



MINUTES OF ORDINARY MEETING HELD AT KONDININ ON 16TH AUGUST, 2017

1. DECLARATION OF OPENING /ANNOUNCEMENT OF VISITOR

The Shire President Cr Smoker welcomed those present and declared the meeting open at 3:21pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr A Smoker (Shire President) Cr S Meeking (Deputy Shire President) Cr R Growden
Cr B Browning Cr G Ilich Cr M James Cr S Jones Cr G Lynch

Leave of Absence: Cr R Butler

Apologies: Nil

Staff: Mr John Read (CEO) Mr A. George (DCEO) Mr V. Bugna (MOF)
 Mr M. Burgess (MOW) Ms T. Young (MPD) Mr I. Holland (ETSO)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Lacour Energy (James Townsend and Mark Rayner) – Presentation on proposed Wind Farm

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of Council Meeting – 19th July 2017

RESOLUTION 3053

Moved Cr Lynch

Seconded Cr Jones

That the minutes of the Council Meeting held on 19th July 2017 be confirmed.

CARRIED 8/0

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

Nil

9. REPORTS OF COMMITTEES AND OFFICERS

- 9.1 Finance Report
- 9.2 Manager of Planning & Development Report
- 9.3 CEO Report
- 9.4 Manager of Works Report
- 9.5 EHO Report
- 9.6 Building Surveyor Report
- 9.7 Hyden & Kondinin Swimming Pool Manager's Reports
- 9.8 Building Maintenance & Ranger Report

Mr Bugna (MOF) and Mr Holland (ETSO) were present at the start of the meeting and Mrs Young (MPD) was absent.

9.1 FINANCIAL REPORT

9.1.1 Financial Reports

Name of Applicant: Manager of Finance
Author: Manager of Finance
Voting: Simple
Date: 7th August, 2017

SUMMARY/COMMENT: The financial statements for the period ending 31 July 2017 are attached.

RESOLUTION 3054

Moved Cr Growden

Seconded Cr Lynch

That the Financial Reports for the period 31 July 2017 as presented be accepted.

CARRIED 8/0

9.1.2 List of Accounts

Name of Applicant: Manager of Finance
Author: Manager of Finance
Voting: Simple
Date: 8th August 2017

SUMMARY/COMMENT:A list of accounts is attached.

RESOLUTION 3055

Moved Cr Browning

Seconded Cr Jones

That Muni Cheques 18210 – 18229, Trust Cheque 00631, Muni and Trust EFT8212 – 8335 , Transport Direct Debits, Other Direct Debits, Payroll and Bank Fees (for the month of July 2017) totalling \$893,901.75 be endorsed.

CARRIED 8/0

9.1.3 Capital Items Progress

Name of Applicant: Shire of Kondinin
Author: CEO
Voting: Simple
Date: 10th August, 2017

SUMMARY/COMMENT: Expenditure on capital items for 2017-2018

Programme	Description	Budget	Notes
Governance	Council Chamber Chairs	10,000	
Governance	Solar Panels Shire Admin Building	20,000	
Governance	Server & Computers Upgrade	50,000	
Governance	OKN Vehicle Changeover	55,000	
Governance	KN0 Vehicle Changeover	42,000	
Governance	KN04 Vehicle Changeover	35,000	
Health	Yeerakine Lodge Extension	921,902	Commenced
Housing	Employee House, Kondinin (Bal C/F)	283,000	Commenced
Recreation & Culture	Bowling Club Landscaping, Kondinin	15,000	
Recreation & Culture	KCRC Kondinin Sports Club Extension	820,000	Commenced
Recreation & Culture	Solar Panels Hyden Pavilion	30,000	
Recreation & Culture	Hyden & Kondinin Oval Retic' Upgrades	80,000	
Recreation & Culture	Solar Panels Kondinin S/Pool Building	30,000	
Recreation & Culture	Hockey Field Upgrade, Kondinin	20,000	
Transport	East Hyden Bin Rd Construction (RRG)	277,905	
Transport	Mt Walker Road Construction (RRG)	226,217	
Transport	Aylmore Rd (Own Resources)	60,700	
Transport	Kondinin Lake Nth Rd (O'Res)	53,900	
Transport	Hyden Norseman Rd (R2R \$60K + O'Res)	106,882	

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Transport	Kondinin Town St's (R2R \$310K + O'Res)	421,927	
Transport	Bendering East Rd (R2R)	58,513	
Transport	Gibson Road (R2R)	23,558	
Transport	Narembeen Sth Rd (R2R)	62,732	
Transport	Notting Karlgarin Rd (R2R)	38,513	
Transport	Spurr Rd (R2R)	65,375	
Transport	Accommodation Units (Hyden Depot)	80,000	
Transport	New Bus Parking Facility (Hyden Depot)	11,108	Commenced
Transport	KN56 Vehicle Changeover	17,000	
Transport	KN63 Vehicle Changeover	70,000	
Transport	KN51 Vehicle Changeover	28,000	
Transport	KN2108 Vehicle Changeover	95,000	
Transport	Purchase Mowers (x2)	25,000	
Transport	KN78 Hamm 3412 Roller Changeover	130,000	
Economic Services	Wave Rock Pathway Reseal	26,964	
Economic Services	Kondinin Tourist Precinct Improvement	15,000	
Economic Services	Karlgarin Centenary Project	20,000	
Economic Services	Wave Rock Tourist Precinct Improvement	50,000	
Economic Services	Kondinin Pioneer Wall (C/F)	15,080	Commenced
Economic Services	Hyden Main Street Beautification	100,000	Commenced
Other Prop & Services	KN54 Vehicle Changeover (2x)	70,000	
TOTAL		\$4,561,276	

FOR INFORMATION

Mr Bugna (MOF) Left the Meeting at 3:41pm
Mrs Young Joined the Meeting at 3:41pm

9.2 MANAGER PLANNING & DEVELOPMENT

9.2.1 Grants, Events and Projects Update

Grants Summary 2017 – 2018

Project	Source of Funding	Grant Amount	Shire Contribution	Status / Comment
Sport 4 All – KidSport Program	Department of Sport and Recreation	\$4,200	In kind Only	In Progress and Extension approved for 2016/2017. Applied for funds towards 2017/2018 financial year. Kidsport now only for Registration Fees.
Breakaways Restoration	Natural Resource Management (Department of Agriculture and Food)	\$24,310	\$5,000	In Progress – funding agreement and work plan finalised. Soil ripped up by Western Areas. Tree planting of 1,600 trees planted on 11 th July 2016. Bollards have been installed and signage has been completed by the Shire of Dundas. The signage is still to be installed and some additional planting has recently being completed. Project to be acquitted by September 2017.
National Stronger Regions Fund (NSRF) – Yeerakine Lodge Extension	Regional Development Australia	\$600,000	\$171,902	Approved – work currently being undertaken in preparing building plans and tender documentation. Deed of Agreement has been finalised with the Federal Government with the proposed date to commence construction being June 2017 and completion by July 2018 to allow for certification and tender process to be completed first. Progress Report #1 submitted on 28 th April 2017 and Progress Report #2 submitted on 28 th July 2017. Tender advertised and closed on 7 th July 2017. Three (3) tenders received and ACorp Construction was awarded the tender at the 19 th July 2017 Council Meeting. Building Permit was issued on 8 th August 2017.
Metal Sculpture Project	Country Arts WA	\$11,200	\$2,500	In Progress – Received \$11,200 and the Funding Agreement in place. Sculptor Len Zuks was engaged to facilitate the project. Workshop was held from 20 – 26 th March 2017 at Kondinin Men’s Shed. Life size sculptures made are now on display outside the Kondinin Men’s Shed and it is anticipated that they will be installed before the Kondinin Primary School Centenary and the Art Show and Twilight Markets weekend.
Extension to Kondinin Community Recreation Centre	Department of Sport and Recreation (Community Sporting and Recreation Facilities Fund) & Wheatbelt Development Commission (Regional	\$100,000 (DSR) \$185,000 (WDC)	\$250,000	Approved – Both Grant Applications submitted to the Northam Offices of the DSR and the WDC respectively on Friday 16 th September 2016. KCRC has confirmed \$150,000 towards the project. DSR have confirmed \$100,000 towards the project. WDC have confirmed \$185,000 towards the project. Funding Agreements with DSR and WDC have both been signed and submitted.

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	Grants Round)			Architect has completed the Design Development stage has started to commence the more detailed construction documentation.
Pioneer Wall	Lotterywest	\$7,200	\$9,355	In Progress – Stone Mason engaged for May 2017. Concrete and stone mason work has been completed. Plaques and Map currently being finalised by Shire Administration in liaison with local farming families. Matter was presented as a separate item to the 19 th July Ordinary Meeting of Council for endorsement of text and maps.
Kondinin Community Garden Grant	Department of Local Government and Communities	\$5,800	\$4,200 + In kind	In Progress – Application submitted 20 th October 2016 and approved in January 2017. Gabion seating has been installed and several new plantings have been undertaken. Timber slats for gabion seating completed on the 22 nd July 2017.
Red Soil Riches – Kondinin Arts Show and Twilight Markets Weekend	Tourism WA Regional Tourism Grant	\$5,000	\$5,000 + In Kind	In Progress – Application submitted on 13 th December 2016 with outcomes scheduled to be received by May 2017. Celebrity Chef, Anna Gare and sous Chef Sophie Budd have been booked in as the celebrities for the Twilight Markets to coincide with Kondinin Arts Show. Work has commenced on obtaining stall holders and produce from local producers for the chefs to cook with. Event also been widely advertised through various mediums.
Wheatbelt South Aged Care Alliance	Royalties for Regions	\$1,062,000 Building Costs for (4) units plus 10% contingency	\$49,920 project coordination \$66,000 land assembly & site works \$78,000 Landscaping & driveways = \$198,920	Approved – the Shire has received approval for grant money (\$265,500 per unit) for the building cost of four (4) new units. Two at Whispering Gums in 2019/2020 and Two (2) at West Court in 2020/2021. The remaining costs including: project coordination, land assembly and site works and landscaping and driveways are to be contributed by the Shire. The land value (\$100,000) was also considered a Shire contribution. Awaiting formal Financial Agreement from State Government and finalisation of MOU with participating local governments.
Kondinin Community Art Project	Department of Culture and the Arts	\$5,520	\$1,000 + In-kind	Completed – Application to engage Ashley Collard to run a 3 day art project in Kondinin in July 2017 to create: Noongar 6 season poles in the community garden; community school centenary mural and rock painting was submitted on 13 th January 2017. Re-submitted in April and approved in May 2017. During NAIDOC week the poles in the community garden were painted in the 6 seasons and a BBQ lunch and Noongar games was provided on the Thursday. The mural at the Primary School was commenced and is being completed by the Kondinin Arts Group and Georgina Paterson on the 14 th and 15 th August 2017.

