



MINUTES OF ORDINARY MEETING HELD AT HYDEN ON 21<sup>ST</sup> SEPTEMBER, 2016

**1. DECLARATION OF OPENING /ANNOUNCEMENT OF VISITOR**

The Shire President Cr Smoker welcomed those present and declared the meeting open at 3.15pm.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

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

**Leave of Absence:** Nil

**Apologies:** Nil

**Staff:** Mr John Read (CEO), Mr A. George (DCEO), Mr V. Bugna (MOF) and Mrs T. Young (MPD).

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. PUBLIC QUESTION TIME**

Nil.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**RESOLUTION 2791**

Moved Cr James

Seconded Cr Jones

That Cr Growden be granted Leave of Absence for the October, 2016 Council meeting.

**CARRIED 9/0**

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

7.1 Minutes of Council Meeting 17<sup>th</sup> August 2016

7.1 Minutes of Council Meeting – 17<sup>th</sup> August 2016

**RESOLUTION 2792**

Moved Cr Browning

Seconded Cr Butler

That the minutes of the Council Meeting held on 17<sup>th</sup> August 2016 be confirmed.

**CARRIED 9/0**

7.2 Minutes of Special Council Meeting – 5<sup>th</sup> September 2016

**RESOLUTION 2793**

**Moved Cr Meeking**

**Seconded Cr Browning**

**That the minutes of the Special Council Meeting held on 5<sup>th</sup> September 2016 be confirmed.**

**CARRIED 9/0**

**8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION**

**9. REPORTS OF COMMITTEES AND OFFICERS**

- 9.1 Finance Report
- 9.2 CEO Report
- 9.3 Manager of Works Report
- 9.4 Manager of Planning & Development 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

**9.1 FINANCIAL REPORT**

**9.1.1 Financial Reports**

**Name of Applicant:** Manager of Finance  
**Author:** Manager of Finance  
**Voting:** Simple  
**Date:** 12<sup>th</sup> September, 2016

**SUMMARY/COMMENT:**

The financial statements for the period ending 31 August 2016 are attached.

**RESOLUTION 2794**

**Moved Cr Growden**

**Seconded Cr Lynch**

**That the Financial Reports for the period 31 August 2016 as presented be accepted.**

**CARRIED 9/0**

**9.1.2 List of Accounts**

**Name of Applicant:** Manager of Finance  
**Author:** Manager of Finance  
**Voting:** Simple  
**Date:** 9<sup>th</sup> September 2016

**SUMMARY/COMMENT:**

A list of accounts is attached.

**RESOLUTION 2795**

**Moved Cr Jones**

**Seconded Cr Butler**

**That Muni Cheques 18009 – 18028, Muni EFT7153 – 7156, EFT7158 – 7224, Trust EFT7157 & EFT7225, Transport Direct Debits, Other Direct Debits, Payroll and Bank Fees (for the month of August 2016) totalling \$444,686.28) be endorsed.**

**CARRIED 9/0**

**9.1.3 Capital Items Progress**

**Name of Applicant:** Shire of Kondinin  
**Author:** CEO  
**Voting:** Simple  
**Date:** 14<sup>h</sup> September, 2016

