Shire of Katanning
Heart of the Great Southern

'Katanning is a safe, sustainable, and prosperous community.
We respect and celebrate our diverse culture.'

MINUTES OF THE
SPECIAL COUNCIL MEETING

Dear Council Member

Minutes of the Special Council Meeting of the Shire of Katanning held on Thursday 5 November 2026 in the Shire of Katanning Council Chambers, 52 Austral Terrace, Katanning.

DISCLAIMER

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

PRESIDING MEMBER _____ DATE SIGNED _____

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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISTORS

The Presiding Member declared the meeting open at 6:17pm.

Acknowledgement of Country
The Shire of Katanning acknowledges the Goreng Noongar people as the traditional custodians of the land that we live and work on. We recognise their cultural heritage, beliefs, and continuing relationship with the land and pay our respects to Elders past and present.

2. RECORD OF ATTENDANCE

PRESENT

Presiding Member:	Cr Kristy D'Aprile - President
Members:	Cr Ian Hanna – Deputy President Cr Matt Collis Cr Gemma Trolove Cr Danny McGrath Cr Paul Totino
Council Officers:	Peter Klein, Chief Executive Officer (Via Teams) David Blurton, Executive Manager Corporate Services (Via Teams) Nurul Abdullah, Senior Admin Records Officer
Gallery:	Nil.
Media:	Nil.
Apologies:	Lisa Smith, Acting Manager Operations
Leave of Absence:	Cr John Goodheart

3. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

4. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTERESTS

9.1	Peter Klein	Disclosure of Financial Interest

5. PUBLIC QUESTION/STATEMENT TIME

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 **Chief Executive Performance Review Meeting – Wednesday 14 October 2026**
(See Attached Minutes)

Voting Requirement: Simple Majority

MOVED: CR IAN HANNA **SECONDED: CR GEMMA TROLOVE**

OC148/26 That the minutes of the Chief Executive Performance Review Meeting held on Wednesday 14 October 2026 are confirmed as a true record of proceedings.

CARRIED: 6/0
FOR: CR KRISTY D'APRILE, CR IAN HANNA, CR GEMMA TROLOVE, CR PAUL TOTINO, CR DANNY MCGRATH, CR MATT COLLIS
AGAINST: NIL.

7. EXECUTIVE MANAGER CORPORATE SERVICES

7.1 Childcare Services - 84 Conroy Street

File Ref: LS.AA.3
Reporting Officer: David Blurton, Executive Manager Corporate Services
Date Report Prepared: 3 November 2026
Disclosure of Interest: No interest to disclose

Issue:
To consider competing requests for the future use of the Shire-owned facility at 84 Conroy Street, Katanning, comprising a request from Bright Start to commence childcare services from the premises and a request from Uplyft Inc. to continue using the facility for community service programs until no later than 30 June 2027.

Body/Background:
This item was "laid on the table" by Council at its meeting on 27 October 2026 pending further information.

The premises at 84 Conroy Street is currently leased to Uplyft Inc. The lease commenced on 17 March 2022 and expired on 16 March 2025. The lease included an option for a further term of 3 years however, Uplyft did not exercise this option by the due date and is therefore now in a month to month holding over tenure.

Uplyft has advised that its Board resolved on 2 October 2026 to cease operating the Katanning Early Learning and Development Centre from 84 Conroy Street on 4th December 2026, subject to an orderly transition process. Uplyft has stated that the decision follows confirmation that it was unsuccessful in its proposal to operate the Shire's new Early Learning and Development Centre and its consideration of the sustainability of continuing childcare operations from the existing premises after the new facility becomes operational.

Although Uplyft intends to cease childcare operations, it has advised that the community programs You with Me, My Time, Volunteer Connect and Parenting Connections currently operate from the premises under the permitted use provisions of the lease. Uplyft has requested to continue these programs at 84 Conroy Street on an interim basis while suitable alternative accommodation is identified.

Uplyft has formally requested that the Shire negotiate an early termination and surrender of the lease, with vacant possession to be provided no later than 30 June 2027. Uplyft has also requested discussions regarding the transition process, a Deed of Surrender, make-good and reinstatement obligations, the return of keys and security devices, and a joint condition inspection.

