



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
Thursday 28 April 2022 in the Shire of Katanning Council Chambers,
52 Austral Terrace, Katanning, commencing at 7.00 pm.

Julian Murphy
CHIEF EXECUTIVE OFFICER
Friday 22 April 2022

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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PLEASE NOTE:

Council Meetings are recorded for accuracy of minute taking.

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 Kristy D’Aprile
Cr Matt Collis
Cr Michelle Salter
Cr Adrian Edwards
Cr Serena Sandwell

Council Officers: Julian Murphy, Chief Executive Officer
Denise Gobbart, Executive Manager Corporate & Community
Sam Bryce, Executive Manager Infrastructure & Assets
Taryn Human, Executive Governance Officer

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****7.1 Application for Leave of Absence Cr Adrian Edwards**

Voting Requirement: Simple Majority

OC/22 That Council grants Cr Adrian Edwards leave of absence for the June, July, August and September 2022 Ordinary Council Meetings (23 June 2022, 28 July 2022, 25 August 2022 and 22 September 2022).

CARRIED/LOST:

8. PETITIONS/DEPUTATIONS/PRESENTATIONS**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****9.1 Ordinary Council Meeting – Thursday 24 March 2022
(SEE ATTACHED MINUTES)**

Voting Requirement: Simple Majority

OC/22 That the minutes of the Ordinary Council Meeting held on Thursday 24 March 2022 confirmed as a true record of proceedings.

CARRIED/LOST:

**9.2 Special Council Meeting – Wednesday 30 March 2022
(SEE ATTACHED MINUTES)**

Voting Requirement: Simple Majority

OC/22 That the minutes of the Special Council Meeting held on Wednesday 30 March 2022 confirmed as a true record of proceedings.

CARRIED/LOST:

10. REPORTS OF COMMITTEES AND OFFICERS

10.1 EXECUTIVE MANAGER INFRASTRUCTURE AND ASSETS

Nil.

10.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

10.2.1 Schedule of Accounts (ATTACHMENTS)

File Ref: FM.FI.4
Reporting Officer: Shenae Watts, Creditor Officer
Date Report Prepared: 4 April 2022
Disclosure of Interest: No Interest to disclose

Issue:

To receive the Schedule of Accounts Paid for the period ending 31 March 2022.

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 2021/22	EFT Payments 2021/22	Direct Debits 2021/22	Credit Card 2021/22	Payroll 2021/22	Trust 2021/22	Total Payments 2021/22
July	559.90	1,239,701.92	39,737.04	5,458.49	234,583.47	0.00	1,520,040.82
August	2,173	648,801.21	34,876.21	4,237	240,430.70	0.00	930,518.12
September	17,051.30	1,267,827.19	56,741.47	4,564.28	351,445.88	0.00	1,697,630.12
October	1,089.80	801,203.05	42,674.11	2,515.16	247,451.36	0.00	1,094,933.48
November	570.10	501,263.03	245,004.62	2,809.49	241,336.44	0.00	990,983.68
December	1,261.55	993,082.18	37,012.47	5,026.75	252,165.66	0.00	1,288,548.61
January	234.00	393,674.49	36,350.37	3,667.86	221,208.16	0.00	655,134.88
February	1,300.15	979,987.84	32,394.58	4,035.21	224,458.67	0.00	1,242,176.45
March	883.95	1,070,050.03	51,239.07	2,116.15	369,915.38	38,000	1,532,204.58
April							
May							
June							
Total	25,123.75	7,895,590.94	576,029.94	34,430.39	2,382,995.72	0.00	10,952,170.74

Officer's Comment:

The schedule of accounts for the month of March 2022 are attached.

The Finance Forum held on 14 April 2022 gave attending Councillors an opportunity to ask questions regarding the presented accounts paid.

Statutory Environment:

Local Government Act 1995.

