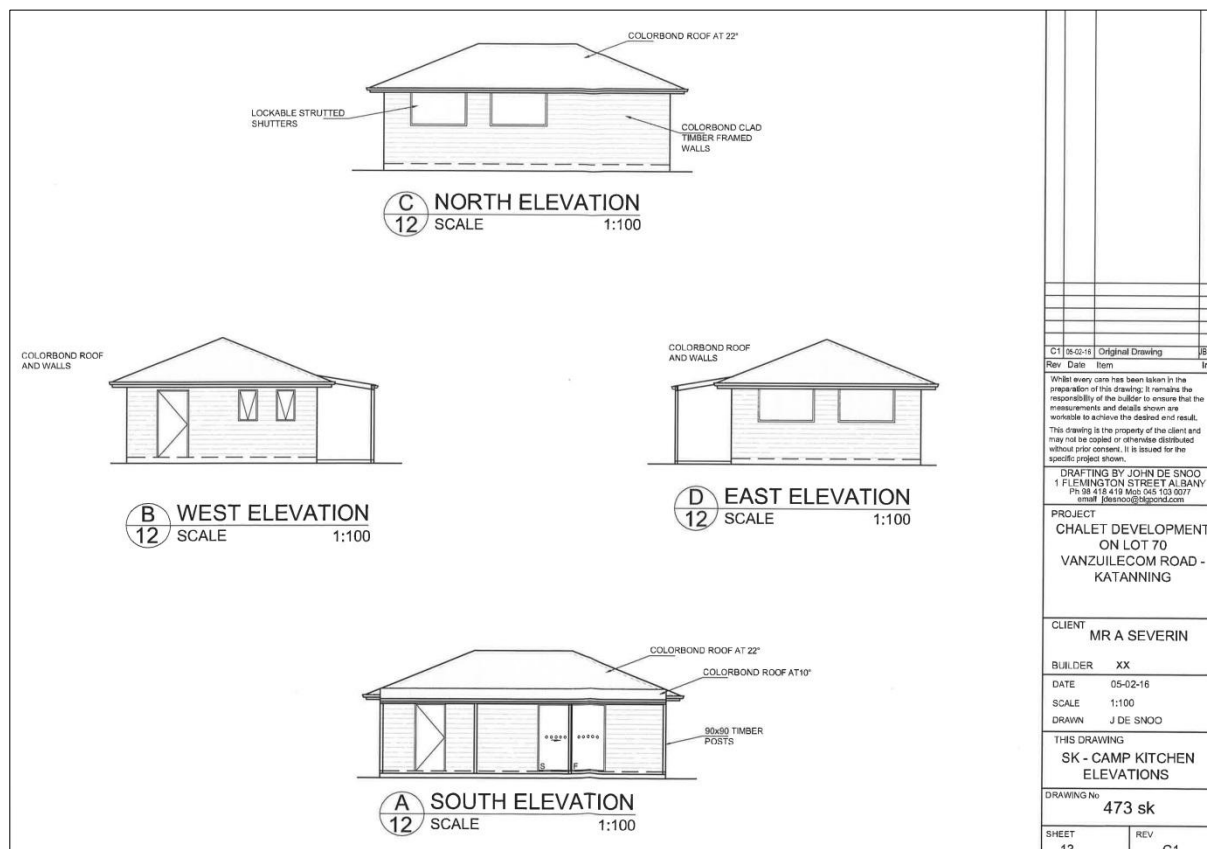
3 Bedroom Chalet Floor Plan



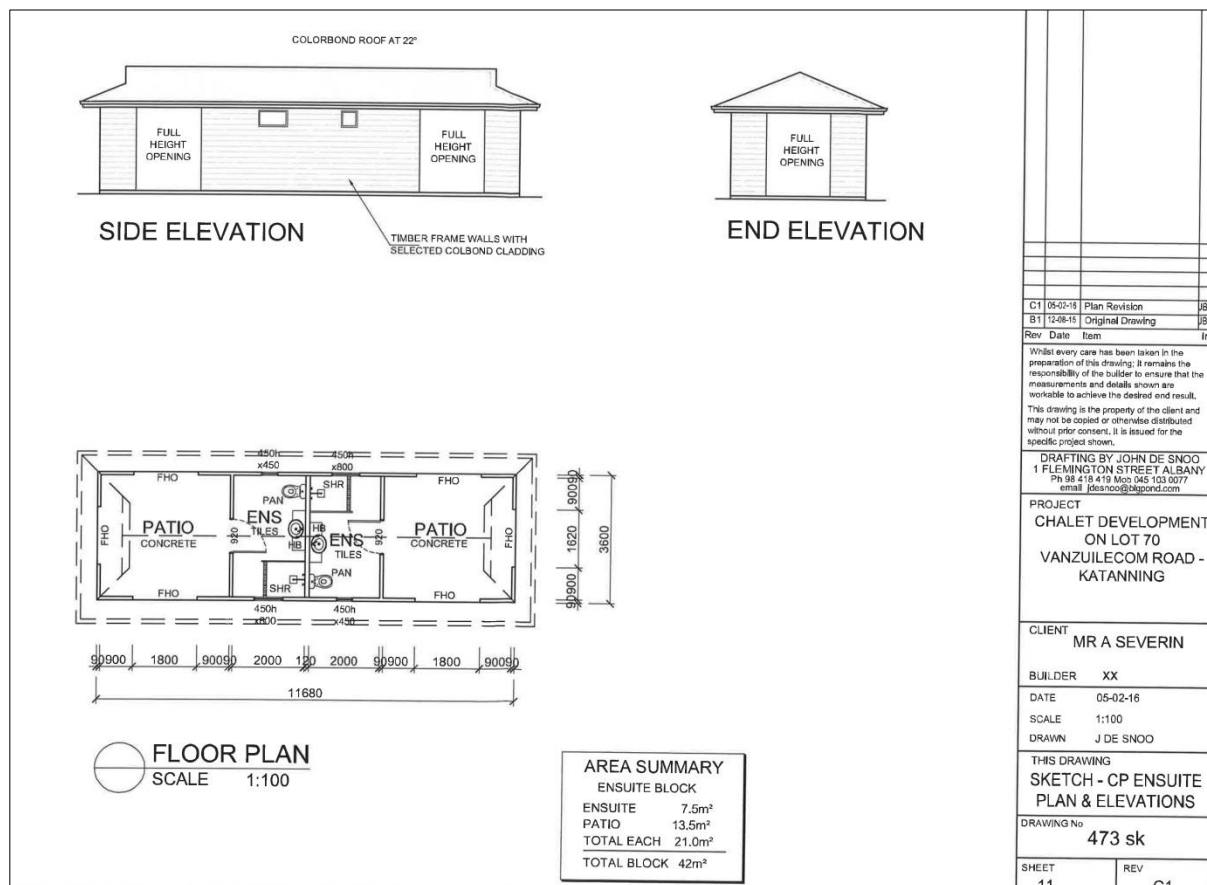
3 Bedroom Chalet Elevations



Camp Kitchen Floor Plan



Camp Kitchen Elevations



Caravan Ensuite Floor Plan & Elevations

A report on this matter was considered by the Council at its meeting held 28 July 2020. Refer Item 10.1.3. It was resolved *That Council:*

Determines the proposed 4 site Caravan Park on portion of Lot 70 Warren Road may be consistent with the objectives of the Urban Development zone and gives notice under Clause 64 of the deemed provisions before considering the application for Development Approval.

The proposal was advertised as follows:

- The Notice was published on the Shire's website and displayed on the notice board in the Administration Office from 5 August 2020.
- The Notice was published in the Great Southern Herald on 13 August 2020.