Bright Start, which is a local for profit childcare provider, has separately expressed interest in taking over the existing childcare service at 84 Conroy Street. Bright Start has advised that it has contacted Uplyft regarding a possible transfer of the current service approval and has asked whether the Shire will support a transfer of the existing lease if the proposal proceeds. Bright Start has also indicated that continued childcare operations at the site could allow it to offer before and after school care without requiring additional space in the new community centre.

Bright Start's motivation is to ensure that there is no impact on childcare services to the community between Uplyft ceasing operations on Friday 4th December 2026 and Gowrie commencing operations from the new Childcare facility at 33 Daping Street. The Gowrie have advised that they are aiming to commence the new operation on Monday 7th December 2026 to minimise the impact on the community however, commencement of the operation is subject to assessment by the Education and Care Regulatory Unit (ECRU).

The current childcare premises at 84 Conroy Street is part of lot 412 on DP 222683 and is owned freehold by the Shire of Katanning. It is 1.3189 h.a. in size and comprises two buildings, the Playgroup Building, currently used by Smart Start and the childcare building currently occupied by Uplyft.



Officer's Comment:
Officers are working to support the Gowrie to expedite the ECRU process with the intention of opening the new operation on 7th December 2026. Given this, it would seem the gap between Uplyft ceasing and Gowrie commencing may no longer be an issue if all approvals can be achieved.

Statutory Environment:
Local Government Act 1995, including section 3.58 relating to the disposal of property.
Local Government (Functions and General) Regulations 1996, including any applicable exemption from the disposal requirements.

The existing lease for 84 Conroy Street and the legal requirements applying to any assignment, variation, surrender or replacement lease.

Any childcare service operating from the premises would remain subject to all applicable service approvals, licensing, planning, building, health and safety requirements. These matters would require verification before any future childcare use was approved or commenced.

Policy Implications:
Shire of Katanning Policy 2.10, Lease / Licence of Community Assets, is relevant to the assessment and management of occupation arrangements for Council assets. Any future lease or licence proposal should be assessed consistently with the policy and the requirements of the Local Government Act 1995.

Financial Implications:
The financial implications of the finalization of Uplyft's lease have not yet been fully determined. Negotiations should address rent and outgoings to the surrender date, legal and documentation costs, inspection and condition reporting, make-good and reinstatement obligations, utilities, security arrangements and any costs associated with preparing the facility for its future use.

Any material financial concession, unbudgeted expenditure or variation outside existing delegations should be referred to Council.

Risk Implications:
This item has been evaluated against the Shire of Katanning's Risk Assessment and Acceptance Criteria. The perceived level of risk is "Medium". The principal risks relate to service continuity, asset condition, lease compliance, regulatory approvals, financial exposure and stakeholder expectations.

The risks can be managed by documenting the transition through an appropriately prepared Deed of Surrender, undertaking a joint condition inspection, confirming all financial and make-good obligations, maintaining required insurance and approvals during the transition, and ensuring that no alternative occupation or childcare service commences without the necessary Council, legal and regulatory approvals.

There is a risk that Childcare Services in Katanning will be impacted between the period that Uplyft ceases operating and the Gowrie commence operation. This may be unavoidable; however, officers will work with the Gowrie to expedite the commencement of their service.

Strategic Implications:
Shire of Katanning Strategic Community Plan 2022 - 2032

Focus Area	Social
Aspiration	Katanning is a vibrant active place that encourages its community to thrive.
Objective	To provide support for the physical and mental health and wellbeing of our community.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion

MOVED: CR DANNY MCGRATH SECONDED: CR IAN HANNA

OC149/26 That Council:

1. **Supports Uplyft Limited continuing to use the facility at 84 Conroy Street, Katanning, for its existing community service programs until 30 June 2027**

2. **Advises Bright Start that Council's decision is without prejudice to its ability to participate in any future process undertaken by the Shire concerning the use or disposal of this property after 30 June 2027**.

CARRIED: 6/0
FOR: CR KRISTY D'APRILE, CR IAN HANNA, CR GEMMA TROLOVE, CR PAUL TOTINO, CR DANNY MCGRATH, CR MATT COLLIS
AGAINST: NIL.

Cr Danny McGrath spoke for the motion.
Cr Ian Hanna spoke for the motion.
Cr Paul Totino spoke for the motion.
Cr Kristy D'Aprile spoke for the motion.