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Policy Implications:

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

Financial Implications:

Expenditure in accordance with s6.8 (1) (a) of the Local Government Act 1995.

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 ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

OC/22 That Council endorses the Schedule of Accounts as presented, being cheques 42405 - 42407 totalling \$883.95, EFT payments 33726 – 33761 and 33763 - 33918 totalling \$1,070,050.03, Trust EFT payment 33762 totalling \$38,000, payroll payments totalling \$369,915.38, direct payments totalling \$51,239.07 and credit card payments totalling \$2,116.15 authorised and paid in March 2022.

CARRIED/LOST:

10.2.2 Monthly Financial Report **(ATTACHMENTS)**

File Ref: FM.FI.4
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Report Prepared: 20 April 2022
Disclosure of Interest: No Interest to disclose

Body/Background:

This item presents the Monthly Financial Report, which contains the 'Statement of Financial Activity' for the period ending 31 March 2022.

Section 6.4 of the Local Government Act 1995 requires a local government to prepare financial reports.

Regulation 34 of the Local Government (Financial Management) Regulations 1996 sets out the form and content of the financial reports, which have been prepared and are presented to Council.

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% with a minimum value of \$10,000. Material variances between budgeted and actual expenditure are reported at Note 17 of the Monthly Financial Report.

Officer's Comment:

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

The budget was adopted 31 August 2021 and this report reflects the adopted budget. It is noted that monthly depreciation is not run until after the prior year audit has been signed off.

The Finance Forum held on 14 April 2022 gave attending Councillors an opportunity to ask questions regarding the presented financial statements.

Statutory Environment:

Local Government Act 1995

Section 6.4 Financial Report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996.

Regulation 34 Financial activity statement required each month (Act s.6.4)

Policy Implications:

The Shire has several financial management policies. The finances have been managed in accordance with these policies.

Financial Implications:

There are no financial implications for this report.

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 ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

OC/22 That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Monthly Statement of Financial Activity for the period ending 31 March 2022, as presented.

CARRIED/LOST:

10.2.3 Agreement for Transfer and Maintenance of Infrastructure – Katanning Country Club
(ATTACHMENT)

File Ref: LS.AA.1
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 19 April 2022
Disclosure of Interest: No Interest to disclose

Issue:

For Council to consider the Agreement for the transfer and maintenance of infrastructure between the Shire and the Katanning Country Club Inc. (KCC).

Body/Background:

Following a recent Audit, the Office of the Auditor General (OAG) advised that the Shire of Katanning should have an agreement signed between the Shire and the KCC to formalise the transfer of ownership and obligation of asset maintenance for the new bowling green and infrastructure located on freehold property owned by the Katanning Country Club.

On 3 June 2016 the Shire entered into a Financial Assistance Agreement (FAA) with the State of WA for the Katanning Supertown Heritage Centre Project. In this funding agreement the Shire had funding of \$1,000,000 allocated for the 'Relocation of the Katanning Bowling Club to the Katanning Country Club Site'. The funding was allocated to the following project items:

\$700,000	Bowling Green & Golf Course modification
\$ 90,000	New Office
\$ 65,000	Bowls Connectivity
\$ 20,000	Front Entrance
\$ 25,000	Ceilings & Electrics
\$100,000	Project Management & Contingency.

The land where the above listed works were to occur is owned freehold by the KCC. Given this the following clauses in the FAA address the requirement for an agreement to be in place:

12. Agreement Between the Recipient and a Third Party

*If the recipient enters into an agreement with any other party relating in any way to either or both of this Agreement and the Funding (**Third Party Agreement**), including a Third Party Agreement with a party to deliver or fulfil any of the Recipient's Obligations or to provide services to the Recipient to assist or enable it to fulfil its Obligations, the Recipient must ensure that the other party:*