- Letters were sent to fifteen (15) nearby Landowners with an invitation to view the plans and comment on the proposal.
- The plans were available for inspection at the Administration Office and on-line.
- The closing date for submissions was 3 September 2020.

The advertising generated some interest however no submissions were received from the local community.

Portion of the subject land is designated as a Bush Fire Prone Area (BFPA) as identified by the Fire and Emergency Services Commissioner.

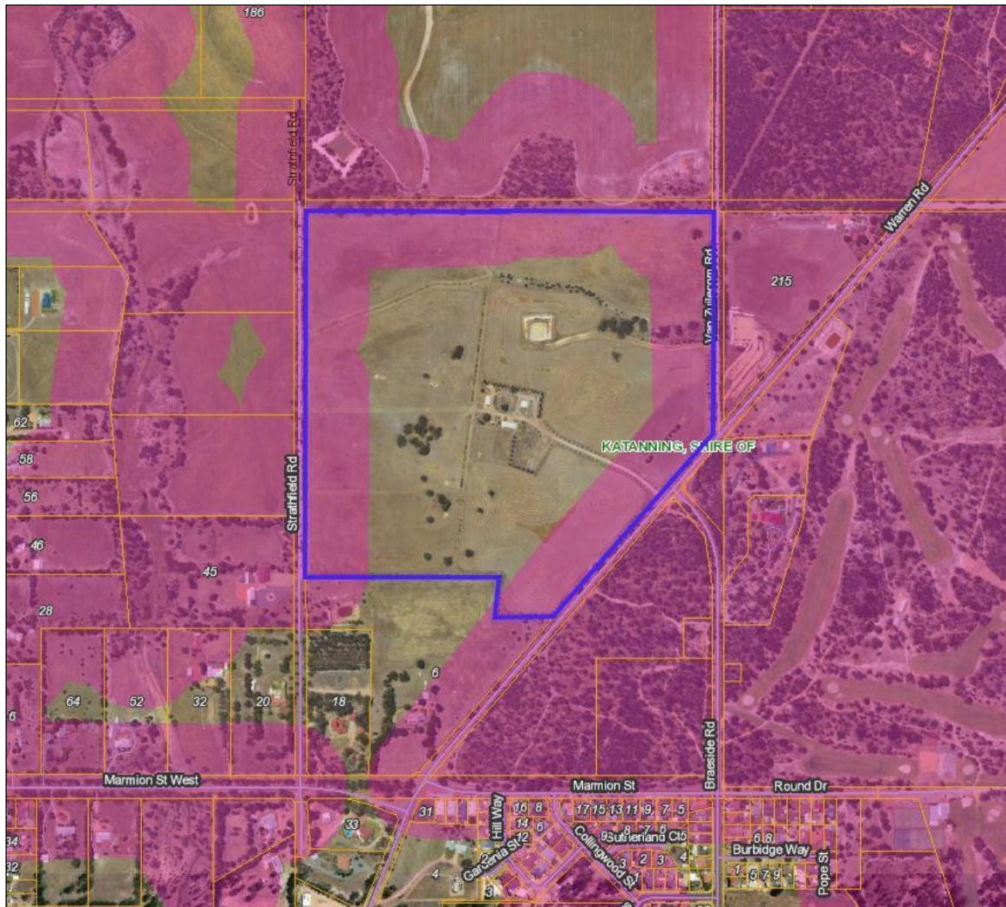


Image showing Subject Land and Bushfire Prone designation

A Bushfire Management Plan (BMP) (Version 1) dated 2 June 2020 was submitted with the application. The BMP was reviewed by the Shire's Community Emergency Services Manager (CECM). Because Holiday Accommodation is regarded as a 'Vulnerable land use' this proposal was formally referred to the Department of Fire and Emergency Services (DFES) for comment.