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TOTAL		\$ 2,036,940.00	\$ 642,877	
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Events Summary

Date	Event	Target Audience	Location and Status
OCTOBER 2017			
6 th – 8 th October	Red Soil Riches – Art Show and Twilight Markets Weekend	Locals and Tourists	Kondinin Town Hall and Kondinin Community Garden

Community Development Project Summary

Project	Status
Kondinin Community Garden	Busy Bees being held at the end of each month. Next busy bee scheduled for September 2017.
Wave Rock Improvements	Working with Hyden Councillors and Works Manager. Discussions have been made with the Department of Parks and Wildlife who have suggested that the Shire apply for the Lotterywest Trails Grant in two parts. The first part to assist in the funding of a design for new pathway and boardwalk and associated plantings and interpretative signage. The second part would be for the construction itself. Matter to be progressed during the 2017/2018 financial year.
Hyden Streetscape Project for 2022 Centenary	HYDEN – Meeting was held on 20 th October 2016 at Coronation Park with some good feedback received to progress project. Some indicative plans / sketches have been drawn up. At the Ordinary Meeting of Council on 15 th March 2017 the Council resolved for the Shire’s Administration to prepare a design brief and invite consultants to provide a quote to prepare a concept design for Hyden Streetscapes. A draft copy of the Design Brief was tabled at the Ordinary Meeting on 19 th April 2017 for Information. Design Brief was sent to 11 design companies for RFQ on 5 th May 2017. Quotations closed on 5 th June 2017 and consultants TPG were selected as the preferred consultants at the Ordinary Meeting of Council on the 21 st June 2017. Initial site visit with designer and landscape architect held on the 3 rd August 2017 attended by Manager Planning and Development and Manager of Works. Consultants currently putting together draft plan that will be presented to Council and Hyden community in the coming months.
Karlgarin Streetscape Project for 2020 Centenary	KARLGARIN – Meeting held with Karlgarin Progress Association secretary on 15 th December 2016 to discuss ideas for the centenary, including pioneer wall opposite the former shop and story boards. CEO and Manager of Planning and Development attended Karlgarin Progress Meeting on 22 nd February 2017 in which this project was discussed in detail. Various ideas were discussed and it was agreed that a sub-committee be created to progress the matter.

Town Planning Projects and Matters Update

Project	Status
Amendments to Town Planning Scheme No.1	Amendments proposed to Town Planning Scheme No.1, to: 1) re-zone land to enable Whispering Gums development; and

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	<p>2) Enable grouped dwellings (more than one dwelling) in a rural zone</p> <p>A report to Council to formally initiate the zoning change for Whispering Gums was presented as a separate Agenda Item of the Council Meeting held on 15th March 2017. Information has been sent to Environmental Protection Authority to assess amendment prior to advertising. Approval from the Environmental Protection Authority has been received and advertising to service providers, public authorities and affected land owners is currently being undertaken and will close on the 21st July 2017.</p>
<p>Land Ownership Change for West Court Lots 293, 294, 295, 296, 297 and 285.</p>	<p>In order for the Shire to develop independent living units on the southern lots along West Court, the lots will need to be changed from Unallocated Crown Land to be vested in the Shire. A detailed report on this matter was presented to the Ordinary Meeting of Council on 15th March 2017 of which the proposal was endorsed and forwarded to the Department of Lands. The Goldfields Esperance Wheatbelt Case Management Team considered the request and advised the Shire in an email dated 29th June 2017 that <i>'the land is currently under investigation for possible inclusion into the Noongar Land Estate as part of the South West Settlement therefore is not available for Freehold.'</i> A further email was received on the 4th July 2017 which advised that <i>'due to Native Title issues the Department of Planning, Lands and Heritage (DPLH) cannot offer the land to the Shire of Kondinin at this stage without referring to the Future Act requirements of the Native Title Act 1993 (Cth).</i> As such, until the South West Settlement process has been completed, the matter cannot be progressed further by the Shire. Spoke to Mia Davies about it on the 23rd July and will follow up with her.</p>
<p>Creation of dedicated laneway to the north of Clayton Street, Hyden</p>	<p>To formalise the current rear access to lots on the north of Clayton Street it is proposed that a portion of the private property on Lot 802 is excised for the purpose of a dedicated laneway to be managed by the Shire. Matter has been discussed with the owner of the land who has verbally agreed to provide the land to the Shire for the purpose of a laneway. To be progressed in liaison with the owner during the 2017/2018 financial year.</p>

RESOLUTION 3056

Moved Cr Ilich

Seconded Cr Meeking

That Council Receive the Manager Planning and Development's update on Grants, Events and Projects;

CARRIED 8/0

9.2.2 Beautification of Area Adjacent to Kondinin Bowling Green

Applicant: Shire of Kondinin
Author: Manager Planning and Development
Date: 12th July 2017
Disclosure of Interest: Nil
Attachments: Attachment # 1 – Map
 Attachment # 2 – Budget

Summary/Comment: Since the removal of trees from the area adjacent to the Kondinin Bowling Green discussions have been held between representatives from the Shire, the Kondinin Community Recreation Council and the Kondinin Arts Group on how the area could be improved. It was decided that the best way forward would be to engage a landscape designer to come up with a plan and associated cost for the area. Initially the Shire’s Works Manager assessed the drainage situation and installed new kerbing and drainage to address this and two site meetings were held with the landscape designers to discuss the proposal.

The general scope of the brief given to the landscape designers was to create a space which was aesthetically pleasing that was in keeping with the local environment, improved the connectivity between the Kondinin Country Club and the Pavilion and surrounding sporting grounds and to plant up with native species that were hardy, grow well in the local environment and that would not impact on the bowling green and also incorporate the life size sporting sculptures that were done through the Country Arts project with Len Zuks in March this year.

The resultant plan and associated budget is attached for consideration.

At an administration level it is considered that the plan is well designed which will serve to enhance this otherwise bland area and have flow on effects in improving the physical appearance of the Kondinin Sporting Precinct. Whilst the budget seems significant, it is considered that some costs may be reduced with local labour, equipment and materials, however otherwise it would seem that to achieve the result prescribed in the plan it be appropriately budgeted for.

In light of the above and attached it is recommended that Council support the plan and associated costs as attached.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

\$15,000 is currently allocated in the 2017/2018 budget. It is proposed that an initial \$10,000 be reallocated to this account in the February 2018 budget review.

Strategic Implications

The following extract from the Shire’s Community Strategic Plan 2016 – 2026 supports this project.

“1.2 A growing, diverse and dynamic community

1.2.3 Create aesthetically attractive and vibrant towns within the Shire

Our Actions

- Invite and promote the community to take a proactive role in improving the aesthetics of each town e.g. coordinated effort.’

Measuring our Success

- Improved aesthetics of each town site.”

Voting Requirement

Simple Majority

RESOLUTION 3057

Moved Cr Browning Seconded Cr Growden

That Council resolve to:

1. **ACCEPT the Plan and Budget Proposal from Landscape Realty as shown as an attachment to this report in the beautification of the area adjacent to the Kondinin Bowling Green and that that budget allocation to be increased from \$15,000 to \$25,000 to accommodate the delivery of the project as outlined in the consultant’s recommendation.**

CARRIED 8/0

9.2.3 LOT 802 HYDEN-LAKE KING ROAD, LOT 21 (NO. 2) MARSHALL STREET & LOT 20 (NO. 2) LYNCH STREET, HYDEN – PROPOSED TRANSIT PARK (INCIDENTAL USE)

SUBJECT: Planning Application – Proposed Transit Park (Incidental Use)
LOCATION: Lot 802 Hyden-Lake King Road, Hyden
 Lot 21 (No.2) Marshall Street, Hyden
 Lot 20 (No.2) Lynch Street, Hyden
APPLICANT: Sheenagh Collins
ATTACHMENTS: Attachment #1 – Plan
 Attachment #2 – Map
 Attachment # 3 - Images
DATE OF REPORT: 9 August 2017
AUTHOR: Tory Young, Manager Planning and Development
DISCLOSURE OF INTEREST: Cr Lynch declared a pecuniary interest in this item

RESOLUTION 3058
 Moved Cr Browning Seconded Cr Jones
 That after Cr Lynch declared a pecuniary interest in this item he be allowed to remain in the meeting for discussion but not to vote on its outcome.