- (a) Has obligations in the Third Party Agreement which, if properly fulfilled, will ensure that the Recipient properly fulfils its corresponding Obligations and to the extent necessary to ensure that the other party has these obligations, the Recipient must ensure that the Third Party Agreement mirrors the terms of this Agreement; and*
- (b) Agrees to the Recipient providing the State with any documents that the other party provides to the Recipient and to the State attending any meetings it has with the recipient if the State wishes to obtain copies of such documents or attend such meetings.*

20. Access to Land

If the Project is being undertaken on land (whether freehold or Crown land) that is not owned, leased or managed by the Recipient, the Recipient must obtain and have in place from the Commencement Date until receipt of the Notification by the Recipient the written consent of the person owning or leasing that land to undertake the Project on that Land.

Officer's Comment:

The Auditors determined that there is a risk that a dispute may arise as to whether the risk and rewards of ownership has been substantially transferred to KCC and who is actually responsible for the management including maintenance of the new bowling green and other infrastructure. In addition, there may be a risk of non-compliance with the Royalties for Regions FAA's documentation requirements.

Given these concerns raised by the Auditors, our solicitors McLeods were requested to prepare an agreement that meets the needs of the FAA. The completion date is yet to be inserted into the document. We are deeming the completion date to be 31 December 2021, as that was the date used for the final audit off the Great Southern Development Commission funding of \$170,000 for the KCC Redevelopment Project.

The agreement ratifies the intent that the bowling green and associated infrastructure was going to be under the ownership of the KCC. A draft copy of the agreement has been sent to the KCC on Thursday 19 April 2022 for their review and comment.

Statutory Environment:

Local Government Act 1995

9.49A Execution of Documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the CEO, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Policy Implications:

There are no policy implications for this report.

Financial Implications:

The estimated cost of \$2,000 for the establishment of this agreement is the responsibility of the Shire. With the transfer of the infrastructure to the Katanning Country Club Inc. there are no ongoing costs associated with this agreement.

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 ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

OC/22

That Council:

- 1. Enters into the proposed agreement with the Katanning Country Club for the transfer and maintenance of infrastructure; and**
- 2. Authorises the President and Chief Executive Officer to affix the common seal to the *'Agreement for the transfer and maintenance of infrastructure: Katanning Country Club Inc.'*.**

CARRIED/LOST:

10.2.4 Long Term Financial Plan 2021 - 2031 **(ATTACHMENT)**

File Ref: CM.PL.2
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 19 April 2022
Disclosure of Interest: No Interest to disclose

Issue:

For Council to endorse the Shire of Katanning Long Term Financial Plan (LTFP) 2021 – 2031.

Body/Background:

Integrated Planning and Reporting (IPR) is a framework for local governments to:

- Articulate the community’s vision, outcomes and priorities
- Allocate resources to achieve the vision, striking a considered balance between aspirations and affordability
- Monitor and report progress

IPR consists of the following “suite” of plans (see figure 1 below):

- A Strategic Community Plan that clearly shows the community vision, strategic direction, long and medium-term priorities and resourcing implications with a horizon of 10+ years
- A Corporate Business Plan which contains a four-year delivery program, aligned to the Strategic Community Plan, and accompanied by four-year financial projections
- Informing Strategies, consisting of the core Informing Strategies (LTFP, Asset Management Plan and Workforce Plan) and any other issue or area specific council plans (e.g. Disability Access and Inclusion Plan) that inform the Strategic Community Plan and Corporate Business Plan. The core Informing Strategies play a vital role in prioritisation and integration.

The Long Term Financial Plan is a 10-year rolling plan that informs the Corporate Business Plan in the activation of Strategic Community Plan priorities. The LTFP includes robust forecast budgets for four years accompanying the Corporate Business Plan. From these planning processes, annual budgets that are aligned with strategic objectives can be developed.

The LTFP is therefore a key element of the Integrated Planning and Reporting Framework that enables local governments to set priorities, based on their resourcing capabilities, for the delivery of short, medium and long term community priorities. It is also an indicator of a local government’s long term financial sustainability and allows early identification of financial issues and their longer term impacts. The LTFP highlights linkages between specific plans and strategies and enhances the transparency and accountability of the council to the community.