In its advice dated 23 July 2020, the agency recommended modifications and concluded: 'The proposed development is not supported for the following reasons:

1. The development design has not demonstrated compliance to – Element 1: Location, Element 2: Siting and Design, and Element 4: Water.'

The applicant's Fire Consultant prepared an amended Bushfire Management Plan (Version 1.1) dated 7 September 2020 and Pinwernying Farm Stay Emergency Evacuation Plan (EEP) dated 17 September 2020.

Section 3 of the BMP contains the Bushfire Assessment Results and Figure 5 is the modified BAL Allocation Contour Plan. Section 4 identifies the bushfire impacts, Section 5 assesses this proposal to the 'Acceptable Solutions' and Section 6 sets out responsibilities for implementation. Specific to this development is the provision of 150kl of water for firefighting purposes, satisfying the requirement for a static supply of 10kl per building/structure, achieving a minimum 4 hours supply at 10 litres per second. The tank will have the appropriate couplings, fire hose reels and be provided with suitable vehicle access.

The BMP sets out the requirements for the establishment and maintenance of firebreaks and Asset Protection Zones, as well as the construction specifications for vehicular access. Warren Road serves as suitable access to two different destinations. A supplementary Emergency

Access Way is proposed onto Van Zuilecom Road, thereby exceeding the minimum Acceptable Solution'. Key issues relating to water supply, emergency access and evacuation are addressed.

The amended BFP and EEP documents were referred to DFES on 18 September 2020. In its subsequent assessment and advice dated 30 September, DFES acknowledged the revised documentation responded in part, however did not fully address the bushfire hazard risks.

The agency concluded:

'It is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development is not supported for the following reasons:

1. The development design has not demonstrated compliance to –

Element 1: Location, or

Element 2: Siting and Design.'

The issues identified by DEFS relate to:

- Vegetation classification in the adjacent Warren Road reserve - Shire to be satisfied it can maintain or enforce the classified roadside vegetation as low threat;
- On-site vegetation classification – BAL of Managed Nature Strip upon maturity to be substantiated;
- BAL ratings to be validated.

The applicant's Fire Consultant is in negotiation with DFES and will provide further comment on the unresolved issues relating to interpretation of vegetation classification, management of asset protection zones and maintenance of fuel loads upon maturity of the vegetation in the Managed Nature Strip.

Officers Comment

The application was assessed against the zone Objectives, Provisions and Development Requirements set out in Tables 2, 3 and 8 respectively, the Zoning Table and the definitions listed in Division 2 – Clause 38 of LPS5 and matters listed in Clause 67, Part 9 Schedule 2 of Planning and Development (Local Planning Schemes) Regulations 2015.

As defined in LPS5,

holiday accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

caravan park means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1);

Holiday Accommodation is listed as 'D' discretionary in the Zoning Table. Caravan Park is defined in the Scheme, but is not listed in the Table. Accordingly, as set out in Clause 18 (4) the Council may either:

- (a) determine that the use is consistent with the zone objectives and is therefore a use that may be permitted subject to conditions; or
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice before considering an application for development approval for the use of the land; or

- (c) determine that the use is not consistent with the objectives of the zone and is therefore not permitted

Assessment and comment on the planning issues relevant to this proposal are discussed in the July report on this matter. Suffice to say, from a planning and land use perspective, the proposed development accords with the Scheme requirements and will not have a significant detrimental impact on amenity, the environment or the adjoining land.

Versions 1 and 1.1 of the BMP and EEP were reviewed by the Shire's Community Emergency Services Manager (CECM) who advised there were no concerns with the document. The Shire's Regulatory Services Team consider the management of fuel loads and Asset Protection zones can implemented through the Development Approval conditions, Bushfire Management Plan, Shire of Katanning Fire Management Requirements (Bush Fire Notice) and at the Building Permit stage. This is reflected as Condition 3 and Advice Notes I and II of the Recommendation.

Development Approval is recommended, subject to conditions.

Statutory Environment:

Shire of Katanning Local Planning Scheme No. 5 (LPS5).

The Planning and Development (Local Planning Schemes) Regulations 2015 (P&D Regs 2015).

WAPC State Planning Policy 3.7 Planning in Bushfire Prone Areas.

The proposal is considered to be consistent with the following Aims of the Scheme:

- Community growth and Diversity - Provide opportunities for growth of the Katanning townsite and reinforce its status as a regional centre to accommodate a growing and diverse community with a strong sense of place, heritage and achievement.
- Economic Growth - Strengthen and diversify the Shire of Katanning's economic base by providing an overall pattern of land use and development flexibility that supports existing businesses and provides for expansion of the economic base by encouraging new business and industry.

The subject land is not of historical cultural significance. The site is not recorded in the State Register of Heritage Places, the Municipal Inventory or other Heritage lists. Based on a recent search using the DoPLH online Aboriginal Heritage Inquiry System, it is not listed as a Registered Aboriginal Site or Survey Area.

Policy Implications:

There are no Shire of Katanning policy implications for this report.

WAPC Policy SPP 3.7 Planning in Bushfire Prone Areas and Position Statement 'Tourism land uses in bushfire prone areas' (2019) are considered relevant.

Financial Implications:

Based on the development value of \$950,000, the Application Fee of \$2856.50 is required as set out in Council's Schedule of Fees and Charges.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria.

The risk relates to possible Financial and Reputational Consequences, in the event the Applicants exercise their right to apply for a review by the State Administrative Tribunal (SAT) should they be aggrieved by the determination (either Approval or Refusal) of the Development Application.

In this case, the perceived level of risk in relation is considered to be “Low (2)” based on the “Minor” (2) consequence of Financial or Reputational impacts, and the “Rare” (1) likelihood that the Applicant would challenge the Council’s decision on this proposal. The “Low” risk rank is considered acceptable with adequate controls, managed by routine procedures.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	BUILT ENVIRONMENT	
ASPIRATION	B2	Places for the community to live, work and connect
OBJECTIVE	B2.3	Orderly development (Town Planning)
PRIORITY	ECONOMIC	
OBJECTIVE	E3.2.2	Ensure land use planning for commercial, industrial and residential development.