8. CHIEF EXECUTIVE OFFICER

8.1 Appointment of Fire Control Officer

File Ref: ES.AF.1
Reporting Officer: Peter Klein, Chief Executive Officer
Report Prepared: 3 November 2026

Issue:
Council to endorse the appointment of an additional Fire Control Officer.

Body/Background:
Council is requested to formally appoint Bushfire Control Officers (FCOs), annually and each appointed officer must complete the FCO training within 6 months of being appointed (unless otherwise directed due to circumstances).

The appointment of a FCO is a requirement under the Memorandum of Understanding (MOU) between the Department of Fire and Emergency Services (DFES) and the Local Government. The functions and responsibilities of a FCO are prescribed under the Bush Fires Act 1954.

Officer's Comment:
It is recommended that Council appoint the recently recruited Community Emergency Services Manager Jens Koehler, to the position of Fire Control Officer.

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

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

Policy Implications:
There are no policy implications for this report.

Financial Implications:
Fire Control Officers are required to be gazetted.

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 2022 - 2032

Focus Area	Social
Aspiration	Katanning is a vibrant, active place that encourages its community to thrive.
Objective	To provide support for the physical and mental health and wellbeing of our community.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion

MOVED: CR PAUL TOTINO **SECONDED: CR MATT COLLIS**

OC150/26 That Council appoints Jens Koehler as a Fire Control Officer in accordance with the Bush Fires Act 1954:

CARRIED: 6/0

FOR: CR KRISTY D'APRILE, CR IAN HANNA, CR GEMMA TROLOVE, CR PAUL TOTINO, CR DANNY MCGRATH, CR MATT COLLIS

AGAINST: NIL.

8.2 **Rear Lane Access – Council Policy**

Attachment 1-Final Rear Laneway Access Policy
Attachment 2-Final Rear Laneway Access Policy (Track Change)
Attachment 3-State Policy Position
Attachment 4-Public Submission

File Ref:
Reporting Officer: Adrian Nicoll-Town Planner
Date Report Prepared: 3 November 2026
Disclosure of Interest: No Interest to disclose

Issue:
To consider the final adoption of the proposed Rear Laneway Access Policy, which provides guidance on the use of rear laneways as a primary source of vehicular access to landholdings where access from the primary street frontage to the rear of the lot is not possible, is significantly constrained, or would result in an inappropriate or inferior planning outcome.

At present, the Shire does not have a specific policy position regarding the use of rear laneways as a primary source of access to landholdings. While applications are assessed on their individual merits, the absence of a formal policy may result in inconsistent decision-making and create uncertainty for landowners, developers and the community.

Body/Background:
At its July 2026 meeting, Council resolved to advertise the draft Rear Laneway Access Policy.

The draft policy was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of not less than 21 days. The Shire undertook a multi-channel advertising and notification process to provide the Department of Planning, Lands and Heritage and the community with an opportunity to comment on the proposed policy.

At the conclusion of the advertising period, the Department of Planning, Lands and Heritage provided some recommendations and concerns were raised from a landholder fronting a rear laneway.

Landholder Concerns
The landholder submission raised concerns regarding the historical use and existing condition of a particular rear laneway, namely Pilotbird Lane. The concerns related to stormwater drainage, lighting, passive surveillance, public safety and anti-social behaviour.

The Shire acknowledged the flooding concern and undertook a site inspection to further investigate the reported flow of water from Pilotbird Lane onto adjoining properties. The inspection identified areas of water pooling within the laneway and the need for recontouring to direct stormwater towards the public road. The Shire proposes to undertake remedial works within the laneway to improve stormwater management and minimise the risk of flooding to adjoining properties.

The Shire acknowledges that rear laneways, by their nature, can be more susceptible to anti-social behaviour due to their location, limited visibility and often reduced levels of passive surveillance. Issues such as inadequate lighting, concealed areas and limited activity adjoining

laneways can contribute to perceptions of reduced safety and provide opportunities for inappropriate behaviour.

The Policy seeks to encourage the effective and appropriate use of rear laneways by promoting development that addresses and, where practicable, fronts the laneway. This provides opportunities for passive surveillance through windows, entrances and regular activity adjoining the laneway, which can improve the perception of safety and assist in discouraging anti-social behaviour.