CARRIED 7/0

SUMMARY/BACKGROUND

Land Owner:	S J Collins; V E Mouritz; M Lynch and Hyden Hotel Pty Ltd
Applicant:	Sheenagh Collins
Zoning:	Town Planning Scheme No.1 Lot 802 Hyden-Lake King Road, Hyden = Rural Lot 21 (No. 2) Marshall Street, Hyden = Commercial Lot 20 (No.2) Lynch Street, Hyden = Commercial
Lot Area	Lot 802 Hyden-Lake King Road, Hyden = 22.017 hectares Lot 21 (No. 2) Marshall Street, Hyden = 2453m2 Lot 20 (No.2) Lynch Street, Hyden = 2.4354 hectares
Existing Land Use	Lot 802 Hyden-Lake King Road, Hyden = Broad Acre Farming Lot 21 (No. 2) Marshall Street, Hyden = Road House Lot 20 (No.2) Lynch Street, Hyden = Hotel

This matter was presented to the Ordinary Meeting of Council on the 17th July 2017 where it was deferred until all land owners of the abovementioned affected by the proposed development were notified. Title searches were undertaken on all three (3) affected lots to confirm land tenure and all land owners have provided written confirmation that they are in support of the proposed development. Now that this written approval has been received the matter is being presented back to Council.

An application has been received for a Transit Park ('Incidental Use) to be incorporated into the area surrounding the existing Hyden Travel Stop (Roadhouse) to provide a camping area for 3 free nights only in a 23 day period. The proposal comprises the following elements:

1. The removal and/or pruning of dead trees on the site;
2. The construction of a firm parking surface for road-train turnaround, parking and short stay camping;
3. The installation of suitable signage to indicate site requirements and regulation, free short stay camping site, directional parking, turn-around and breakdown/service area;
4. Install parking and vehicle barriers indicating boundary as marked on the plan attached to this Agenda Report;
5. Enable permanent access to the existing Hyden Travel Stop ablution block by the west glass door while remaining premises of the Travel Stop are locked. The existing ablution block has:
 - Female – 3 female pans & two female wash basins
 - Male – 2 male pans, 1 male shower and 1 hand basin
 - Disabled – 1 disabled facility pan basin and shower

6. Install CCTV to monitor the activity of the site to ensure that no untoward vehicle or visitor activity is undertaken after 9.00PM and before 5.30AM when the Travel Stop is closed.

The proposed development extends over three (3) lots all in the one ownership. Under the Shire's Town Planning Scheme No.1 the proposal has been assessed as an 'Incidental Use' to the predominant use on each of the subject lots which are: (Lot 21) Road House; (Lot 20) Motel and; (Lot 802) Broad Acre Farming. Under the Shire's Town Planning Scheme No.1 an 'Incidental Use' to the predominant uses on the subject lots is permitted under their respective rural and commercial zonings, subject to advertising.

The proposal was also examined in accordance with the *Caravan Parks and Camping Ground Regulations 1997* where it has been determined that the proposal can be permitted if it meets the requirements of a 'Transit Park' under this legislation. In particular, in accordance with Schedule 7, Division 6, clauses 20 and 21 of these Regulations, the following requirements are to be met based on the proposal to provide a total of 18 designated sites/bays:

- A minimum of 1 male and 1 female toilet
- A minimum of 1 shower accessible by both sexes
- A minimum of 1 hand basin accessible by both sexes

In addition to this, the local government may approve the use of ablution and toilet facilities located on a property adjoining a transit park by occupiers of the transit park if the owner agrees in writing and the ratio of showers, toilets and hand basins is not less than is permitted under the Regulations.

Based on the information provided by the applicant, with the approval from all land owners and on completion of the consultation period it is considered that the proposal meets with the necessary requirements of the *Caravan Parks and Camping Grounds Regulations 1997* and the Shire's Town Planning Scheme No.1 and therefore it is recommended to the Council that the proposal be supported subject to the conditions and advice notes provided.

STATUTORY ENVIRONMENT

- Shire of Kondinin Town Planning Scheme No.1
- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development Act 2005 (as amended)
- Caravan and Camping Grounds Act 1995
- Caravan and Camping Grounds Regulations 1997

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Public Consultation was undertaken for the minimum requirement of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. An advertisement was placed in the Hyden Householder on the 3rd July 2017 and on the Shire's website and the information was on display at the Hyden Shire Office during the advertising period.

Advertising closed on the 17th July 2017. During this period no formal submissions were received. One (1) verbal enquiry was made from a tourist accommodation provider based in Karlgarin.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Supports the following section of the Shire's Strategic Community Plan 2016 – 2026

"2.4 Encourage, promote and support tourism experiences and businesses in the Shire of Kondinin

2.4.1 Collaborate with key stakeholders and local networks to develop and promote our tourism experiences across the entire Shire

2.4.2 Add value to current tourism experiences and facilities as well as creating additional tourism experiences and facilities."

CULTURAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority required

RESOLUTION 3059

Moved Cr Meeking

Seconded Cr Jones

THAT Council: APPROVES the application for a Transit Park to be incorporated into part of Lots 802 Hyden-Lake King Road, Lot 21 Marshall Street and Lot 20 Lynch Street, Hyden as an incidental use to the predominant uses of the respective subject lots as shown on the plans and in accordance with the covering letter dated 25th April 2017, subject to compliance with the following conditions and advice notes:

Conditions

1. Compliance with the *Caravan Parks and Camping Ground Regulations 1997* as it relates to the operation of Transit Parks, including that an occupier may stay no longer than 3 consecutive nights;
2. All Parking Bays are to be designed to meet with Australian Standards; and
3. Compliance with any relevant Environmental Health Requirements.

Advice Notes

1. The development shall be substantially commenced within two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further planning approval of the Shire of Kondinin having first been sought and obtained;
2. That Council will be required to issue a Transit Park Licence on receipt of a licence application from the land owner prior to the legal operation of the Transit Park.

CARRIED 7/0

9.2.4 Lot 184 (No. 27 – Units 3, 4 and 5) Smith Loop, Hyden – Approval to Construct an Apparatus for the Treatment of Sewerage

SUBJECT: Approval to Construct an Apparatus for the Treatment of Sewerage
LOCATION: Lot 184 (No.27 – Units 3, 4 and 5) Smith Loop, Hyden
APPLICANT: Trevor Parsons – Builder
ATTACHMENTS: 3 x Applications to Construct an Apparatus for the Treatment of Sewerage
DATE OF REPORT: 15 August 2017
AUTHOR: Tory Young, Manager Planning and Development
DISCLOSURE OF INTEREST: Nil

Land Owner:	Hyden Progress Association
Applicant:	Trevor Parsons
Zoning:	Town Planning Scheme No.1 – Residential R10/25
Lot Area	2280m2
Existing Land Use	Two (2) Existing Dwellings

BACKGROUND

The Council at its Ordinary Meeting on the 17th July 2017 approved the construction of three (3) additional grouped dwellings on Lot 184 (No.27) Smith Loop, Hyden. The approval was granted on the condition that a Building Permit is lodged and approved first, including the approval to construct an apparatus for the treatment of sewerage for each dwelling.

With the Shire’s Environmental Health Officer now resigned and the position yet to be filled the applications for approval to construct an apparatus for the treatment of sewerage need to be approved by Council in order for the Building Permit to be issued.

SUMMARY

The builder, Trevor Parsons has submitted an application to construct an apparatus for the treatment of sewerage for each of the three (3) new dwellings on the subject lot. It is recommended that the Council approve the three (3) applications subject to the condition listed so that the building permit can be issued and construction can commence.

STATUTORY ENVIRONMENT

- Health (Miscellaneous Provisions) Act 1911

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Not required

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Supports the following section of the Shire's Strategic Community Plan 2016 – 2016

"1.1 A vibrant and attractive place to live that offers choice and a liveable environment

1.1.1 Promote the Shire of Kondinin as a great place to live, work, visit and invest

1.1.2 Encourage greater housing diversity and standards that meets the needs of a broader demographic profile."

VOTING REQUIREMENTS

Simple majority required

RESOLUTION 3060

Moved Cr James

Seconded Cr Ilich

That Council gives the approval to construct an apparatus for the treatment of sewerage being a septic tank as approved by the Department of Health and not to have the capacity of less than 3,2000 litres as required for each proposed new dwelling on Lot 184 (No. 27 – Units 3, 4 &5) subject to the following condition:

Conditions

(1) A photograph of each apparatus is provided to the Shire both prior and following installation.

CARRIED 8/0

Mrs Young (MPD) Left the meeting at 4:01pm

The Council Meeting was adjourned at 4:01pm for a meeting at the Kondinin Hospital

The Council Meeting resumed at 4:29pm

Alan George (DCEO) was absent at this time

9.3 CHIEF EXECUTIVE OFFICER'S REPORT

9.3.1 Consultants – CEO Recruitment

Applicant: Shire of Kondinin

Author: CEO

Date: 10th August, 2017

Disclosure of Interest: Nil

SUMMARY / COMMENT: At the July 2017 ordinary meeting of Council it was agreed that the CEO advise Councilors at this August 2017 meeting recruiting consultants available to recruit the CEO position, which position will require filling in April 2018 following the CEO's verbal informal advice that he will be retiring at that time.

It is recommended that the recruitment process commence in October, 2017 given the time involved in the recruitment process including candidate interviews, determining the appointment, etc. and a possible three month notice period the new CEO may have to give his/her current employer. The first stage in the recruitment process is for Council to determine if it wishes to engage a recruitment consultant to assist Council or carry out the process itself.