The LTFP is by its nature a forecasting document. Financial forecasting aims to quantify the future impacts of current decisions and identify the available options to close the gap between revenues and expenditure. It informs decision making and priority setting and assists the local government to manage community growth or contraction. It also assists management of cash flows and funding requirements, community assets and risk.

Officer’s Comment:

The LTFP 2021 – 2031 was prepared and presented by Belinda Knight to Council at the Forum held 14 April 2022.

The LTFP plans has consideration for the following:

- Capital Infrastructure Program - average spend of \$1.7 million per annum.
- Capital Building Program – average spend of \$866,000 per annum.
- Maintained expenses within CPI ranges of 1.5% to 4%
- Major projects considered in the LTFP are:
 - Early Childhood Hub
 - Market Place
 - Quartermaine Oval
 - Old Saleyards Rehabilitation
 - Katanning Leisure Centre Outbuildings
 - Katanning Aquatic Centre
 - Library Building
- Reserve funds growth from \$6.4 million to \$11.6 million.
- Rate Increases 6% year 1, 5% year 2 and 4% years 3 – 10 (it is noted that the year 1 increase is based on no surplus being carried forward)

In the Statement of Comprehensive Income and Expenses by Nature/Type, the following assumptions have been used:

Expenses	Year 1	Assumptions	Year 10
Employee costs	\$4,106,595	2%	\$5,092,061
Materials and contracts	\$2,702,020	1.5%	\$4,144,645
Utility charges	\$503,803	4%	\$689,489
Depreciation	\$4,224,431		\$4,958,979
Interest	\$95,233	3.5%	\$53,952
Insurance	\$387,034	3%	\$490,283
Other expenditure	\$297,354	2%	\$348,397
TOTAL	\$12,316,460		\$15,777,805

Revenues	Year 1	Assumptions	Year 10
Rates	\$4,665,908	4% - 6%	\$6,447,017
Rates Growth	\$44,018	1%	\$61,991
Operating Grants	\$3,588,725	3%	\$4,546,090
Fees & Charges	\$1,964,811	4%	\$2,688,979
Interest Earnings	\$100,030	0.2%	\$106,804
Other Revenue	\$441,160	2%	\$516,889
TOTAL	\$10,804,652		\$14,637,772

It is recommended that Council endorse the LTFP 2021 – 2031 as presented.

Statutory Environment:

Local Government Act 1995

5.53 Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]

- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
- (f) the financial report for the financial year; and
- (g) such information as may be prescribed in relation to the payments made to employees; and
- (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
- (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
- (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
- (i) such other information as may be prescribed.

5.56 Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

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.

Local Government (Administration) Regulations 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —

- (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

Policy Implications:

There are no policy implications for this report.

Financial Implications:

The Draft Long Term Financial Plan 2021 – 2031 provides Council and the Community with a picture of the Shire’s long term financial circumstances and contributes toward meeting the Shire’s strategic objectives and outcomes. The annual budget is to take into consideration the Long Term Financial Plan.

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 ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority

Officer’s Recommendation/Council Motion:

OC/22 **That Council endorses the Shire of Katanning Long Term Financial Plan 2021 - 2031.**

CARRIED/LOST:

10.2.5 **RFT 03-2021 Operation and Management of the Katanning Aquatic Centre**
(ATTACHMENT)

File Ref: RC.TE.1
Reporting Officer: Denise Gobbart, Executive Manager Corporate & Community
Date Report Prepared: 19 April 2022
Disclosure of Interest: No Interest to disclose

Issue:

For Council to consider and endorse the specifications for Request for Tender 03-2021 Operation and Management of the Katanning Aquatic Centre (KAC).