**SUMMARY/COMMENT:**

Expenditure on capital items for 2016-2017

<b>Programme</b>	<b>Description</b>	<b>Budget</b>	<b>Notes</b>
Governance	Photocopier Lease (Carryover)	2,448	
Governance	0KN Vehicle Changeover	55,000	
Governance	KN0 Vehicle Changeover	45,000	
Governance	KN04 Vehicle Changeover	35,000	
Health	KN52 Vehicle Changeover	35,000	
Housing	Employee House, Kondinin	400,000	Commenced
Plant	Purchase new Grader Trading Volvo	245,000	Commenced
Economic Services	Kondinin Pioneer Memorial Wall	20,000	Commenced
Economic Services	Karlgarin Hall/Bowling Club Car Park -Seal	25,805	
Recreation & Culture	Kondinin & Hyden Pool Grant	64,000	Commenced
Recreation & Culture	CCTV Camera Wave Rock & Humps	10,000	Commenced
Recreation & Culture	S/Pool Improvement (KN & Hyden)	64,000	
Economic Services	Hyden Hall surrounds and street paving	50,000	
Transport	East Hyden Bin Rd Construction – RRG	276,620	
Transport	Mt Walker Road Construction – RRG	218,380	
Transport	R2R Total Works	(1,134,581)	Commenced
Transport	R2R Worland Road	128,800	
Transport	R2R Henderer Road	68,500	
Transport	R2R Lovering Road	75,000	
Transport	R2R Notting Karlgarin Road	78,200	
Transport	R2R Pedarah West Road	132,800	
Transport	R2R Hyden Norseman Road	197,781	Completed
Transport	R2R Kondinin Lake Road	152,500	Commenced
Transport	R2R Kondinin Naremben Road	68,000	
Transport	R2R Roe Road	89,000	Completed
Transport	R2R Mt Walker Rd/Worland Rd T Junction	144,000	
Transport	Stormwater Infrastructure Analysis	58,650	Commenced
Economic Services	Coronation Park Hyden Improvements	50,000	
Economic Services	Toilet Block Construction Wave Rock	85,436	Commenced
Economic Services	Wave Rock Precinct Improvement	50,000	Commenced
Other Prop & Services	KN54 Vehicle Changeover (2x)	70,000	
Economic Services	Hyden Tennis Courts	25,000	
Economic Services	Hyden Hockey Field Lighting	34,233	
Economic Services	New Community Bus	120,000	
Economic Services	Community Grants	57,000	In Progress
Economic Services	Yeerakine Lodge 4 Unit Extension	172,000	
Recreation & Culture	KCRC Kondinin Sports Club Extension	200,000	
<b>TOTAL</b>		<b>\$3,599,153</b>	

**FOR INFORMATION**

**9.1.4 Sundry Debtors Write Offs**

**Applicant:** Shire of Kondinin  
**Author:** SAO / MOF  
**Date:** 7<sup>th</sup> September 2016  
**Disclosure of Interest:** No interest to disclose

**Summary/Background**

To seek Council approval to write-off outstanding amounts owed to the Shire by Sundry Debtors. In accordance with Section 6.12 of the Local Government Act 1995, the Council is empowered to write-off monies owing to the Shire of Kondinin.

**Comment**

The attached schedule entitled “Sundry Debtors for Write-Offs as at the 31<sup>st</sup> August 2016 details monies owing by sundry debtors that are recommended to Council for write-off.

In most cases, there is very little evidence to support debts and the cost to pursue such debts are highly likely to exceed recoverable costs. Some debtors are no longer in existence or whereabouts unknown to Shire. The age of the debts and lack of supporting evidence raises some doubt over the recoverability of these debts.

The costs to continue to research/investigate and pursue debts would be likely to exceed the actual amount of the Debts.

**Schedule of Sundry Debtors  
 Sundry Debtors for Write-Off as at 30<sup>th</sup> August 2016**

Debtor Name	Total Amount for Write-off	Reason
Leddy, Ellis	\$ 51.00	Relates to lost library book & Hyden Recreation Centre Hire. We contacted the client, via mail and the latest attempt has been returned to sender.

**Statutory Environment**

Local Government Act 1995 – Section 6.12

**Policy Implications**

Nil

**Financial Implications**

The provision for Doubtful debts has a Balance of \$31,024.74 as at 30<sup>th</sup> August 2016. Amount to be written-off is \$51.00, leaving a balance of \$30,973.74.

**Strategic Implications**

Nil

**Voting Requirement**

Absolute majority

**RESOLUTION 2796**  
**Moved Cr Meeking** **Seconded Cr Jones**  
 That amounts owed to the Shire by Sundry Debtors as listed in the schedule (above) entitled “Sundry Debtors for Write-Off as at the 30<sup>th</sup> August 2016” totalling \$51.00 be approved for write-off.  
**CARRIED 9/0**  
**ABSOLUTE MAJORITY**

**9.1.5 Rates Debtors Write Offs**

**Applicant:** Shire of Kondinin  
**Author:** FAO / MOF  
**Date:** 14<sup>th</sup> September 2016  
**Disclosure of Interest:** No interest to disclose

**SUMMARY**

To seek Council approval to write-off outstanding amounts owed to the Shire by Rates Debtors. In accordance with Section 6.12 of the Local Government Act 1995, the Council is empowered to write-off monies owing to the Shire of Kondinin.