Commonly used recruitment consultants to West Australian local government are:

- WALGA's recruitment services
- (Mike) FitzGerald Strategies
- LoGo Appointments
- Numerous other professional recruitment agencies such as Lester Blades, etc.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

Recruitment agency fees vary considerably from around \$6,000 through to \$35,000. The current budget has made provision for reasonable consulting fees.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

RESOLUTION 3061

Moved Cr Meeking

Seconded Cr James

THAT quotations be obtained from recruitment consultant organisations utilised in the recruitment of local government CEO's and presented to the September, 2017 meeting of Council.

CARRIED 8/0

9.3.2 MRWA Direct (Road) Grant – Budget Amendment

Applicant: Shire of Kondinin

Author: CEO

Date: 10 August, 2017

Disclosure of Interest: Nil

Summary/Comment

Advice has been received via the Minister for Transport, Rita Saffioti (see news article attached) that the state government has cut the annual MRWA Direct Grant to local governments in the 2017/18 financial year by 42%. This amount is based on the estimated reduction in State Government revenue from Local Governments resulting from the disallowance of regulations that would have made Local Governments liable for vehicle licence fees and stamp duty on vehicles purchases. Vehicle licence fees are a tax paid by vehicle owners to contribute to the cost of all roads, not just State controlled roads.

The Shire of Kondinin's cut amounts to \$66,250, taking our reduced MRWA Direct Grant down from \$170,000 to \$103,745. This will directly affect our budget, creating a \$66,255 shortfall in funding for our road construction program. The timing of the advice was very poor, with most local governments having adopted their 2017/18 budget allowing for the same level of funding as received in previous years, (prior to this unexpected road grant cut). To accommodate this cut in road construction funding, it is recommended that the budget item Hyden Depot staff accommodation upgrade (\$80,000) be cut by \$66,255 and that the balance \$13,745 remain in that account to allow for some improvement to be made to existing units.

Lynn Craigie, President of WALGA advised in a press statement that "it was unfair that local communities would be asked to carry further burden given that Councils were already underfunded by \$48 million annually in relation to previous road funding agreements". "Local Government accounts for almost 90 per cent of the roads but receives only 21 per cent of the revenue from vehicle registrations when previously it was 27 per cent," she said. "The sector is already supporting the State Government's financial recovery with reduced road funding and this latest cut takes that contribution to nearly \$60 million each year. Not only has the state government reneged on the State Roads Agreement where 27% of licensing revenue is supposed to go to local government, but it has now reduced that funding by a further \$10million with this cut to MRWA Direct Grant while simultaneously increasing license fees by 5%. A motion objecting to this funding cut was passed at the recent WALGA AGM, held as part of the WALGA annual 2017 Convention.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The \$66,255 shortfall and cut in MRWA road funding will have to be funded from Council's own resources and represents 2.3% of rates raised.

Strategic Implications

Nil

Voting Requirement

Absolute Majority

RESOLUTION 3062

Moved Cr Lynch

Seconded Cr Jones

THAT as a result of the State Government 42% cut to the Shire Regional Road Group Direct Grant causing a shortfall in road construction funding in the 2017/18 Budget, \$66,255 (shortfall) be reallocated from another expenditure item to be determined at the Councils budget review in February, 2018 if necessary.

CARRIED 8/0

ABSOLUTE MAJORITY

Cr Meeking Left the meeting at 4:42pm and returned 4:45pm

Mr George (DCEO) returned to the meeting at 4:44pm

9.3.3 The National Local Roads and Transport Congress

Applicant: Shire of Kondinin

Author: CEO

Date: 10th August, 2017

Disclosure of Interest: Nil

SUMMARY / COMMENT: This year the annual National Local Roads and Transport Congress is to be held in Albany, WA with the theme 'Shaping Transport's Future'. The Roads Congress is to be held 6-8 November, 2017.

Attached is a flyer from the Australian Local Government Association (ALGA) who organize the conference each year, which encourages local government representatives to attend.

The conference only comes to WA every seven years and with Council's permission, I would like to attend this conference.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

Budget provision has been made for attendance at conferences.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

RESOLUTION 3063

Moved Cr Meeking

Seconded Cr Ilich

THAT the DCEO and ETSO attend the Australian Local Government Association's annual National Local Roads and Transport Congress to be held at Albany, WA on 6-8 November, 2017.

CARRIED 8/0

9.3.4 Equal Employment Opportunity & Harassment Policy

Applicant: Shire of Kondinin

Author: CEO

Date: 10th August, 2017

Disclosure of Interest: Nil

SUMMARY / COMMENT: Council's Equal Employment Opportunity & Harassment Policy (attached) has been redrafted. It is required to be adopted by Council for inclusion in Council's Policy Manual.

STATUTORY ENVIRONMENT

Equal Opportunity Act 1984, Section 145

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

RESOLUTION 3064

Moved Cr Browning

Seconded Cr Meeking

THAT Council formally adopt as part of its Policy Manual the provided Equal Employment Opportunity & Harassment Policy to be reviewed annually.

CARRIED 8/0

ABSOLUTE MAJORITY

9.3.5 Presidential Allowance & Councillor Sitting Fees

Applicant: Shire of Kondinin

Author: CEO

Date: 10th August, 2017

Disclosure of Interest: Nil

SUMMARY / COMMENT: In April, 2015 Council adopted a new Presidential Allowance and sitting fees that apply to Councillors as follows:

RESOLUTION 2506

Moved Cr Meeking

Seconded Cr Ibbotson

THAT effective from 1/7/2015, the Shire Presidential Allowance be increased to \$12,000 per annum, Presidential Sitting Fee increased to \$350.00 per meeting and Councillor sitting fees be increased to \$230.00 per meeting, to be reviewed every two (2) years.

CARRIED 7/0

ABSOLUTE MAJORITY

As per the resolution, it is required that the fees be reviewed every two years. It is recommended that the existing fees remain the same for the next two years to be reviewed in August, 2019

STATUTORY ENVIRONMENT

Local Government Act 1995

Western Australia Salaries and Allowances Act 1975 (Section 7A & 7B) – Determination of the Salaries and Allowances Tribunal for Local Government CEO's and Elected Members.

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

RESOLUTION 3065

Moved Cr Growden

Seconded Cr Jones

THAT the Shire of Kondinin's Presidential Allowance and Sittings Fees remain the same as those adopted in 2015, Viz: Shire Presidential Allowance \$12,000 per annum, Presidential Sitting \$350.00 per meeting and Councillor sitting fees \$230.00 per meeting, to be reviewed in two (2) years (July, 2019).

CARRIED 8/0

ABSOLUTE MAJORITY

9.3.6 Code of Conduct

Applicant: Shire of Kondinin

Author: CEO

Date: 10th August, 2017

Disclosure of Interest: Nil

SUMMARY / COMMENT: A search of Council Minutes back to 2008 has revealed that we cannot seem to find the Council motion adopting the Code of Conduct (attached) which applies to Council Members and staff.

The Code of Conduct is a very important local government document that is to be observed by all Councilors and local government staff. Copies are given to all Councilors on being elected to Office and to all new employees as part of their induction. The Code of Conduct has been reviewed and no amendments appear to be necessary.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

RESOLUTION 3066

Moved Cr James

Seconded Cr Ilich

THAT Council formally adopt the attached Code of Conduct.

**CARRIED 8/0
ABSOLUTE MAJORITY**

9.3.7 Record Keeping Policy & Procedures and Records Disaster Management Plan

Applicant: Shire of Kondinin

Author: CEO

Date: 10th August, 2017

Disclosure of Interest: Nil

SUMMARY / COMMENT: A review has been carried out of Council's Record Keeping Policy & Procedures. The document covers all aspects of record management and has been prepared in accordance with Australian Standard on Records Management AS ISO 15489. The document currently forms part of the Council's Policy Manual.

The Policy document is supported by the comprehensive Records Disaster Management Plan which was presented to Council (for information only) in 2014. It is necessary that this document (tabled) be formally adopted.

STATUTORY ENVIRONMENT

Local Government Act 1995, State Records Act 2000, Freedom of Information Act 1992, Electronic Transactions Act 2003.

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

RESOLUTION 3067

Moved Cr Jones

Seconded Cr Browning

THAT Council formally adopt and review annually with the policy manual:

- 1. The attached Records Disaster Management Plan;**
- 2. The attached Record Keeping Policy & Procedures.**

**CARRIED 8/0
ABSOLUTE MAJORITY**

9.3.8 Freedom of Information Statement

Applicant: Shire of Kondinin

Author: CEO

Date: 10th August, 2017

Disclosure of Interest: Nil

SUMMARY / COMMENT: Under Section 96(1) of the Freedom of Information Act (1992) a government agency including a local government is required to publish a Freedom of Information Statement annually. Information on previous statements is out of date and the drafted Statement (attached) requires adoption.

STATUTORY ENVIRONMENT

Freedom of Information Act 1992

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

RESOLUTION 3068

Moved Cr Meeking

Seconded Cr Browning

THAT Council formally adopt and review annually the attached Freedom of Information Statement.

**CARRIED 8/0
ABSOLUTE MAJORITY**

9.3.9 Kondinin Medical Centre

Applicant: Shire of Kondinin

Author: DCEO

Date: 10th August, 2017

Disclosure of Interest: Nil

SUMMARY / COMMENT: The purpose of this report is to provide an update for the operations of the Kondinin Medical Centre for the year ended 30th June 2017. The shire took over the operations of the medical centre in September 2016 with the appointment of Dr Alain Mackie who commenced work on 12th September. At that time a budget was prepared based on rough predictions and from figures obtained from when the Shire was running the practice previously.

An income and expenditure statement is attached for the period 12th September 2016 to 30 June 2017.