Officer’s Recommendation/Council Motion:

OC/20 That Council grants Development Approval for Lot 70 Warren Road, Katanning for the purpose of Holiday Accommodation (eight Chalets, four Caravan Sites with ensuites and Camper’s Kitchen) and Entry/Security Gate subject to the following conditions:

1. Development is to be generally in accordance with approved plans.
2. The construction and maintenance of the internal driveways and parking areas is the responsibility of the developer.
3. Installation of emergency water supplies, accessways and implementation of fire safety requirements in accordance with Tables 4, 5 and 6 of the endorsed Fire Management Plan.
4. All stormwater runoff from the new structure to be adequately controlled on-site. Any connection to the district drainage system to be to the satisfaction of the Shire of Katanning, in accordance with Engineering requirements and design guidelines.
5. Installation of an on-site wastewater management system, approved by the Department of Health, prior to occupation of the premises.
6. Provision of potable water to each dwelling, in accordance with drinking water standards.
7. Provision of bin storage areas designed and constructed to the satisfaction of the Shire of Katanning and suitable arrangements being made for the regular collection and disposal of waste.
8. Any lighting devices to be located and controlled to minimise ‘spill’ and off-site impact.

Advice Notes

- I. Future use and development is to comply with the Building Code of Australia and relevant statutes.
- II. The Emergency Evacuation Plan to be modified to include the correct date for the Shire of Katanning ‘Bushfire Season’ on page 12

-
- III. The Bushfire Management Plan to be modified to incorporate the recommendations from the Department of Fire and Emergency Services and subsequent negotiated outcomes.
 - IV. Any modifications to the existing crossover require prior approval and shall be in accordance with Shire of Katanning specifications and requirements.
 - V. Any damage or disruption to infrastructure within the road reserves is to be remediated at the proponent's cost.
 - VI. The operation and management of the Caravan Park, including Licensing, is to comply with the Caravan Parks and Camping Grounds Regulations 1997, and Amendments.

Voting Requirement: Simple Majority

CARRIED/LOST:

10.1.2 Tender 10/2020 – Articulated Motor Grader

File Ref: PL.TE.1
Reporting Officer: Cherrie Campbell, Executive Officer Infrastructure & Assets
Date Report Prepared: 19 October 2020

Issue:

To consider the replacement and disposal of Council's existing 120M Caterpillar Grader

Body/Background:

Tenders for the supply of a new Grader and trade or outright purchase of the existing machine were advertised in the West Australian during September 2020, with a closing date of Monday 12 October 2020.

Council allocated loan borrowings of \$250,000 for the purchase of a new Grader in the 2020/21 budget. Since the budget was adopted, it has been identified through the plant replacement program that this is the net change-over figure for the replacement of the existing Cat 120M Grader. The actual disposal of this machine was not included in the 2020/21 budget.

Officer's Comment:

Four tenders from four different suppliers were received, prior to the closing date, for replacement of the existing Caterpillar machine. One tender did not meet the specification requirements and one was for outright purchase only.

COMPANY	MAKE/MODEL	PRICE EX GST	TRADE EX GST	NET CHANGEVER EX GST
Westrac Pty Ltd	Caterpillar 140	\$357,200	\$95,000	\$262,200
AFGRI Equipment	John Deere 620GP	\$381,000	\$115,000	\$266,000
Ronco Group Pty Ltd	Outright Purchase	\$281,700		
Smith Broughton	Non-compliant		\$86,364	

The evaluation is provided excluding Goods and Services tax on both the new vehicles price and trade-in price.

EVALUATION

The tenderers were advised that the lowest or any tender may not necessarily be accepted. Tenders have been evaluated on the following:

- Demonstrated experience in supplying similar goods 50%
- Skills and experience of key personnel 25%
- Tenderer's resources 25%

The assessment for Westrac is based on the 140 machine only. Which is the comparatively sized machine.

ASSESSMENT BASED UPON WEIGHTED CRITERIA

(Evaluation rating 1-10 with 10 being highest rating)

COMPANY	EXPERIENCE IN SUPPLYING SIMILAR GOODS	SKILLS AND EXPERIENCE OF KEY PERSONNEL	TENDERER'S RESOURCES	TOTAL
Westrac Pty Ltd	8	9	9	26
AFGRI Equipment	7	7	8	22
Ronco Group Pty Ltd	6	5	7	18
Smith Broughton	Non-compliant			

Based on the above evaluations and Council's needs, it is recommended that the tender from Westrac be accepted. In addition, there are several issues worth noting:

- The M series Caterpillars are joystick controlled. With our operators in favour with this move.
- Maintaining a few pieces of Caterpillar plant has service and spare parts advantages.

Statutory Environment:

In accordance with the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.

*Local Government Act 1995***6.2. Local government to prepare annual budget**

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August. * Absolute majority required.
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government; and
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

3.58. Disposing of property

- (1) In this section — dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

*Local Government (Functions and General) Regulations 1996***30. Dispositions of property excluded from Act s. 3.58**

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
 - (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

Policy Implications:

The following policies had been considered in development of the budget and preparation of the Request for Tender;

1.4 Asset Management Policy

2.5 Purchasing Policy

Financial Implications:

GL: 123550 Job: AC067 Cat Grader (1DPP247) has a budget expense allocation of \$250,000.

No provision was made for the disposal of the existing Cat Grader.

Based on the recommendation to purchase from Westrac, the following accounts will be impacted with the following Actual Expense and Revenue;

GL: 123550 Job: AC067 Cat Grader (1DPP247): \$357,200.