To further address these concerns, the Policy includes a provision requiring lighting to be installed within adjoining private property at points of vehicular and pedestrian access to the laneway. Appropriate lighting will improve visibility for motorists and pedestrians, enhance security and contribute to a safer environment for adjoining landowners and laneway users.

While the Policy cannot eliminate the potential for anti-social behaviour, these measures are intended to improve the overall safety, amenity and functionality of rear laneways.

Department of Planning, Lands and Heritage

The Shire also consulted with the Department of Planning, Lands and Heritage (DPLH), which has a policy position supporting the use of rear laneways for access to infill development. The DPLH generally promotes the use of existing rear laneways in preference to traditional battleaxe access arrangements where a rear laneway is available.

The DPLH advice is based on the principle that rear laneway access can provide a superior living environment by enabling dwellings to address streets or laneways, rather than relying on long battleaxe access legs and enclosed rear yards.

The DPLH provided the following relevant recommendations:

1. Laneway width - It is generally accepted that a laneway should have a minimum width of 5 metres, with a greater width preferred where practicable. The Planning Bulletin 33 (State Policy Position) provides guidance on the use of 5-metre and 6-metre-wide laneways, including options for one-way traffic and vehicle passing areas.
2. Construction and drainage - Where a laneway or right of way is lawfully available to provide access to a development site, it should be trafficable and appropriately drained, with the laneway constructed from the property boundary through to a constructed gazetted public road.
3. Traffic volumes and speed - Individual laneways should generally not exceed 300 vehicles per day and should target a maximum operating speed of 15 km/h. These parameters should remain flexible and be considered having regard to local conditions, the intended development of adjoining lots, the condition of the laneway and any proposed laneway treatments.
4. Development - Applications should continue to be assessed on their individual merits against the applicable planning framework, including the local planning scheme, *Residential Design Codes Volume 1 – 2026*, relevant local planning policies and the matters prescribed under clause 67(2) of the Deemed Provisions.

Officer's Comment:

Rear laneways can provide a practical and efficient means of access in established urban areas where site constraints limit or prevent access from the primary street frontage. They can also

provide an alternative to battleaxe access arrangements and support more efficient use of existing urban land.

However, reliance on a rear laneway as the principal source of access requires consideration of matters including traffic movements, road condition and maintenance responsibilities, service and emergency vehicle access, stormwater drainage, amenity impacts on adjoining properties and the intended function of the laneway network.

The adoption of a Council policy will provide greater clarity and consistency when considering proposals that rely on rear laneways for primary vehicular access. The policy will establish guidance regarding the circumstances in which rear laneway access may be supported, the standards expected of development proposals, and the infrastructure and design requirements that may apply.

The proposed Rear Laneway policy has been amended to incorporate relevant matters arising from the DPLH consultation and the public submission received during advertising.

The policy requirements address, among other matters:

- use of rear laneways where primary street frontage access is unavailable, impractical or would result in an inferior planning outcome;
- safe and efficient vehicle movement;
- laneway upgrades, maintenance, drainage and sealing where necessary;
- appropriate development setbacks from rear laneways;
- passive surveillance of rear laneways;
- vehicle turning and reversing requirements;
- bin storage;
- fencing; and
- lighting.

The proposed policy is intended to provide guidance for future development applications rather than establish an automatic entitlement to use a rear laneway as primary access. Each development application will continue to be assessed on its individual merits and against the applicable statutory planning framework.

Shire administration is seeking Council's final adoption of the proposed Rear Laneway Access Policy. A track-changed version of the policy is attached to this report and identifies the proposed amendments and additions made following the advertising period and consultation with the DPLH.

Statutory Environment:
Local Government Act 1995
Shire of Katanning Local Planning Scheme No. 5.
Planning and Development (Local Planning Schemes) Regulations 2015.
Land Administration Act 1997

Policy Implications:
The proposed Rear Laneway Access Policy will establish a formal policy position for the Shire regarding the use of rear laneways as a primary source of vehicular access.

Financial Implications:
There are no direct financial implications associated with the adoption of the policy.
Any future works to upgrade, drain, seal or otherwise improve individual laneways would be considered separately and may involve costs to the Shire, landowners or developers, depending on the circumstances and applicable requirements.