Income for the period purely from the operations of the practice amounted to \$176,349.72 against a projected budget of \$170,000. Additional income of \$3,000.00 was received from Rural Health West to assist with the employment of a locum doctor in January 2017 whilst Dr Mackie went on leave. This was a once off payment. A further \$15,000.00 was received by way of a reimbursement from the Eastern Wheatbelt Primary Care Group to assist in the initial stages of Dr Mackie's (locum) employment.

Expenditure includes Dr Mackie's fee, staff wages, medical supplies and certain costs also applicable for the running of the practices in Kulin and Hyden. Total expenses for the period amounted to \$258,228.72 against a budget of \$238,267.00.

The result of the above is that there was a total loss for the period of \$63,579. This loss when apportioned between Kondinin (60%) and Kulin (40%) Shires amounted to a loss for the Shire of Kondinin of \$38,147.40. Under the previous (Jupiter) management the Shire's contribution was \$43,200.00 p.a.

Based on the above figures the loss for the period was larger than in previous recent years however the benefits of having a regular doctor who provides additional services to the hospital and genuinely cares about the community and the practice far outweigh the loss.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

Whilst it is predicted that the Kondinin Medical Centre will continue to run at a loss, this loss has been provided for adequately in the 2017/2018 budget. It is believed that the Pros of running the practice far outweigh the Cons.

STRATEGIC IMPLICATIONS

The Community Strategic Plan states:

1.3 A safe, healthy and active Shire

1.3.1 Facilitate a consistent presence and high standard of medical services and allied health in the Shire

Our Actions

- Support the current level of primary and allied health services in the Shire with a view to increasing the number of services, access to them and appropriate venues for delivery
- Work collaboratively with the Community Resource Centres and the Kondinin Hospital, Hyden Silver Chain and Respite Centre to run regular events for seniors
- Recruit, attract and retain health practitioners to the Shire including a GP, additional and permanent allied health professionals
- Provide continued medical equipment upgrades to the Kondinin Medical Centre and support upgrade of medical services for Hyden

VOTING REQUIREMENT

Simple majority

RESOLUTION 3069

Moved Cr James

Seconded Cr Lynch

That Council receive the DCEO's report regarding the successful operation of the Kondinin Medical Centre for the year ended 30 June 2017.

CARRIED 8/0

9.3.10 Camp Kulin Reach Program for Kondinin

Applicant: Shire of Kondinin

Author: CEO

Date: 10th August, 2017

Disclosure of Interest: Nil

SUMMARY / COMMENT: A request (attached) has been received from Kondinin Primary School that the Shire of Kondinin sponsor a Camp Kulin Reach Program being conducted at Kondinin Primary School to assist the students.

Camp Kulin has advised that the cost of running such a program is \$15,000 per year. Sponsorship packages consist of Gold (\$10,000 annually), Silver (\$5,000 annually) and Bronze.

The attached documentation fully explains the program and the benefits to students.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

The 2017/18 budget (Community Grants) has made provision for the requested financial assistance.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

RESOLUTION 3070

Moved Cr Meeking

Seconded Cr Growden

THAT Council sponsor the Camp Kulin Reach Program for Kondinin Primary School for the amount of \$5,000.00 for the 2017/18 financial year and review further annual sponsorship based on the program's effectiveness.

CARRIED 8/0

9.3.11 CEO's General and Project Status Report

1) Staff Matters

We continue to have a very stable workforce.

2) The Humps Standpipe Upgrade (nee King Rocks Dam Upgrade) – Department of Water

May 2017 – The DCEO has been in discussions with the Manager, Rural Water Planning from the DoW regarding the protracted rectification of the King Rocks dam wall. It would appear that with the recent change in government that there will be little to no funds available for this project even with the possible injection of shire funds. The DoW has been in discussions with the Water Corporation regarding a possible solution to the problem utilizing the Humps dam which has a capacity of 70ML (mega litres), compared to 7ML at King Rocks. The Water Corporation has intimated to the DoW that they will cease using the Humps in the relatively near future and that the water will be available to the shire via a standpipe. It was brought to the DoW's attention that there is already a standpipe at the Humps serviced by 2 tanks and that the water is not always available due to Water Corp. restrictions.

Our disappointment was conveyed to the DoW regarding the lack of funding available for the continuance of the project at this time. The Manager Rural Water Planning has advised that a meeting is to be arranged within the next 2 weeks between themselves, the Water Corporation and the shire to discuss the situation.

June 2017 – The DCEO had a teleconference with the Manager Rural Water Planning from the DoW and Ken Pearce from the Water Corporation on 9th June regarding the Humps dam. Mr Pearce advised that the dam capacity was 40ML not 70ML as previously advised to us by DoW. It was also advised that the Water Corporation will still require the dam for quite a few years to come. They stated however that they would be prepared to provide a license to the Shire for the use of water from the dam and that we would have full use of the water via the current standpipe arrangement. The license will in essence be the same as was recently provided for the use of the Karlgarin town dam. At present the standpipe and tanks are fed direct from the main line to Hyden. At times of water shortages in Hyden access to the tanks is turned off by the Water Corporation. The new proposal would involve the provision of a dedicated line being installed from the dam to the tanks and a separate pump being put in to fill the tanks. It will also be recommended that a larger tank/tanks be installed at the standpipe. This would ensure continuity of supply for farmers etc. Mr Pearce advised that a ballpark cost would be around \$50,000 for the required works. When asked by the DCEO who was going to pay for it, it was proffered by the DoW that they would cover the cost once the necessary authorities were worked out. They see this as a far better option than spending in excess of \$500,000 on King Rocks dam.

Though the outcome did not provide a solution to the King Rocks dam situation it will provide an assured long term alternative source of water for farmers albeit further to collect than King Rocks should King Rocks dam be compromised in the future. It is apparent that there will be no funding coming forth for the repairs to the King Rocks dam wall given the current state of the economy and the mindset of the current government.

July 2017 – A further teleconference was held on 10th July with the Water Corporation, Dept. of Water And Environmental Regulation (DoWER) to discuss the progress of utilizing the Humps dam and increasing the capacity of the nearby standpipe. The Water Corporation is commencing immediately the preparation of the license to use the water which will take approximately one month. The location of the new pipeline and

tanks were discussed and agreed upon with the former to be clarified due to the indigenous heritage value of the area though the pipeline is proposed to be laid down an existing firebreak. An additional 250,000 litre tank will be installed next to the existing tanks and all 3 will be linked to the new standpipe. Once the license is signed quotes will be sought for the infrastructure. DoWER will be funding all the proposed works.

August 2017 – the process has started with quotes being received for the proposed new tank, standpipe controller, pipeline and pump.

3) Aged Housing

March, 2017 – The Manager of Planning & Development is presenting a comprehensive report to Council regarding matters requiring determination in respect of the four Independent Living Units (ILU) to be constructed in Kondinin and Hyden. Land tenure, town planning zoning, who manages the units, type of structure (brick or modular), etc. requires facilitating and determining.

April, 2017 – Currently we are waiting on the Electrical Engineer's report regarding the Yeerakine Lodge extension project, which will complete all reports required to allow us to move forward with calling tenders for the project's construction. Council made the decision to call tenders for this project at its February, 2017 meeting. Calling tenders during April, 2017 will hopefully allow us to maintain the timeline under our funding agreement with National Stronger Regions Fund of construction commencement by July, 2017. Delays have been encountered in respect of the extension to the Kondinin Sports Club project caused by the Architect Rosalie Pech Eva advising that plans will not be complete until November, 2017, a necessary prerequisite to being able to call tenders for the project's construction.

May, 2017 – Nothing further to report

June, 2017 – There is doubt currently with the change of state government as to whether the Wheatbelt South Aged Accommodation Alliance's 'approved' funding for independent living units will be available. This puts in doubt the construction of the two units at Hyden (Whispering Gums) and two at Kondinin (Westcourt). In respect of the extension of Yeerakine Lodge, tenders are currently being called and will be reported to Council following the closing and assessment of tenders received.

July, 2017 – We are still awaiting the decision of the new state government regarding the Wheatbelt South Aged Accommodation Alliance's 'approved' funding for independent living units. Tenders are currently being considered for the construction of Yeerakine Lodge extension.

August 2017 – The tender for the extension to Yeerakine Lodge was awarded to A Corp Construction Pty Ltd. The sand pad has been constructed and construction is due to commence within the next 2 weeks. We are still awaiting the decision of the new state government regarding the Wheatbelt South Aged Accommodation Alliance's 'approved' funding for independent living units.

4) Staff Housing Construction– Repacholi Parade, Kondinin

February, 2017 - The Shire has completed the site sand pad and Kondinin Building Services (KBS) has commenced marking out the lot and security fencing it ready for construction commencement.

March, 2017 – Progress by KBS over the past month has been very little and slow due to KBS undertaking long overdue work at Kondinin IGA.

April, 2017 – Kondinin Building Services (KBS) have laid the concrete pad for the residence.

May, 2017 – KBS have commenced erecting the upright timber frames to the concrete pad.

June, 2017 – KBS have completed the window and door frames.

July, 2017 – KBS have completed brickwork. Progress is satisfactory although a late start has caused the whole program to be approximately 8 weeks behind.

August, 2017 – Good progress is being made by KBS with roof timbers installation almost complete. Doug Davey has advised that as he has accepted a full time MOW's position with Meekatharra Shire he cannot act as Project Manager for this project. The CEO has been monitoring and project managing this project in Doug's absence and will continue to do so until project completion.