GL: 141030 Proceeds on Sale of Assets (PLP): \$95,000

By accepting the proposed offer made by Westrac, it is acknowledged that the net change-over is \$12,200 over the budget allocation of \$250,000. The additional expense may be offset by a transfer from the Plant Reserve or any future surplus that maybe identified in the Municipal Fund.

As at 30 June the Written Down Value of the existing Grader Asset No: PE136 is \$42,000.20. On disposal Grader PE136 there will be postings to the following accounts;

GL: 118920 Realisation on Sale of Asset (PLP): (\$95,000)

GL: 114040 Profit on Disposal of Asset (PLP): \$52,999.80

It is noted that the Profit on Loss figure will vary once the monthly depreciation is run. This will be done once the Auditors are happy to sign off the 2019/20 Financials.

Risk Implications:

This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "low". The "Low" risk rank is considered acceptable with adequate controls, managed by routine procedures.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	BUILT ENVIRONMENT	
ASPIRATION	B1	Infrastructure that meets community need.
OBJECTIVE	B1.1	Sustainably manage current and future assets and infrastructure.

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

- 1. Accepts the tender offer of \$357,200 (GST Exclusive) from Westrac for the supply of one only 2020 Caterpillar 140 Motor Grader;**
- 2. Authorise the disposal of the existing 2010 Caterpillar 120M Motor Grader (Asset No: PE136), with the proceeds allocated to GL: 141030 Proceeds on Sale of Assets (PLP);**
- 3. Accept the offer of \$95,000 (GST Exclusive) made by Westrac to purchase the existing 2010 Caterpillar 120M Motor Grader (Asset No: PE136); and**
- 4. Authorise the Chief Executive Officer to finalise negotiations concerning any required options.**

Voting Requirement: Absolute Majority

CARRIED/LOST:

10.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

10.2.1 Schedule of Accounts (ATTACHMENTS)

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

Body/Background:

This information is provided to Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for, which money or other benefits may be obtained.

Below is a summary of the payments made for the financial year:

Month	Cheques 2020/21	EFT Payments 2020/21	Direct Debits 2020/21	Credit Card 2020/21	Payroll 2020/21	Trust 2020/21	Total Payments 2020/21
July	1065.35	1327621.42	37190.14	5109.64	248178.73		1,619,165.25
August	14612.21	1426957.07	29249.32	2292.54	243501.24		1,687,363.06
September	15827.22	1344053.88	47884.08	13384.94	404488.03		1,825,638.15
October							
November							
December							
January							
February							
March							
April							
May							
June							
Total	31504.78	4098632.37	114323.76	20787.12	896168		5132166.46

Officer's Comment:

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

The Finance Forum held on 20 October 2020 gave attending Councillors an opportunity to ask questions regarding the presented accounts paid.

Statutory Environment:

Local Government (Financial Management) Regulations 1996.

Policy Implications:

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

Financial Implications:

Expenditure in accordance with the 2020/21 Annual Budget.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Officer's Recommendation/Council Motion:

OC/20 That Council endorses the Schedule of Accounts as presented, being cheques 42339-42343 totalling \$15827.22, EFT payments 30531-30684 totalling \$1344053.88, direct payments totalling \$47884.08, and credit card payments totalling \$13384.94 authorised and paid in September 2020.

Voting Requirement: Simple Majority.

CARRIED/LOST:

10.2.2 Monthly Financial Reports (ATTACHMENTS)

File Ref: FM.FI.4
Reporting Officer: Wendy Stringer, Manager Finance
Report Prepared: 12 October 2020

Body/Background:

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

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

Officer's Comment:

A variance report is included with the monthly financial statement's attachment.

The Finance Forum held on 20/10/2020 gave attending Councillors an opportunity to ask questions regarding the presented 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.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

Officer's Recommendation/Council Motion:

OC/20 That Council adopts the Statement of Financial Activity for the month ending 30 September 2020, as presented.

Voting Requirement: Simple Majority.

CARRIED/LOST:

10.2.3 Disposal of Property – 77 Piesse Street Katanning

File Ref: CP.AL.3
Reporting Officer: Rob Stewart, Acting Executive Manager Corporate & Community
Date Report Prepared: 15 October 2010

Issue:

The Council's authority is sought to give Local Public Notice of an offer to purchase council owned land at 77 Piesse Street Katanning.

Body/Background:

Mr Dean Uink has contacted the Council's Administration seeking to purchase council owned vacant land at 77 Piesse Street Katanning. An Offer and Acceptance form was completed in the name of Cheyenne Uink.

Should the Council be inclined to sell the subject land, there are statutory processes that would need to be satisfied before the sale could take place. This could either be through offering the land at public auction or offering the land by tender. The proposed purchaser could either participate in the process chosen to offer the land or could await that process to close and at that time the council could sell by private treaty provided that a valuation of the land no greater than six months old had been obtained.

However, should the council prefer to dispose of the land other than by public tender or auction, the Act provides that local public notice can be given giving details of the proposed disposition, including names of interested parties, the amount offered and the valuation.

The land is zoned, 'Enterprise' which allows for a dwelling/small industrial activity (R25).

Officer's Comment:

No objections are raised in offering the land for sale. A valuation of the land has been obtained and that valuation has been circulated to councillors in the past under separate cover. It is recommended that local public notice be given of the council's intention to dispose of the land other than by public tender or auction.

Statutory Environment:

Local Government Act 1995, Section 3.58(3)

Section 3.58(3) and (4) of the Local Government Act 1995 prescribe the process for disposing of property, including a public notice submission period open for 14 days which is to include details of the disposition, name of the parties involved and market value of the property.

Policy Implications:

No policy implication.