**COMMENT**

The schedule titled “Rates Debtors for Write-Offs as at the 31st August 2016” details monies owed by Rates debtors that are recommended to Council for write-off. The costs to continue to research/investigate and pursue these debts would be likely to exceed the actual amount of the Debts.

**SCHEDULE OF RATES DEBTORS**

Rates Debtors for Write-Off as at 31st August 2016

A1116	Western Areas Nickel Pty Ltd	\$460.18	Tenement Expired 1/8/2015 Rates raised in Error 2015
A1222	En Yee Hiew	\$1,872.23	Tenement Surrendered 1/12/2013. Rates raised in Error 2014 & 2015
A1106	En Yee Hiew	\$3,485.92	Tenement Surrendered 12/9/2014 Rates raised in Error 2015
	<b>TOTAL</b>	<b>\$5,818.33</b>	

**Statutory Environment**

Local Government Act 1995 – Section 6.12

**Policy Implications**

Nil

**Financial Implications**

The provision for Doubtful debts has a Balance of \$30,973.74. Amount to be written-off is \$5,818.33, leaving a balance of \$25,155.41.

**Strategic Implications**

Nil

**Voting Requirement**

Absolute majority

**RESOLUTION 2797**  
**Moved Cr Lynch** **Seconded Cr James**  
**That amounts owed to the Shire by the Rates Debtors as listed in the schedule (above) “Rates Debtors for Write-Off as at the 31st August 2016” totalling \$5,818.33 be approved for write-off.**  
**CARRIED 9/0**  
**ABSOLUTE MAJORITY**

**9.2 CHIEF EXECUTIVE OFFICER'S REPORT**

**9.2.1 Rail Interface Agreement**

**Applicant:** Shire of Kondinin  
**Author:** CEO  
**Date:** 14<sup>th</sup> September 2016  
**Disclosure of Interest:** Nil

**SUMMARY/COMMENT**

The subject of interface agreements between local governments/MRWA and Brookfield Rail has been discussed for over 12 months, with many local governments reluctant to sign the proposed agreement. The main objection local governments have is that the previous agreement allowed Brookfield Rail to engage contractors to do repair work in the danger zone of a rail crossing to the road surface and simply send the bill to local governments. The new version states that agreement has to be reached between the parties to the agreement before work can proceed and that if Brookfield Rail agree, local governments can carry out work to the road surface within the danger zone, as distinct from work on the railway line etc. which requires suitably qualified and authorised personnel and would be carried out at Brookfield's expense.

The draft Agreement is tabled and has been emailed to all Councillors prior to this meeting.

Mal Shervill, Policy Officer Road Safety with WALGA has advised the following regarding progress made to accommodate local government's concerns:

***Interface Agreement version 2.3***

*Interface Agreement version 2.3 provided by Brookfield Rail for your consideration. Version 2.3 seeks to address the concerns raised by Local Governments regarding versions 2.0 and 2.1. Please note that version 2.2 was not released to Local Governments by Brookfield Rail as it was created only by deleting references to the repealed governing legislation (Rail Safety Act 2010) and replacing them with references to the new governing legislation (Rail Safety National Law (WA) Act 2015).*

*I take this opportunity to highlight some aspects of difference between versions 2.1 and 2.3 in the attached comparison table.*

*Row 2: The term "Non-Operational Line" is replaced with the terms "Disused (Non-operational) Line" and "Dormant (Non-Operational) Line".*

*Rationale: To align the terms used in the Interface Agreement with a Main Roads WA policy under development that will define the difference status of individual crossings on all parts of the rail network.*

*Row 4: Inclusion of a reference to section 3.25 of the Local Government Act 1995*

*Rationale: Identifies the section of the Local Government Act 1995 a Local Government can rely on when the requisite sight distance of drivers approaching a level crossing on a local road is adversely affected by vegetation on private property.*

*Row 7: Inclusion of the sentence "Works within the Danger Zone are generally undertaken by the Rail Infrastructure Manager due to the rail safety risks associated with works*