5) Integrated Plans

August, 2017 – Administration is currently undertaking a review of our integrated plans to ensure they reflect our anticipated activity over the next five years including our aged accommodation construction

program, upgrades to sporting clubs, road construction program, plant replacement program, upgrade of town streets/drainage, Hyden & Karlgarin Centenary town site beautification projects, etc.

RESOLUTION 3071

Moved Cr Jones

Seconded Cr James

THAT the CEO's General and Project Status Report be received.

CARRIED 8/0

9.3.12 Proposed New Shire Building - Hyden

Applicant: Shire of Kondinin

Author: CEO

Date: 14 August, 2017

Disclosure of Interest: Nil

SUMMARY / COMMENT: As part of the consultant's brief engaged to advise the Shire a Concept Plan for the improvement and beautification of the main town street (MacPherson Street) and the town centre of Hyden, as part of the town's 2022 centenary celebration, Council consideration and input into the plan will be required.

At the recent meeting held in Hyden to discuss the future of the CRC, the possibility of the Shire building new premises to house the CRC was discussed. The state government has announced that the future of funding continuing into the future for certain CRC's across the state is uncertain. In respect of Hyden and Kondinin CRC's, advice has been received from the state government that the normal three year funding term arrangement has been replaced with an 18 month funding arrangement with the possibility of a 15 month extension. Discussions since that meeting and within Shire administration, has brought to light the possibility of a new Shire building in Hyden which could possibly house the CRC (if required) as well as the Hyden Shire Sub Office, Library, a public WiFi computer facility room and incorporating a Tourist Information Centre. A possible location for such a building is the block located on the corner of MacPherson and Marshall Streets in Hyden owned by Colin Muir. I have spoken with Colin regarding this and explained that this preliminary proposal is subject to Council approval. After considering the matter, he advised that he and his wife are prepared to sell the block to the Shire for this purpose and if and when the Shire is interested in moving forward with the purchase he would engage a Valuer to establish an independent value of the block, which I believe is approximately half an acre in area. Colin was positive and strongly supports the proposal.

It is considered appropriate that before any decision is made by Council regarding any new Shire building in Hyden, consideration be given to the outcome of the Consultant's Concept Plan and the outcome of a community meeting to be held in Hyden in the near future to discuss the Hyden CRC's future.

Prerequisites necessary to lodge a grant application for any project such as a new Shire building in Hyden and other possible infrastructure involved in the Concept Plan are substantial and comprise architects detailed plans, engagement of consultants including Grants Empire to assist with the grant application preparation, supported by an Economic Benefits Analysis, Quantity Surveyor's project cost estimate, etc. as well as the purchase of the land required to house any new Shire building. It is also necessary that the Shire's plans in this area be formally adopted by Council and incorporated into our Integrated Strategic Plans, which is necessary in supporting any grant application. A likely grant source is the Federal Government's Building Better Regions Fund, which replaces the previous National Stronger Regions Fund which grant funded the Yeerakine Lodge extension.

The construction of a new Shire Sub Office in Hyden is certainly worthy of careful consideration by Council and its location on the corner of MacPherson and Marshall Streets is considered ideal being located in the immediate town centre area and would allow for the attraction of the many tourists visiting the area to the building and town centre businesses. Currently there is little to attract tourists visiting Wave Rock to visit the Hyden town centre and support local businesses. The current Shire Sub Office in Hyden is subject to an annual rental lease and its location is far from satisfactory. It has also been mentioned that such a building with its street frontage architecture resembling a 'wave' would significantly enhance the look of the Hyden main street area and help towards attracting tourists to the Hyden town centre area.

Due to the necessary prerequisites involved in this proposal, including seeing what the Concept Plan comprises of, etc. it is considered premature to make a Council decision at this early stage and that Council give consideration to the matter when the prerequisite outcomes are known.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

The current budget allows for consulting fees that are expected to cover those associated with the early planning of this project. Consideration needs to be given regarding the cost of land acquisition and the timing of such purchase.

STRATEGIC IMPLICATIONS 1.1.1 Our Vision

‘To have a thriving and sustainable future’

1.1.2 Our Mission

We will achieve our vision by;

- Providing leadership in the community,
- Having a positive outlook,
- Bringing the community together,
- Providing and facilitating appropriate facilities and services,
- Being forward looking, and
- Having pride in our Shire.

The Chief Executive Officer is appointed by Council to deliver upon the following areas;

- Executive Services
- Community and Corporate Services
- Infrastructure Services
- Development and Regulatory Services
- Strategic Projects

2.4 Encourage, promote and support tourism experiences and businesses in the Shire of Kondinin

2.4.1 Collaborate with key stakeholders and local networks to develop and promote our tourism experiences across the entire Shire

2.4.2 Add value to current tourism experiences and facilities as well as creating additional tourism experiences and facilities

VOTING REQUIREMENT

Simple majority

FOR INFORMATION ONLY

9.4 MANAGER OF WORKS

9.4.1 GENERAL

Construction Crew

We have now moved out to the Hyden Norseman Road and are carrying out Flood Damage and Roads to Recovery works. As suggested we have reallocated money to the Hyden Norseman Road to give a total expenditure of approximately \$145,000 which is made up of WANDRRA, Shire resources, and R2R.

We have done 4.1km between Flying Fox and the Forrestania crossroads and are now starting on a section approximately 5km east of the crossroads. Council is receiving favourable comments in relation to the Road works.

I am lead to believe Western Areas NL want to carry out 20km of sheeting this year on the Marvel Loch and Forrestania Rd. This would be a huge bonus to the Shire given it is our asset.

Kondinin and Hyden Town Sites

Feature Survey has been completed for Kondinin and Hyden. Design is now underway.

Plant Repairs

- KN 67 – 4500 service
- KN 65 – Uni Joints and fan solenoid – Soper Contracting

- KN 66 – Alternator failed – Soper Contracting
- KN 59 – Service (Water Tanker)
- KN 78 - Starter motor, wiring (Steel Drum Roller)
- KN 2106 – Weld Cracks (Prime mover trailer)

Maintenance Grading

Roads to receive grading are:

Wheeler Rock Rd	Raine Rd	Fotheringham
Acacia	Burma	Reservoir East
Cashmore	Camel Peak	Carlson
King Rocks	Karlgarin South	Sloan
Douthie	Pederah East (PT)	Young
King Rocks West	Spurr	Wilkins
Murray Rock	Murray	Notting Karlgarin (PT)
Lovering	Reservoir	Koorikin
Casuarina	Henderer	Bendering
Billericay / East	Karlgarin Hills North	Biglin
Bates	Roe	Nambadilling

Maintenance

General Maintenance has been limited due to operators being fully utilized on construction works

Staff

Gary Valenta is presently on Workers Compensation and there has been no set date on his return

9.4.2 PLANT REPORT

Rego	Make	User	Year	Begin Hrs/Km	Finish Hrs/Km	Comments
0 KN	Toyota - Prado GLX	CEO	2016	24,677	26,095	
KN 0	Holden Trailblazer	DCEO	2016	20,617	22,232	
KN 04	Subaru Outback	MOF	2017	7,230		
KN 52	Subaru Forester	Doctor	2016			
KN 54	Subaru Forester	MOW	2017	1,624	7,320	
KN 51	Holden Rodeo - Dual Cab	Mick Pratzky	2007	160,806	162,006	
KN 55	Colorado	Brian Lucas	2013	95,132	99,751	
KN 56	Toyota Hilux	P&G Kondinin	2012	175,131	178,540	
KN 58	Prime Mover	Paul Chambers	2016	31,547	36,301	
KN 62	Prime Mover	Vacant	2016	17,540	21,232	
KN 77	Prime Mover	Eric Krakour	2016	23,920	28,032	
KN 61	Nissan Navara Single Cab	Dave Halliday	2013	93,549	95,374	
KN 57	Isuzu - Tray Top - Mtce Truck		2015	65,730	66,683	
KN 60	Isuzu - Tray Top - Dual Cab		2016	53,517	54,763	
KN 89	Isuzu - Tray Top - Dual Cab		2016	10,127	18,387	
KN 63	Isuzu - Tray Top	David Symcox	2001	232,788	233,841	Replace 17/18
KN 73	Isuzu - Tray Top	Kondinin	2011		153,660	
KN 64	John Deere 670G - Grader	Gary Valenta	2015	1107	1202	
KN 65	John Deere 670G - Grader	Brian Lucas	2011	6,418	6,533	
KN 66	John Deere 670G - Grader	Dave Halliday	2013	6,073	6,238	
KN 67	Volvo L90F - Loader		2012	4,467	4,527	
KN 68	Volvo - Loader		1998	11,373	11,387	
KN 69	Massey Ferguson-Tractor	David Symcox	1999	3,638	3,640	

KN 70	Case - Tractor	Kondinin	2003	1,886	1,886	
KN 71	John Deere - Backhoe		1992			
KN3031	Toro - Ride on Mower	Reel Mower	2015	2925	2925	
KN72	Bomag - Road Roller	Construction	2015	1050	1053	
KN78	Hamm - Vibe Road Roller		2003	8,241	8,268	
KN 76	Toro - Ride on Mower	Kondinin/Hyden	2009	2,088	2,104	
KN123	JCB Backhoe	Kondinin	2014	1032	1042	
KN 112	John Deere - Ride on Mower	Kondinin	2006	1,168	1,172	
KN 79	Toyota - Community Bus		2008		126,027	
KN 93	Toyota – Community Bus	Hyden	2017		1177	

RESOLUTION 3072**Moved Cr Growden****Seconded Cr Meeking****That the Works Manager's Report be received.****CARRIED 8/0****9.5 ENVIRONMENTAL HEALTH OFFICER****9.5.1 ENVIRONMENTAL HEALTH OFFICER'S REPORT – JULY & AUGUST 2017****Date:** 9th August 2017**Reporting Officer:** Environmental Health Officer, Mr Julian Goldacre**Disclosure of Interest:** No interest to disclose**BACKGROUND**

This report provides an update for Council on work that Council's Environmental Health Officer provides for the communities within the Shire of Kondinin for the periods of July and August 2017.