Body/Background:

The current Management Agreement contract with Belgravia Health & Leisure Group Pty Ltd has been in place from 1 October 2019 and expires 30 September 2022. It is considered that continuing to contract the operation and management of the KAC is beneficial to the organisation.

With the existing contract, there was no option for renewal of the contract. It is considered for the proposed contract be for a period of three (3) years with a renewal option for a further three (3) year period. The renewal would need to be considered by both parties prior to the option taking effect.

It is acknowledged that a community meeting was held to seek feedback on the KAC facility and operation. The main areas of concern in relation to the contract that were raised are:

- Season length – extension of season for lap swimmers (Open Sunday of Show Weekend and Close Easter Weekend). Open full days on weekends if weather is nice.
- Pool hours – do current hours meet community demand. Women/Men only swim times. Sunday morning tri club swimming. Shift workers finishing work at 7.30am
- Programming – Vac Swim, Short program or second series, other swimming lessons

The above are all areas that may impact the cost of the contract.

Issues such as Code of Conduct, behaviour and staff safety can be considered prior to the commencement of the season, without impact on the contract.

Operating procedures can be developed for the pre-season start up for heating and the use of the pool blankets. To assist with the heating of the pool for the commencement of the pool season.

Delegation DA04 – Tenders gives the Chief Executive Officer (CEO) the authority to:

- To call tenders and set weighted criteria as outlined in the relevant legislation and the delegation.
- To authorise purchases and accept tenders in accordance with the conditions of this delegation.

With the CEO having the authority to call tenders, endorsement of the current specifications that are proposed for the Request for Tender is required.

Officer's Comment:

When considering the length of the swimming season, using the closing date as the Easter weekend is not a recommended option. The earliest Easter can fall is 22 March and the latest is 25 April. Suggesting say the second (2) Sunday in April may be a better option.

Given the request for additional operating hours the tenderers will be asked to supply an alternative tender price for additional opening hours. With the season opening being the fourth (4) Sunday in October and closing on the second (2) Sunday in April.

Specific programming may be requested during the tender process, as additional staffing levels may be required.

Statutory Environment:

Local Government Act 1995

3.57 Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations 1996

11 When tenders have to be publicly invited

(1A) In this regulation —

state of emergency declaration has the meaning given in the Emergency Management Act 2005 section 3.

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (aa) the supply of the goods or services is associated with a state of emergency; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
 - [(ba) deleted]
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or
 - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
 - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
 - (ea) the goods or services are to be supplied —

- (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph; or
 - (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
 - (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines; or
 - (h) the following apply —
 - (i) the goods or services are to be supplied by —
 - (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
 - (II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362; and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money; or
 - (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
 - (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
 - (ja) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract is to expire within 3 months; and
 - (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and
 - (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; or
 - (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.
- (3) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if —
- (a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and
 - (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates

Policy Implications:

Purchasing Policy 2.5 has been considered in the preparation of the Request for Tender.

Financial Implications:

Estimated costs of \$2,000 will be incurred meeting the advertising requirements.

The proposed tender will inform the 2022 – 2023 Draft Budget as to the cost of managing the Katanning Aquatic Centre.

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 ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Simple Majority

Officer's Recommendation/Council Motion:

OC/22

That Council:

- 1. Endorses the specifications for the Operation and Management of the Katanning Aquatic Centre; and**
- 2. Authorises the Chief Executive Officer to advertise the tender for the Operation and Management of the Katanning Aquatic Centre for a three (3) year period with a renewal option for a further three (3) year period.**

CARRIED/LOST:

10.3 CHIEF EXECUTIVE OFFICER'S REPORTS**11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****PROCEDURAL MOTION****MOVED:****SECONDED:**

OC/22 That Council considers the urgent business item regarding Katanning Emergency Welfare Centre Generator.