*within the Danger Zone however subject to the necessary approvals from the Rail Infrastructure Manager works may be undertaken by the Road Manager.”*

*Rationale: Enables a Local Government to undertake some works (e.g. pothole repair) on a local road within the Danger Zone providing Brookfield Rail provides the necessary approvals.*

*Row 7: The sentence regarding agreed prior approval for works by Brookfield Rail on a local road within the Danger Zone is amended to “Accordingly, unless otherwise agreed and subject to prior written agreement between and as required by the parties, the following activities are carried out by the Rail Infrastructure Manager at the cost of either the Local Government or MRWA as indicated in brackets below...” (underline added)*

*Rationale: An agreement between a Local Government and Brookfield Rail for Brookfield Rail to conduct works on a local road in the Danger Zone is now subject to written agreement (not verbal agreement) and can be in the form of a letter, email, works invoice, works order, etc.*

*Row 10: The sentence “The Road Manager shall conduct regular safety audits to ensure the safety performance of the approach roads to an Interface...” amended to “The Road Manager shall conduct regular Inspections to ensure the safety performance of the approach roads to an Interface...” (underline added)*

*Rationale: To avoid a Local Government thinking it is obliged to conduct or have conducted a formal road safety audit of approach roads to level crossings within their boundaries. Inspections of the safety performance of a road in accordance with a Local Government’s road inspection and maintenance regime will suffice to meet requirements of the Agreement.*

### **Letter from the Office of the National Rail Safety Regulator – non-operational rail lines**

*The letter from the Office of the National Rail Safety Regulator states that “Non-operational lines although not currently in use still require an assessment of risk to be conducted and an agreement to be in place.” The letter continues “The agreement should identify that there is no current risk to safety and in the event the line becomes operational or changes status in the future then a further assessment of risk will be conducted.”*

*The stance by the Regulator is based on the wording on the governing legislation [section 107(2) Rail Safety National Law (WA) Act 2015] which provides no discretion:*

*(2) The road manager of a public road must —*

*(a) identify and assess, so far as is reasonably practicable, risks to safety that may arise from the existence or use of any rail or road crossing that is part of the road infrastructure of the road because of, or partly because of —*

*(i) the existence of road infrastructure of a prescribed public road; or*

*(ii) the existence or use of any rail or road crossing that is part of the road infrastructure of a public road;*

*and*

*(b) determine measures to manage, so far as is reasonably practicable, those risks; and*

*(c) for the purpose of managing those risks — seek to enter into an interface agreement with the rail infrastructure manager of the rail infrastructure.*

(underline added)

***Rail lines where no hard rail infrastructure exists***

*Email advice from the Office of the National Rail Safety Regulator dated 4 August 2016 advised that for (Tier 3) rail lines where no “hard” rail infrastructure exists, is not under care or maintenance, and where there are no plans to return infrastructure to the rail corridor (and) carries no interface risks as such, a statement (in the form of a letter) signed by the Rail Infrastructure Manager and Road Manager confirming this absence of interface risk should be produced and submitted to the Regulator.*

*WALGA is willing to work with Local Governments that have crossings where no hard rail infrastructure exists to draft a letter that suits the requirements of the legislation.*

***Next steps***

- 1. WALGA will inform the Office of the National Rail Safety Regulator that Interface Agreement version 2.3 has been provided to relevant Local Governments for consideration to demonstrate that Local Governments are engaged in the process to enter into an Agreement as required by the legislation.*
- 2.*

The proposed Agreement has been vetted by all RoeROC Shire CEO's and the consensus is that the Agreement accommodates previous concerns. It is therefore recommended that Council agree to sign the Agreement.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Rail Safety National Law (WA) Act 2015).