COMMENT**Proposed Caravan & Camping Transit Park Licence –**

The EHO and the Manager Planning and Development have been working with Mrs S Collins to progress an application for a Transit Park licence. The matter will be presented to Council in August for determination for a licence to be issued pursuant to the *Caravan and Camping Grounds Act 1995*.

Transfer Station licence reporting –

The Kondinin Transfer Station licence reporting has been completed ready to be submitted after the 31 of August.

Dept of Health Food Act annual reporting –

The EHO is compiling the inspection and auditing data for the submission of reportable information regarding Food Act matters for submission to the Dept of Health.

Dept of Water, Environment & Regulation Waste data reporting –

Each year the Shire is required to submit data on waste collection at kerbside, public places and drop off centres (transfer station). Whilst Avon Waste can provide some information the Transfer Station attendants fill out monthly reporting forms of waste dropped off there. Regretfully the waste data reporting from the transfer stations has not been maintained despite assurance they would be completed. The lack of waste data will skew the Shire of Kondinin reporting which is now made into law; the works manager has been made aware and the Kondinin transfer station data for the 2017-2018 period is again being submitted although Hyden transfer station seems to have dropped off the radar permanently.

Accommodation -

The EHO attended the old abattoir site in Hyden to meet with people looking to use as alternative camping site. The main reason for the visit was to determine the apparatus for the treatment of sewerage requirements for the proposed accommodation units and facilities. The EHO advised that ground testing is required to determine soil suitability for the sewerage apparatus and is awaiting feedback to progress this.

Kondinin Clean-up Project – Notices Served for overgrown and disused materials in yards:

- 48 Rankin Street, Kondinin townsite -

Works mostly completed with an inspection done in July and it was determined that when the old cement sheets presumed asbestos leaning against the house are removed the Notice will be complied with. The gentleman interviewed was told he will need to wrap up and not break and take to the old landfill site for disposal.

- **Lots 76 & 77 Rankin Street Kondinin -**

With the owners health matters ongoing it would be prudent in the circumstances to await a resolution of the health outcomes before proceeding with any further actions.

- **Number 26 and number 28 Rankin Street Kondinin –**

It was observed recently that smoke was emitting from the chimney of the condemned dwelling. The EHO investigated and found Mr D Chambers inside the building. Mr D Chambers insisted he was only doing book work and the EHO advised that occupancy of the building was ‘being in it’ not just living in it. EHO advised Mr D Chambers he will need to vacate and find another place to use until the building was sorted out.

Mr A Chambers has been emailed and sent a letter regarding lack of progress regarding the dwelling and to date no response has been received. As the lack of any reasonable progress is the only activity regarding this building and its continued deteriorating condition it would be recommended that a Notice to repair or demolish be seriously discussed and resolved on.

Environmental Health Officer duties:

- Food premises inspections undertaken with a focus on allergen awareness of food businesses; and
- The ‘Silo’ has been registered as a Food Business pursuant to the *Food Act 2008*.

STATUTORY ENVIRONMENT

Health (Miscellaneous Provisions) Act 1911;

Food Act 2008; &

Local Government Act 1995.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

FOR INFORMATION PURPOSES ONLY

9.5.2 REGISTRATION OF A CARAVAN & CAMPING TRANSIT PARK HYDEN ROADHOUSE

Date: 16 August 2017

Reporting Officer: Environmental Health Officer/Authorised Officer, Mr Julian Goldacre

Disclosure of Interest: Nil.

BACKGROUND

In 2016 the Environmental Health Officer/Authorised Officer (EHO/AO) Mr J Goldacre and Ms T Young, Manager Planning and Development (MPD) were invited to Hyden to assess the feasibility for a short stay caravan and camping site. The EHO/AO consulted the relevant legislation for caravan and camping grounds and determined that a ‘Transit Park’ was the most suitable description for the purpose of a short stay site. The MPD Officer will table at the Ordinary Meeting of Council the Planning Application for the ‘land use’ as a Transit park; this agenda will deal with the requirement to ‘Register’ the Transit Park pursuant to the *Caravan and Camping Grounds Act 1995* (Act). In the event that the Planning Approval is not granted this application for the Transit Park licence will not be able to be ratified.

COMMENT

The applicant for the proposed Transit Park is Mrs Sheenagh Collins and the application is provided as **ATTACHMENT 1**. The location and set out for the Transit Park and facilities is provided as **ATTACHMENT 2** and is made up of three locations forming the one facility on Lots 802 Hyden-Lake King Road, 21 Marshall Street & 20 Lynch Street Hyden. Photographs of the proposed Transit Park facility area is also provided in **ATTACHMENT 3**. Signatures for consent by other named landowners as required by the Act to use the lands for the proposed Transit Park are provided in **ATTACHMENT 5**.

Only Council pursuant to the Act is able to approve a licence application for a Transit Park. A Transit Park is listed in Schedule 2 of the Act as a type of 'Licenced Facility'. The Officer has measured the application and submitted supporting information against the requirements of the Act and *Caravan and Camping Grounds Regulations 1997* (Regs) and is able to inform Council that the Transit Park application has merit and can be approved with conditions.

The proposed Transit Park will utilise the area around the present Hyden Travel Stop roadhouse as detailed photographs provided in **ATTACHMENT 3**. The applicant advised the EHO/AO and MPD that it has been observed that person have been using this area for whistle stop overnight layovers without consent of the land owner. The applicant seeks to formalise the use of the areas around the roadhouse for layovers to appropriately offer the facility and promote options for visiting campers and caravaners. Transit Parks are a popular option for persons wanting to offer short stay caravan and camping facilities and are widely used in the northern and eastern parts of Western Australia in conjunction with a roadhouse operation or other suitable facility. The regulatory requirements for this proposed Transit Park are provided in **ATTACHMENT 4** which includes the Officers notes and the applicants' intentions to support this application alongside the Act and Regs requirements.

Whilst this application for a Transit Park facility licence is not fully compliant to permit *servicing* the Transit Park licence the Council can still approve the *issuing* of the Transit Park license with conditions before being able to serve to licence. Only when the licence is served can the applicant operate the Transit Park by affixing the licence in a prominent position. The license conditions recommended by the EHO/AO and to be completed to the satisfaction of are detailed in the Table 'Table of license conditions before serving Transit park licence' below:

Table of license conditions before serving Transit park licence

Item number from ATTACHMENT 4	Item to be addressed	Completed to the satisfaction of:
1.	Suitable signage stating only a maximum stay of three nights permitted	EHO/AO
6.	Two MGBs to be placed at the facility as a minimum	EHO/AO
8.	Fire hose reels or extinguishers to be provided as required	EHO/AO
10.	Provision of a 45L trough for washing utensils provided with hot and cold water	EHO/AO
11.	Signage to be provided detailing location and availability of adjoining laundry facility	EHO/AO
12.	Provision of suitable lighting to illuminate facility areas for safe night time access by persons to the amenities	EHO/AO

The EHO/AO will report to the Chief Executive Officer when items 1, 6, 8, 10, 11 & 12 have been completed to the satisfaction of the EHO/AO.

Council can also approve to permit no requirement for electricity connection. In **ATTACHMENT 6** is the formal application to Council to exempt from the requirement to have to provide electrical connections for camping and caravan sites at the Transit Park. In light of the proposed free provision for the use of the Transit Park and its short stay of three nights this request is reasonable. Testing of the water pressure by a licensed plumber has revealed the water pressure to be suitable for the provision of Fire Hose Reels as required in the Regs. With the water pressure being suitable and exemption for only the provision of fire extinguishers cannot be granted therefore as shown in **ATTACHMENT 7** Fire Hose Reels will be installed and is a condition for the serving of the Transit Park licence.

STATUTORY ENVIRONMENT

*Caravan Parks and Camping Grounds Act 1995; and
Caravan Parks and Camping Grounds Regulations 1997*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Caravan Parks and Camping Grounds application and annual renewal fee of \$200.00

VOTING REQUIREMENT

Simple Majority

RESOLUTION 3073

Moved Cr Ilich Seconded Cr Growden

THAT Council resolves to:

- 1) Approve the *issuing* of the Transit Park licence as applied for in ATTACHMENT 1 with the supporting information presented in ATTACHMENT 2, 3, 5, 6 & 7 for the property comprising of Lots 802 Hyden-Lake King Road, 21 Marshall Street & 20 Lynch Street Hyden pursuant to the *Caravan Parks and Camping Grounds Act 1995* in the name of Mrs Sheenagh Collins and that the *servng* of the Transit Park licence to Mrs Sheenagh Collins is to occur only when the following conditions have been complied with to the satisfaction of the Environmental Health Officer/Authorised Officer being:
 - i) Items scheduled in ATTACHMENT 4 as listed in '*Table of license conditions before serving Transit park licence*' items 1, 6, 8, 10, 11 & 12.
- 2) Approve the exemption from the requirement to have to provide electricity to the camping and caravan sites at the Transit Park and is noted in the issued license; and
- 3) Exercise its discretion to rescind this Transit Park licence where the land use is deemed not permitted under other appropriate legislation.

Carried 8/0

9.5.3 Animal Environment Nuisance Local Law 2016 Joint Standing Committee Response Requiring an Amendment to the Local law.