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 2022 - 2032

Focus Area	Leadership
Aspiration	Katanning is an inclusive and respectful community.
Objective	To facilitate diversity and representation within the decision-making process.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion

MOVED: CR PAUL TOTINO **SECONDED: CR IAN HANNA**

OC151/26 That Council adopt the draft Rear Laneway Access Policy (being the version attached to this report item) pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015.*

CARRIED: 6/0
FOR: CR KRISTY D'APRILE, CR IAN HANNA, CR GEMMA TROLOVE, CR PAUL TOTINO, CR DANNY MCGRATH, CR MATT COLLIS
AGAINST: NIL.

Cr Paul Totino spoke for the motion.
Cr Ian Hanna spoke for the motion.

9. CONFIDENTIAL ITEM

PROCEDURAL MOTION

MOVED: CR DANNY MCGRATH **SECONDED: CR GEMMA TROLOVE**

OC152/26 That Council closes the meeting to the public to consider the following items relating to:

- CEO Performance Review

CARRIED: 6/0
FOR: CR KRISTY D'APRILE, CR IAN HANNA, CR GEMMA TROLOVE, CR PAUL TOTINO, CR DANNY MCGRATH, CR MATT COLLIS
AGAINST: NIL.

PROCEDURAL MOTION:

Voting Requirement: Simple Majority

MOVED: CR DANNY MCGRATH **SECONDED: CR GEMMA TROLOVE**

OC153/26 That Council suspends standing orders.

CARRIED: 6/0
FOR: CR KRISTY D'APRILE, CR IAN HANNA, CR GEMMA TROLOVE, CR PAUL TOTINO, CR DANNY MCGRATH, CR MATT COLLIS
AGAINST: NIL.

PROCEDURAL MOTION:

Voting Requirement: Simple Majority.

MOVED: CR DANNY MCGRATH **SECONDED: CR PAUL TOTINO**

OC154/26 That Council resumes standing orders.

CARRIED: 6/0
FOR: CR KRISTY D'APRILE, CR IAN HANNA, CR GEMMA TROLOVE, CR PAUL TOTINO, CR DANNY MCGRATH, CR MATT COLLIS
AGAINST: NIL.

9.1 Chief Executive Officer Performance Review
(Attachment)

File Ref: Personnel File
Reporting Officers: Cr Kristy D'Aprile
Date Report Prepared: 3 November 2026
Disclosure of Interest: Financial Interest - Matters affecting the employment of the CEO

Reason For Confidentiality
The CEO's Annual Performance Review Report is confidential in accordance with section 5.23(2)(a) of the Local Government Act as it deals with matters affecting a Council employee.

Voting Requirement: Absolute Majority

Council Motion:

MOVED: CR IAN HANNA SECONDED: CR DANNY MCGRATH

OC155/26

1. That the CEO Performance Review Committee recommends that Council:

a) RECEIVES the results of the 2026 Councillors' Performance Assessment Survey and the CEO's response to the established Key Performance Indicators.

b) CONSIDERS the CEO's performance for the 2025/2026 review period, including achievements, areas for improvement and feedback provided by Elected Members.

c) AGREES to the proposed Key Performance Indicators for the forthcoming review period, having regard to Council's strategic priorities and the Corporate Business Plan.

d) APPROVES proposing a variation to the CEO's contracted total remuneration package as per Option (4).

2. That the President write to the CEO confirming the outcomes of the performance review.

CARRIED: 6/0
FOR: CR KRISTY D'APRILE, CR IAN HANNA, CR GEMMA TROLOVE, CR PAUL TOTINO, CR DANNY MCGRATH, CR MATT COLLIS
AGAINST: NIL.

Cr Ian Hanna spoke for the motion.
Cr Danny McGrath spoke for the motion.
Cr Kristy D'Aprile spoke for the motion.

PROCEDURAL MOTION

Officer's Recommendation/Council Motion:

MOVED: CR DANNY MCGRATH **SECONDED: CR GEMMA TROLOVE**

Voting Requirement: Simple Majority

OC156/26 That Council reopens the meeting to the public.

CARRIED: 6/0
FOR: CR KRISTY D'APRILE, CR IAN HANNA, CR GEMMA TROLOVE, CR PAUL TOTINO, CR DANNY MCGRATH, CR MATT COLLIS
AGAINST: NIL.

10. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:47pm.