**POLICY IMPLICATION**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RESOLUTION 2798**

**Moved Cr Browning**

**Seconded Cr Growden**

**THAT Council agree to proceed to sign the Rail Interface Agreement between the Shire of Kondinin and Brookfield Rail.**

**CARRIED 9/0**

**9.2.2 RAV Rating on Shire Roads**

**Applicant:** Shire of Kondinin  
**Author:** CEO  
**Date:** 14 September 2016  
**Disclosure of Interest:** Nil



## **SUMMARY/COMMENT**

Following a recent Regional Road Group meeting held in Wickepin where RAV ratings on local Shire roads was discussed, a letter was sent to Craig Manton, Regional Manager Wheatbelt for MRWA by the Shire of Kondinin, requesting that he investigate possible solutions to the problem of road users on local Shire controlled roads travelling illegally on roads RAV rated 2 and 3 or with no RAV rating with truck trailer combinations above RAV 3. This matter drew the attention of the ABC Great Southern regional radio who became aware of the Shire of Kondinin's initiative in this area and interviewed on air the Shire President Allen Smoker and Councillor Bruce Browning. The Shire President also discussed the matter with Mia Davies MLA while at the Dowerin Field Day.

Craig Manton referred the Shire of Kondinin to the Heavy Vehicle Services (HVS) division of MRWA. Pascal Felix, Director of HVS referred the Shire's request to his senior officer in charge of RAV rating, Richard Bain. Through discussions held, it was found that as RAV 2 and 3 rated local roads can accommodate truck/trailer combinations up to 27.5m in length, the Shire of Kondinin roads could be upgraded to RAV 4, which allows more axles in the truck/trailer combination and thus more weight, up to a maximum of 87.5 tonne gross mass. This upgrade was subject to a prerequisite of checking whether any bridges/structures were on any of our local roads that might preclude increased weight through RAV 4 vehicles travelling on those roads affected. HVS on checking confirmed that as the Shire of Kondinin has no bridges on local roads, the upgrade could be implemented immediately.

This upgrade facilitates our farmers and cartage contractors travelling with RAV 4 rated truck/trailer combinations legally on all Shire of Kondinin roads. The upgrade was carried out very quickly and efficiently as a desktop exercise. The result is that all local Shire of Kondinin roads now have a minimum of RAV 4 rating.

It is surprising how this anomaly was remedied so quickly, spearheaded by the Shire of Kondinin's efforts, considering the problem has existed unresolved for many years and has unnecessarily exposed our local farmers and cartage contractors to serious risk if an accident occurred with another vehicle due to farmers etc. truck trailer combinations travelling on the roads illegally. It is considered, particularly by Shire President Allen Smoker, that truck/trailer combinations up to RAV 4 rating travelling on the Shire's gravel roads is adequate and that larger triple road train combinations travelling on now RAV 4 rated local roads be discouraged in consideration of other road users and road safety.

As a result of what the Shire of Kondinin has achieved in this area, many other local governments have followed in having their roads upgraded to RAV 4, following the Shire of Kondinin's advice to all local government members of the Great Eastern and Central Country Zone's of WALGA. The result is truck/trailer combinations being able to travel legally on local roads prior to the upcoming harvest. To keep Wheatbelt farmers up to date with the progress made since the ABC radio interview, a Press Release by the Shire President has been issued to most press agencies throughout the Wheatbelt.

## **STATUTORY ENVIRONMENT**

Nil

## **POLICY IMPLICATION**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

The Shire of Kondinin endeavours to identify and remedy anomalies, such as the need to upgrade RAV ratings to facilitate truck/trailer combinations being able to travel legally on its local roads, which is consistent with the Shire's Community Strategic Plan.

## **VOTING REQUIREMENT**

**Simple Majority**

**RESOLUTION 2799**

**Moved Cr Lynch**

**Seconded Cr James**

**THAT Council receive the CEO's report regarding the successful and expedient upgrade of Shire of Kondinin local roads to a minimum RAV 4 rating.**

**CARRIED 9/0**

**Wheatbelt Business Network – Caroline Robinson**

The Shire President welcomed Caroline Robinson from the Wheatbelt Business Network (WBN) to the meeting. Caroline tabled a RoeROC Update regarding the work WBN has completed in determining different food product costs in RoeROC towns compared to Perth prices and the Multiplier Effect of spending money locally, which calculates at \$1.86 for every dollar spent locally.

WBN will continue this work including getting the message across to regional locals of the advantages to regional towns of shopping locally.