CARRIED/LOST:

12.1 Katanning Emergency Welfare Centre Generator

File Ref: ES.PL.1
Reporting Officer: Julian Murphy, Chief Executive Officer
Date Report Prepared: 26 April 2022

Issue:

To consider funding for the installation of a diesel generator to provide a backup power supply for the Katanning Emergency Welfare Centre located at the Katanning Leisure Centre.

Body/Background:

In 2021 the Katanning, Kent & Woodanilling Local Emergency Management Committee (LEMC) identified the Katanning Leisure Centre (KLC) as a potential site for a regional welfare centre in the event of a serious emergency.

The KLC has recently had an upgrade to its public internet facility which can be activated in an emergency. The KLC was also identified as requiring a backup power supply to function effectively if it was used as an emergency welfare centre.

Quotes have been obtained to purchase and install a diesel power generator at the KLC at a cost of approximately \$152,000 - \$203,000 including the purchase of a 500kVA generator at \$105,000.

A proposal to fund a backup power generator was considered by Council as part of the 2021/2022 budget development. Council's feedback to staff was to seek further funding from emergency mitigation funding programs and also to approach the Shires of Kent and Woodanilling to make a contribution to the project.

Both the Shires of Kent and Woodanilling have declined to contribute to the project.

In a recent development the Rotary Club of Katanning, through representations made by Katanning Rotary President Mr Alan McFarland, have obtained a grant of \$96,000 from the Rotary Australia World Community Service (RAWCS) Limited Bushfire Relief Fund to purchase

the generator for the KLC. Council has approximately 3 months to complete the project to meet the terms of the RAWCS funding program.

Officer's Comment:

Shire Staff have been working with a local electrician to look at ways of reducing the cost of installing the generator at the KLC including reducing the power demand on the generator, and the method of installation and housing for the generator.

Whilst the RAWCS grant of \$96,000 substantially covers the cost of purchasing the generator, a further \$60,000 (approximately) is required to complete the installation. Council may consider funding the shortfall for the project from the KLC Facilities Reserve.

Neither the grant income or the expenditure for the purchase and installation of the generator has been provided for in the 2021/2022 Annual Budget. In order to proceed with the project, Council is required to amend the budget in accordance with section 6.8(1)(b) of the Local Government Act 1995.

Statutory Environment:

Local Government Act 1995

6.8 Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Policy Implications:

Nil

Financial Implications:

Unbudgeted income of \$96,000 from the Rotary Australia World Community Service (RAWCS) Limited Bushfire Relief Fund to purchase the generator for the KLC. Unbudgeted expenditure of \$152,000 for the purchase of the generator with the shortfall to be funded from the KLC Facilities Reserve.

Strategic Implications:

Shire of Katanning Strategic Community Plan 2022 – 2023

Focus Area Leadership

Aspiration Katanning is an inclusive and respectful community.

Objective To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Voting Requirement: Absolute Majority

Officer's Recommendation/Council Motion:

OC/22

That Council:

- 1. Accepts the grant of \$96,000 from the Rotary Australia World Community Service (RAWCS) Limited Bushfire Relief Fund to purchase a generator for the Katanning Leisure Centre;**
- 2. Authorises expenditure of \$152,000 to purchase and install a generator for the Katanning Leisure Centre;**
- 3. Funds the shortfall in expenditure from the KLC Facilities Reserve; and**
- 4. Amends the Budget accordingly.**

CARRIED/LOST:

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

OC/22 That Council closes the meeting to the public to consider the following items regarding the Katanning Country Club Redevelopment Project.

CARRIED/LOST:

13.1 Katanning Country Club Redevelopment Project**File Ref:** FM.LN.2**Reporting Officer:** Denise Gobbart, Executive Manager Corporate & Community**Date Report Prepared:** 21 April 2022**Disclosure of Interest:** No Interest to disclose**Reason For Confidentiality**

The Officer's Report is confidential in accordance with section 5.23(2)(c) of the Local Government Act because it deals with a contract entered into, or which may be entered into, by the local government.

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at ___ pm.