Financial Implications:

The land has been valued. An offer of \$10,000.00 has been received.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

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

1. **Accepts the offer to purchase land known as 77 Piesse Street Katanning (Lot 684) made by Cheyenne Uink for the sum of \$10,000.00 be noted;**
2. **Local Public notice of the offer be given pursuant to Section 3.58 (3) of the Local Government Act (1995);**
3. **The valuation of the land dated 28 August 2020 of \$12,000.00 be noted; and**
4. **At the conclusion of the local public notice period the matter be referred back to the council to consider submissions and to resolve whether or not to dispose of the property.**

Voting Requirement: Simple Majority

CARRIED/LOST:

10.3 CHIEF EXECUTIVE OFFICER'S REPORTS**10.3.1 Council Meeting Dates 2021**

File Ref: GV.CM.1
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 1 October 2020

Issue:

To confirm the dates for Ordinary Council Meetings for the 2021 calendar year.

Body/Background:

At the Ordinary Council Meeting held on 28 October 2015 Council resolved to hold ordinary meetings on the fourth Tuesday of each month except January. Council is required to give notice of its meeting dates at least once each year.

Officer's Comment:

The following meeting dates are proposed for the coming year:

Tuesday	23 February 2021
Tuesday	23 March 2021
Tuesday	27 April 2021
Tuesday	25 May 2021
Tuesday	22 June 2021
Tuesday	27 July 2021
Tuesday	24 August 2021
Tuesday	21 September 2021
Tuesday	26 October 2021
Tuesday	23 November 2021
Tuesday	21 December 2021

Statutory Environment:

Local Government Act 1995, section 5.3(2) Ordinary and Special Council Meetings - Ordinary meetings are to be held not more than 3 months apart.

Local Government (Administration) Regulations, Regulation 12(1) Meetings, public notice of - at least once each year a local government is to give local public notice of the dates on which and the time and place at which the Ordinary Council Meetings.

Policy Implications:

There are no policy implications in relation to this matter.

Financial Implications:

There are no direct financial implications in relation to this matter.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L1	An inclusive community, recognised as a great place to live and visit.
OBJECTIVE	L1.2	Provide effective leadership and good governance.
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of Shire resources – improve organisational systems.

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

- 1) Holds Ordinary Meetings of Council commencing at 6.00pm in the Council Chambers, 52 Austral Terrace, Katanning on the following dates for the coming year:

Tuesday	23 February 2021
Tuesday	23 March 2021
Tuesday	27 April 2021
Tuesday	25 May 2021
Tuesday	22 June 2021
Tuesday	27 July 2021
Tuesday	24 August 2021
Tuesday	21 September 2021
Tuesday	26 October 2021
Tuesday	23 November 2021
Tuesday	21 December 2021
- 2) Gives public notice of the Ordinary Meeting dates, time and place in accordance with Local Government (Administration) Regulations.

Voting Requirement: Simple Majority

CARRIED/LOST:

10.3.2 Christmas/New Year Opening Hours

File Ref: GV.CM.1
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 19 October 2020

Issue:

To consider the closure of Council facilities over the Christmas/New Year period.

Body/Background:

In previous years Council has approved the variation of the Shire's normal operating hours during the Christmas/New Year period to close from lunchtime on the last business day before Christmas until the morning of the first business day following New Year's Day. The following public holidays fall during this period:

Christmas Day	Friday	25 December 2020
Boxing Day holiday	Monday	28 December 2020
New Year's Day	Friday	1 January 2021

Officer's Comment:

It is recommended that the closure period for the coming Christmas/New Year period should be from 12 noon on Thursday 24 December 2020 until Monday 4 January 2021.

Month	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Dec 2020				24	25	26	27
	28	29	30	31	1	2	3
Jan 2021	4						

A small number of Works Crew and other staff will be on-call throughout the closure. Most staff will be required to take some form of accrued leave during the closure.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Financial Implications:

Staff (except for skeleton or called out support) will be accessing approved leave types during the closure. There will be minor reductions in overheads due to offices not being open.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	LEADERSHIP	
ASPIRATION	L2	A collaborative, progressive and resilient local government which is sustainably resourced.
OBJECTIVE	L2.1	Optimise use of shire resources – improve organisational systems.

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

1. Authorises a variation to normal opening hours during the 2020/21 Christmas/New Year period as follows:
 - Thursday 24 December 2020 – close at 12 noon
 - Tuesday 29 December 2020 – closed
 - Wednesday 30 December 2020 – closed
 - Thursday 31 December 2020 – closed
2. Advertises the modified opening hours in the lead up to the Christmas closure.

Voting Requirement: Simple Majority

CARRIED/LOST:

10.3.3 Authorised Persons

File Ref: CM.LG.1
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 16 October 2020

Issue:

Council is required to appoint authorised persons to undertake the exercise of its powers and duties in accordance with various statutes.

Body/Background:

A number of changes to staffing have taken place since the last gazettal of Shire of Katanning Authorised Persons (September 2019). This officer has reviewed the last year's gazettal notice and liaised with Senior Staff to ensure the appropriate staff are included in the authorised list.

Officer's Comment:

Review of the Council's Authorised Persons will, in future, be completed at the same time as the review of the Delegations Register to ensure changes to staff are gazetted on an annual basis and when required when staff changes occur in the relevant positions.

Statutory Environment:

Local Government Act 1995 – Appointment of authorised officers in accordance with the following statutes:

- Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);
- Local Government Act 1995, Part 3 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions;
- Caravan and Camping Grounds Act 1995;
- Dog Act 1976 and Regulations;
- Cat Act 2011;
- Bush Fires Act 1954 and Regulations;
- Shire of Katanning Local Laws;
- Litter Act 1979 and Regulations;
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations.

Policy Implications:

Nil.