**9.2.3 Secondary Freight Routes in the Wheatbelt**

**Applicant:** Shire of Kondinin  
**Author:** CEO  
**Date:** 14<sup>th</sup> September 2016  
**Disclosure of Interest:** Nil

**SUMMARY/COMMENT**

The two organisations, Wheatbelt South and Wheatbelt North Regional Road Groups are taking a lead initiative in formally establishing secondary freight routes across their areas, which encompasses 42 local governments. The aim of this initiative is to provide necessary infrastructure to enable improved transport routes servicing road freight across the region. The identified secondary freight routes will now be mapped and assessed against existing RAV networks and commodity specific studies such as the work on agricultural lime and grain movement.

The next step in this project is to complete a technical assessment of the identified Secondary Freight Routes against the requirements for movement of RAV and to prioritise, scope and cost the work that would be required to provide a secondary freight network at the required level of service. It is proposed that this will be followed by the development of a business case for funding.

The Regional Road Groups are being supported by Main Roads WA, WALGA, Wheatbelt Development Commission and Regional Development Australia Wheatbelt Inc' (RDA) in delivering this work. The opportunity to seek funding for the next stage of this project from the State Government through the Regional Grants Scheme (Royalties for Regions) has been identified. Applications for funding in the current round close on 20 September, 2016. RDA Wheatbelt has offered to administer the funding on behalf of the 42 Local Governments in the region, relieving any individual Local Government of this work.

The 42 local governments were requested to contribute towards the cost of the technical assessment stage and the four RoeROC Council's through the CEO's have agreed on Council's behalf to contribute \$2,000 each towards this.

In the Shire of Kondinin the roads affected are the Kondinin Narembeen Road, Bending East Road, Hyden Norseman Road, Aylmore Road and Hyden Mt Walker Road. We now must be vigilant in working towards achieving additional funding through this initiative for improvement of these roads.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATION**

Nil

**FINANCIAL IMPLICATIONS**

Additional grant funding for improvements to Shire of Kondinin roads included in the Secondary Freight Route initiative, over and above our normal RRG and R2R road grant funding, will assist financially.

**STRATEGIC IMPLICATIONS**

Improved road transport infrastructure within the Shire of Kondinin is strategically advantageous to the Shire of Kondinin.

**VOTING REQUIREMENT**

Simple Majority

**RESOLUTION 2800**

Moved Cr Browning

Seconded Cr Jones

**THAT Council support the Wheatbelt Secondary Freight Routes initiative and request that Karlgarin Pingaring Road be included.**

**CARRIED 9/0**

**9.2.4 Regional Subsidiaries**

**Applicant:** Shire of Kondinin  
**Author:** CEO  
**Date:** 14<sup>th</sup> September 2016  
**Disclosure of Interest:** Nil

**SUMMARY/COMMENT**

The Department of Local Government has advised all local governments that the *Local Government Legislation Amendment Bill 2014* is currently being debated in the Legislative Council. The Bill proposes to allow two or more local governments to come together to create a regional subsidiary for the purpose of providing joint services and other collaborative projects within their districts. The Department is currently considering what regulations may be necessary to ensure the successful introduction of regional subsidiaries into Western Australia.

Tabled (and previously emailed to all Councillors) is a Consultation Paper which sets out several legislative proposals, including a survey designed to give the Department an indication of how local governments view the concept of regional subsidiaries. The survey is required to be completed by 30 September, 2016.

Careful consideration is required to be given to any proposal by the state government to expand, formalise, regulate and introduce stringent compliance conditions in respect of cooperative regional alliances of local governments to any greater extent than what currently exists with RoerOC, which in many areas has been problematic in my view. An exception to the rule is the Eastern Wheatbelt Aged Housing Accommodation Alliance which has proven to be very beneficial for the eight local governments involved. Such one-of alliances or subsidiaries can be very beneficial, however the state government is proposing a much more formal structure requiring Ministerial approvals, highly regulated, formal compliance, corporate plans adopted, etc. While this might suit some local governments, I counsel careful consideration and due diligence before the Shire of Kondinin enters such arrangement.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATION**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

I believe caution is required to be exercised in the formation of a regional subsidiary. Such formation would need compelling evidence that such subsidiary is in fact of benefit strategically to the Shire of Kondinin and certainly not detrimental.