Date: 16 August 2017
Reporting Officer: Environmental Health Officer/Authorised Officer, Mr Julian Goldacre
Disclosure of Interest: Nil.

BACKGROUND

On the 10 February 2017 the *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016* (Local Law) was gazetted in *Special Gazette N^o 39*. After gazettal the local government of Kondinin submitted all the information and records undertaken to prepare the Local Law and submitted this to the Joint Standing Committee on Delegated Legislation (JSCDL) for review. The JSCDL is made up of politicians consisting of 8 members, 4 from each House of Parliament and its function is to consider and report to the Houses on any regulation made under a parent Act which:

- appears to be not within the power allowed by the Act;
- has unintended effects on any person's existing rights or interests;
- does not provide an effective mechanism for the review of administrative decisions; or
- contains matters which should be properly dealt with by the Parliament through legislation;

The JSCDL has the power to inquire into a proposed or existing template, pro forma or model local law; a systemic issue identified in 2 or more instruments of subsidiary legislation; and the statutory and administrative procedures for the making of subsidiary legislation generally.

Due to the instruments of Law in which the State Parliament of Western Australia is politically structured only Laws *when gazetted* can be reviewed. The review of local laws after gazettal is often observed by persons drafting laws in local government as anomalous. It has been reported to the Officer that the required checks and measures for local laws is done by the various State Government departments to ensure no systemic errors occur nonetheless from time to time issues slip through as is the case for this Local Law.

On the 10 August 2017 the Shire of Kondinin received correspondence from the Chair of the JSCDL The Honourable Ms Emily Louise Hamilton MLA that the Local Law had matters of concern as raised by the JSCDL which will require an 'Amendment' to the existing Local Law (**ATTACHMENT A, in confidence**).

COMMENT

The JSCDL has now examined the Local Law and requests that Council review the following subclauses with the intention they are to be deleted (and reason why):

- Subclause 3.9(c) which states *'removing any refrigerants as per the requirements of the Environmental Protection (Ozone Protection) Policy 2000'*;
 - **Reason for deletion:** The JSCDL makes statement the Policy in this subclause was rescinded in September 2009 and has been replaced by Federal legislation and there is sufficient regulation since drafted to deal with such matters. Furthermore the JSCDL expressed concerns that the subclause as written referred to a 'person' to remove refrigerants rather than a person so skilled to do so.
- Subclause 4.12(1) which states *'A person shall not, without written authorisation from the local government, place or affix any letter, figure, device, poster, sign or advertisement on any buildings, fences or posts.'*
 - **Reason for deletion:** The JSCDL has determined this clause has an unintended effect to prohibit the placing of signs such as *'...house numbers, 'no junk mail' signs, 'beware of the dog' signs and the like.'* Whilst the JSCDL assumes this was never the intention of the Shire the clause does contravene the JSCDL Term of Reference 10.6(b) in which it is not in the Shires power to make such a clause as worded.

Another matter in the Local Law identified by the JSCDL is typographical errors in clause 2.15 of the Local law where they state *'Sub-paragraphs (1)(b)(iii) and 1(b)(iv) are misaligned and should be re-numbered (1)(c) and (1)(d) respectively.'* The renumbering of the two clauses is a straight forward reformatting process.

Whilst the above matters are regrettable, Council can be assured that the then Local Law in its proposed form was sent many times for review to the relevant State Government Departments. The Local Law was based on a draft local law which has been in progress for at least 4 years and itself reviewed many times.

To satisfy the JSCDL matters as raised, Council must resolve to undertake that the Shire will, within six months, to:

- Delete subclauses 3.9(c) and 4.12(1) and make all necessary consequential amendments;
- Correct the typographical errors in clause 2.15;
- Until subclause 3.9(c) is deleted, post a Notice on the Shire's website next to the Local law alerting residents to the error and the fact that the Commonwealth now regulates this field though a licencing system;
- Not enforce the Local law in a manner contrary to the above undertaking;
- Provide a copy of the Minutes of the meeting at which the Council of the Shire of Kondinin resolved to provide the undertakings; and
- Where the Local Law is made publicly available, whether in hard copy or electronic form, ensure that it is accompanied by a copy of these undertakings.

With the *commitment* so made to the undertakings mentioned above, the next step is administrative in which preparation of an Amendment to the Local Law is to be progressed. The steps to make the Amendment Local Law is the same as for the original Local law preparation although the costs are reduced as normally only one or two pages outlining the parts to be amended are required for gazettal.

In addition to the above matters, the JSCDL has advised local governments who recently prepared local laws that the Department of Water Environment Regulation (DWER) consent maybe required. The DWER formed the view that there are 'reasonable grounds' to require the consent of the Chief Executive Officer (CEO) of DWER pursuant to Section 61(1) of the *Waste Avoidance and Resource Recovery Act 2007* to certain waste-related provisions. The matter of requiring the consent of the DWER CEO arose during the preparing of the Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016. The Kondinin Shire Local Law presently has the same raised concerns found in clauses 3.1, 3.2 and 3.6(2) which mention the removal of refuse from a Lot.

Through the commendable efforts of the Clerks within the JSCDL it has been determined, in their professional opinion, that the CEO of DWER consent is not required. The JSCDL has written to the Minister for Environment seeking the Ministers views as to whether, and on what basis, consent of the CEO of DWER is required regarding the relevant Local Law clauses. Whilst this matter is presently awaiting a response regarding the consent from the DWER CEO, unless otherwise advised, the consent can be entreated during the Amendment Local Law process.

STATUTORY ENVIRONMENT

Health (Miscellaneous Provisions) Act 1911; and

Local Government Act 1995

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Gazetted and advertising costs are estimated at \$1,000 to \$1,200 then the undetermined additional cost of administering the Local Law Amendment by Shire staff and/or consultant as required.

VOTING REQUIREMENT

Absolute Majority

RESOLUTION 3074

Moved Cr Jones Seconded Cr Meeking

THAT Council resolves to:

- 1. Accept the correspondence from the Chair of the Joint Standing Committee on Delegated Legislation The Honourable Ms Emily Louise Hamilton MLA in relation to the Shire of Kondinin Animal, Environment and Nuisance Local Law 2016;***
- 2. Undertake the requirement to delete subclauses 3.9(c) and 4.12(1) and that the subclauses of clause 2.15 is reformatted from subclause 1(b)(iii) to (1)(c) and subclause 1(b)(iv) to (1)(d) as provided in ATTACHMENT A and any such consequential amendments arising from the undertakings be completed within six months of the date of the letter of ATTACHMENT A or longer as approved by the Chair of the Joint Standing Committee on Delegated Legislation if so requested by Council and giving good cause;***
- 3. Undertake the following requirements being:***
 - a) that until clause 3.9(c) is deleted, a notice will be posted on the Shire's website next the Shire of Kondinin Animal, Environment and Nuisance Local Law 2016 alerting residents to the error and the fact that the Commonwealth now regulates this field through a licensing system;***
 - c) that the Shire of Kondinin Animal, Environment and Nuisance Local Law 2016 will not be enforced in a manner contrary to the undertakings given in as detailed in ATTACHMENT A;***
 - e) that where the Shire of Kondinin Animal, Environment and Nuisance Local Law 2016 is made publicly available in hard copy and/or electronic form, it shall be accompanied by a copy of the Council's commitment to the undertakings.***
 - d) that Shire of Kondinin will furnish a copy of the minutes of this Ordinary Meeting of Council dated 16 August 2017 to the Joint Standing Committee on Delegated Legislation where the Council of the Shire of Kondinin has resolved to provide these undertakings;***
- 4. Authorise the Chief Executive Officer to:***
 - a) Provide Council the report that addresses the preparation of a future Shire of Kondinin Amendment Animal, Environment and Nuisance Local Law 2016; and***
 - b) Advise the Chair of the Joint Standing Committee on Delegated Legislation of the Shire of Kondinin commitment to the required undertakings as stated in this Council Resolution.***

**CARRIED 8/0
Absolute Majority**

9.6 BUILDING SURVEYOR'S REPORT – JULY 2017

Building permits were issued for the following:-

1. 22 McPherson Street, Hyden – Shed

FOR INFORMATION ONLY

9.7 SWIMMING POOL REPORTS

Nil

FOR INFORMATION ONLY

9.8 RANGER ACTIVITY AND BUILDING MAINTENANCE REPORT – JULY 2017

General Maintenance

- Hyden Public Toilets - Blocked drains
- Wave Rock Old Toilet - Block painting and repairs to damaged copper logs in carpark
- Hyden Youth Base - Graffiti
- Humps - Smoke butt bins and Toilets
- Kondinin Works Depot - Toilet Blocks and Fencing
- Hyden Gold Club - New doors and locks in progress
- Yeerakine Lodge site
- Kondinin Medical centre
- Street Light report
- Kondinin Chalets
- Shire Housing - 35 Smith Loop and 46 Graham Street
- Kondinin Admin Building - Air con filters and work in Kitchen
- Kondinin and Hyden Waste Transfer Toilets, Repeater Sites and Water Readings

Ranger Activity

2x Infringements Issued under the Bush Fires Act for Lighting of Fires in the Open Air

2x Infringements under the Dog Act

2x infringements Issued under the Litter Act

1x Warning Notice issued illegal camping

2x Warning Notice Issued Under Dog Act

Ongoing limited contact with owner of Impounded Vehicle. The vehicle has been held for 4 months. One dog seized and returned. Pair of Eagles sighted McCanns Rock.

FOR INFORMATION ONLY

10. BUSINESS OF AN URGENT NATURE

Nil

11. CLOSURE

Being no further business the Shire President thanked Councillors and Staff for their attendance and declared the meeting closed at 6.04pm.