Financial Implications:

Cost of advertising appointments in the Government Gazette are approximately \$700 and these funds are budgeted for in Advertising.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	SOCIAL	
ASPIRATION	S2	Safe community.
OBJECTIVE	S2.1	Strive for a community where people feel safe and secure.

Officer's Recommendation/Council Motion:**OC/20****That Council:****1. Appoints the following persons:**

Julian Murphy	Wayne Cockburn
Richard Bralich	Lindsay Aaron Marris
Heidi Cowcher	Kel Vann
Darryle Baxter	Delma Baesjou
Shane Chambers	Cynthia Pearce

As authorised persons in accordance with the following Acts:

- Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);
- Local Government Act 1995, Part 3 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions;
- Caravan and Camping Grounds Act 1995;
- Dog Act 1976 and Regulations;
- Cat Act 2011;
- Bush Fires Act 1954 and Regulations;
- Shire of Katanning Local Laws;
- Litter Act 1979 and Regulations;
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations.

2. Appoints the following persons as registration officers in accordance with the Dog Act 1976 and the Cat Act 2011 and regulations:

Phillipa Murray	Kristina O'Donnell
Shenae Watts	Cherrie Campbell
Shelby Hannagan	Karl Hirschmann
Samantha King	

3. And cancels all previous authorisations.**Voting Requirement:** Simple Majority

CARRIED/LOST:

10.3.4 Review of Wards and Representation **(ATTACHMENT)**

File Ref: GV.EL.9
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 15 October 2020

Issue:

To consider the outcomes of the review of wards and representation in the Shire of Katanning.

Body/Background:

The Shire of Katanning has nine (9) councillors and 2,463 electors with a councillor/elector ratio of 1 councillor to each 273.67 electors and no wards. Five (5) councillor positions will become vacant at the 2021 ordinary council elections.

The last review of wards and representation in the Shire of Katanning was undertaken in 2010. Council resolved to undertake a review at the July 2020 Ordinary Council Meeting.

The Review Process

Schedule 2.2 of the *Local Government Act 1995* outlines the review process.

The review process involves a number of steps:

- Council resolves to undertake the review;
- 6 week public submission period opens;
- Information provided to the community for discussion;
- Public submission period closes;
- The Council considers all submissions and relevant factors and makes a decision;
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration; and (If a change is proposed) The Board submits a recommendation to the Minister for Local Government and Regional Development (the Minister).
- Any changes approved by the Minister where possible will be in place for the next ordinary election.

Council decided at its meeting on 28 July 2020 to undertake a review of wards and representation and endorsed the discussion paper outlining a number of options to be considered (see attached).

Council advertised the review for public comment for a period of 42 days in accordance with the requirements of Schedule 2.2 of the Local Government Act 1995. Local public notice was given as follows:

- Great Southern Herald newspaper on 13 August 2020
- Shire of Katanning Facebook – 12 August, 15 September & 22 September 2020
- Shire of Katanning Notice Board
- Katanning Library Notice Board
- Shire of Katanning website www.katanning.wa.gov.au

The discussion paper was available from the Shire of Katanning Administration and Civic Centre and the Shire of Katanning website.

Summary of Public Submissions

No submissions have been received.

Assessment of the Options

Wards

Given the population distribution in the Shire of Katanning (with the population centred in the Katanning townsite) a similarity in the ratio of councillors to electors through the reintroduction of wards is not considered to be reasonably achievable.

Elected Members

OPTION	COUNCILLORS	RATIO OF COUNCILLORS TO ELECTORS
Option 1 no wards	9	273.67
Option 2 no wards	8	307.87
Option 3 no wards	7	351.86
Option 4 no wards	6	410.50

The ideal number of elected members for a local government is for the local government to determine. There is a diverse range of councillor/elector ratios across Western Australia reflecting the sparsely populated remote areas and the highly populated urban areas. The majority of the Shire of Katanning's population is centred in the townsite of Katanning with the remainder dispersed in rural areas throughout the district.

By way of comparison Katanning's neighbouring Councils are represented by a range of elected members from 9 to 7 as detailed in the table below:

LOCAL GOVERNMENT	NUMBER OF ELECTED MEMBERS	ELECTORS	COUNCILLOR: ELECTOR RATIO
Broomehill Tambellup	7	752	107.4
Dumbleyung	9	467	51.8
Gnowangerup	9	759	84.3
Kent	8	368	46.0
Kojonup	8	1,345	168.1
Woodanilling	6	290	48.3

Councils with a similar number of electors to Katanning:

LOCAL GOVERNMENT	NUMBER OF ELECTED MEMBERS	ELECTORS	COUNCILLOR: ELECTOR RATIO
Dandaragan	9	2,502	278.0
Narrogin	9	3,152	350.2
Plantagenet	9	3,584	398.2
Waroona	8	2,790	348.7
York	7	2,739	391.2

The advantages of a reduction in the number of elected members may include the following:

- The decision making process may be more effective and efficient if the number of elected members is reduced. It is more timely to ascertain the views of a fewer number of people and decision making may be easier. There is also more scope for team spirit and cooperation amongst a smaller number of people.
- The cost of maintaining elected members is likely to be reduced (a reduction of about \$12,500 per elected member per year).
- The increase in the ratio of councillors to electors is unlikely to be significant.
- Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local elected member.
- A reduction in the number of elected members may result in an increased commitment from those elected reflected in greater interest and participation in Council's affairs.
- Fewer elected members are more readily identifiable to the community.
- Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.
- There is a State wide trend for reductions in the number of elected members and many local governments have found that fewer elected members works well.

The disadvantages of a reduction in the number of elected members may include the following:

- A smaller number of elected members may result in an increased workload and may lessen effectiveness. A demanding role may discourage others from nominating for Council.
- There is the potential for dominance in the Council by a particular interest group.
- A reduction in the number of elected members may limit the diversity of interests around the Council table.
- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact.
- An increase in the ratio of councillors to electors may place too many demands on elected members.