**VOTING REQUIREMENT**

**Simple Majority**

**RESOLUTION 2801**

**Moved Cr Meeking**

**Seconded Cr Butler**

**THAT Council receive the CEO's report regarding the Local Government Department's advice that the *Local Government Legislation Amendment Bill 2014* in respect of *Regional Subsidiaries* is currently being debated in the Legislative Council.**

**CARRIED 9/0**

**9.2.5 Kondinin Town Site Clean-up**

**Applicant:** Shire of Kondinin  
**Author:** CEO  
**Date:** 14<sup>th</sup> September 2016  
**Disclosure of Interest:** Nil

**SUMMARY/COMMENT**

A verge pickup of waste has been organised for Monday, 3<sup>rd</sup> October, 2016 in respect of the Kondinin town site. Advertising has been arranged in local newsletters and a letter sent to those particular residential properties that are most in need of a clean-up. The letter draws attention to our local laws being enacted soon giving the Shire the ability to issue infringement notices to offenders with unsightly properties and offering the free Shire service of removing junk, car bodies, etc. through this town clean-up.

The Shire will also be carrying out an intensive mowing, whipper snipping and slashing exercise on all road verges, reserves, etc. in the Kondinin town site.

The clean-up has been planned to be completed prior to the Kondinin Arts Exhibition and Community Garden Twilight Markets events, so that the town is better presented for locals and visitors. Following this town clean-up consideration will be given to conducting clean-ups for the towns of Hyden & Karlgarin.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATION**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Presentation of our town sites is considered an important strategic goal consistent with our Community Strategic Plan.

**VOTING REQUIREMENT**

**Simple Majority**

**RESOLUTION 2802**

**Moved Cr Growden**

**Seconded Cr Browning**

**THAT Council receive the CEO's report regarding the Kondinin town site clean-up to be conducted on Monday, 3<sup>rd</sup> October, 2016 and that town clean-ups be made an annual event for our three towns..**

**CARRIED 9/0**

### **9.2.6 CEO's General and Project Status Report**

#### **1) Staff Matters**

Joe Eades has started full time with the outside crew.

Geoff Hann has been made permanent with the outside crew

Gary and Ellen Valenta have started back at work after their Long Service Leave break.

Heather Lockyer is beginning her Long Service Leave at the end of September 2016.

Frank Caddy is still currently on Workers Compensation.

#### **2) King Rocks Dam Upgrade – Department of Water**

**November 2015-** DoW advises that the cost to repair the dam wall ranges from \$500,000 to \$800,000 depending on the chosen option. They have prepared a notice to the community seeking information on who uses it and also advise that they are open to suggestions as to any alternative ideas. They have requested that all responses be addressed to the shire.

**December 2015** – Administration has placed a notice in the Hyden publications regarding the planned King Rocks upgrade seeking comments and suggestions regarding the fate of the dam. DoW has been advised and has acknowledged that we may not receive many replies until harvest has finished and that the information is being received slowly. Several suggestions and comments have been received to date.

**January 2016** – A petition organised by local farmers has been sent to the DoW as well as separate submissions from several farmers regarding the use of the dam. DoW is assessing the information.

**March 2016** – A meeting with the Department of Water representatives, DCEO and Rolf and Sue Meeking was held on 15<sup>th</sup> March and an update will be provided at the meeting.

**April 2016** – following the meeting with the Dept. of Water on 15<sup>th</sup> March they have requested their engineering consultants to provide quotes to increase the tank site storage from between 1ML and 3ML which will optimise storage until a suitable solution to fixing the leaking dam wall is arrive at.

**May 2016** – The Department of Water have received feedback from their engineering consultants for the installation of 1 x million litre tank which was considered to be too expensive in relation to the cost of fixing the dam wall. After consultation with this office they are now pricing up installing 4 x 250,000l tanks the same as the 2 existing tanks. They will be linked in line the same as the 2 tanks. This is far more cost effective and will provide a good stop gap measure until the dam wall can be fixed. The result will be total tank storage of 1.5 million litres as well as the dam storage which will fluctuate due to leakage.