A reduction in the number of elected members to six or seven would not have a significant impact on the councillor to elector ratio. There is some resistance to having an even number of Councillors because of the potential to have a split vote when making council decisions.

Officer's Comment:

Council may be guided by the recent Local Government Review Panel Final Report (August 2020) which recommended that population should be used to determine the number of elected member positions, and local governments with fewer than 5,000 in population should have the minimum allowable number of councillors.

Given the current legislative environment and concerns about having an even number of councillors, it is recommended that 7 councillors is an appropriate number for the Shire of Katanning given its current population.

Implementation of Proposed Changes

The local government can indicate to the Board when it prefers the implementation of proposed changes to take place. In most cases this will be at the next ordinary elections day.

As near as practical to half of the total number of councillors are to retire every two years. Five (5) offices of councillor for the Shire of Katanning are due to expire at the 2021 ordinary

elections and four (4) in 2023. A reduction of the number of Councillors can be implemented at the 2021 ordinary elections whilst still maintaining as near as half the number of councillors (three (3)) up for re-election.

Statutory Environment:

Local Government Act 1995, Schedule 2.2 Provisions about names, wards and representation

Policy Implications:

Nil

Financial Implications:

Potential future savings resulting in a reduction in the number of councillors of about \$12,500 per elected member per year.

Risk Implications:

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

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

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

Officer's Recommendation/Council Motion:

- OC/20** That Council in accordance with Schedule 2.2 (9) of the *Local Government Act 1995*, recommends to the Local Government Advisory Board for implementation at the 2021 local government elections that:
1. An order be made under section 2.18 of the *Local Government Act 1995* to reduce the number of offices of councillor for the Shire of Katanning from nine (9) to seven (7);
 2. The no wards system be maintained; and
 3. As near as half the number of offices of councillor (three (3)) be elected at the 2021 local government elections.

Voting Requirement: Absolute Majority

CARRIED/LOST:

10.3.5 Piesse Park Subdivision Road Name

File Ref: RD.NA.1
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 21 October 2020

Issue:

To consider the name for the new road at the Piesse Park Subdivision, Katanning.

Body/Background:

The Shire of Katanning is developing a 30 Lot residential subdivision in Piesse Park Katanning. The subdivision includes one road providing access to each lot with both ends of the road joining Synnott Avenue as shown in the plan below.



It is proposed to name the road Kaatanup Loop in recognition of the nearby Kaatanup Springs (Piesse Dam) a significant cultural site for the local Noongar Community.

Recognition of the Kaatanup Springs site through interpretive signage will be included in the Piesse Park Signage project which is being undertaken separately by the Shire of Katanning.

A recent place names project undertaken by Community Arts Network (CAN) with the local Noongar) Community has established the agreed meaning of the name Kaatanup as follows:

Kaat	In	Up
Head	Located here	Place of

Kaatanup (place of the head) is the place where the Goreng, Wilmen and Kaneang clan groups gathered to conduct the business of the time. Aboriginal tools were carved from the local granite and greenstone and traded throughout the Great Southern region.

The Policies and Standards for Geographical Naming in Western Australia document provides guidance for road types with the following identified as suitable for the proposed new road:

Road Type	Abbreviation	Description	Open ended
Crescent	Cr	Crescent-shaped thoroughfare, especially where both ends join the same thoroughfare.	Yes
Loop	Loop	Roadway that diverges from and re-joins the main thoroughfare.	Yes
Way	Way	Roadway affording passage from one place to another. Usually not as straight as an avenue or street	Yes

Officer's Comment:

The proposed name Kaatanup Loop was referred to the Katanning Noongar Leadership Group to ensure support for the use of the name as well as establishing the correct spelling. The use of the name is supported by the Katanning Noongar Leadership Group. The proposed spelling of Kaatanup is in accordance with the Noongar Goreng dialect.

Statutory Environment:

Policies and Standards for Geographical Naming in Western Australia

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Katanning Strategic Community Plan 2017 – 2027

PRIORITY	BUILT ENVIRONMENT	
ASPIRATION	B2	Places for the community to live, work and connect
OBJECTIVE	B2.1	Enhance the public realm
PRIORITY	ECONOMIC	
OBJECTIVE	E3.2.2	Ensure land use planning for commercial, industrial and residential development.

Officer's Recommendation/Council Motion:

OC/20

That Council:

1. Recommends to the Geographic Names Committee to name the new road at the Piesse Park Subdivision Kaatanup Loop; and
2. Notes that the use of the name is supported by the Katanning Noongar Leadership Group.

Voting Requirement: Simple Majority

CARRIED/LOST:

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

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

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

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

- Piesse Lake Residential Subdivision Civil Works

Voting Requirement: Simple Majority

CARRIED/LOST:

13.1 Piesse Lake Residential Subdivision Civil Works

File Ref: CP.TE.3

Reporting Officer: Heidi Cowcher, Executive Manager Infrastructure & Assets

Date Report Prepared: 19 October 2020

REASONS FOR CONFIDENTIALITY

The officer's report is confidential because it deals with a matter relating to a contract that may be entered into by Council in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*.

Issue

To consider the evaluation of RFT 11-2020 Piesse Lake Residential Subdivision Civil Works and determine an outcome of the tender process.

Officer's Recommendation / Council Motion:

OC/20 That Council accepts the tender from WCP Civil (alternative) in response to RFT 11-2020 Piesse Lake Residential Subdivision Bulk Earthworks.

Voting Requirement: Simple Majority

CARRIED/LOST:

PROCEDURAL MOTION**MOVED:****SECONDED:**

OC/20 That Council reopens the meeting to the public.

Voting Requirement: Simple Majority

CARRIED/LOST:

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at ____ pm.