**July** – nothing further to report this month.

**August** – King Rocks dam has been full for most of year due to good rainfall in the area. A recent inspection revealed that the wall is leaking worse than ever due to the height of the water which is putting pressure on the top metre or 2 of the dam wall causing concerns with the integrity of the wall. The DoW was contacted and after consultation with their engineering consultants it has been decided that as an interim measure the level of the water is to be reduced by 1.5m to take pressure off the wall. A "V" notch will be cut into the top of the wall to release the water. DoW has been requested to hasten investigations into the fixing of the dam wall problem.

**September 2016** – The DoW has arranged to have a spillway cut into the top of the western wall of the dam. It is approximately 5m long and 600mm deep. This will take the pressure off the top section of the wall where the main leak is when it is full. DoW are also arranging a public meeting in Hyden on Thursday 6<sup>th</sup> October at 4.00pm to update the public on the progress of remedying the faults.

#### **3) Yeerakine Rock – New Water Tank Proposal**

**July/August, 2016** – I have requested Water Corporation to advise progress made regarding locating the new tank on private property as a preferred location to Yeerakine Rock and also requested that it advise whether it would be in agreement with Yeerakine Rock being vested in the Shire of Kondinin as a (C Class) Reserve if the tank is successfully located elsewhere. A meeting has been arranged on 16<sup>th</sup> July, 2016 with Mick Irvine of the Water Corporation, which I expect will provide an update on the current status of the project. Vesting of the Yeerakine Rock area to a C Class Reserve in the Shire of Kondinin will involve considerable work including, I expect, the preparation of a detailed Management Plan.

**September, 2016** – The Shire of Kondinin has been formally advised by Water Corporation that they have reached agreement with the owner (Charles Young) regarding purchasing the land and locating the new water tank at this alternate location rather than Yeerakine Rock. Water Corp will decommission the existing site and hopefully make the site, including the dam area, ready for the Shire of Kondinin to take over. This is an excellent outcome and the assistance and support of Mia Davies, MLA & Minister for Water is appreciated.

#### **4) Karlgarin Bowling Club Blocks**

**March 2016** – Council resolved to transfer the 2 existing blocks on which the Karlgarin Bowling Club is located and have them vested in the Shire as recommended by the bowling club committee.

**April 2016** - Investigation into the process is underway.

**May 2016** – in progress

**July/August 2016** – nothing to report.

**September, 2016** – in progress.

#### **5) Aged Housing**

**August, 2016** – We are advised that the Business Case supporting the Wheatbelt South Aged Housing Alliance’s application for funding of 38 aged accommodation units across seven local government Alliance members, totaling approximately \$12 million, is in the final stages of the approval process and is being considered favorably in Canberra. We can expect a positive outcome by the end of August, 2016. This will allow the construction of four additional retirement village type accommodation units to be constructed – two at Westcourt in Kondinin and two at Whispering Gums in Hyden in the 2017/18 and 2018/19 years.

**September, 2016** – At the time of writing this report we have not been advised the outcome of the Alliance’s application for funding through the Wheatbelt Development Commission. Also we have not been advised the outcome of our grant application in respect of the four unit extension of Yeerakine Lodge through the Federal Government’s Stronger Regions Fund. Hopefully positive advice will be received soon. The Yeerakine Lodge extension can be progressed in calling tenders for the construction of the four units as soon as we are advised positively of the grant funding. It is recommended that the style of the extension match the existing four units (brick & colorbond roof).

#### **RESOLUTION 2803**

**Moved Cr Lynch**

**Secoded Cr Jones**

**That the CEO’s General and Project Status Report be received.**

**CARRIED 9/0**

### **9.3 MANAGER OF WORKS**

#### **9.3.1 GENERAL**

**Construction Crew**

**Roe Road**

Gravel sheeting of 4Km completed, 200m of road realigned drainage installed and batters on fill rock armoured

**Kondinin Lake Road**

Widening of shoulders 6.20Km in progress

**DRAINAGE STUDY HYDEN**

Start-up Meeting held Wednesday 31<sup>st</sup> August 2016

Present -Sue Meeking Deputy Shire President, Kent Mouritz, Tony Ibbotson, Neil Aggiss, John Read, Shire CEO, Doug Davey, Shire MOW and Riccardo Divita Project Manager for Cardno, consultants for the project. Meeting opened with a brief overview of the Company Cardno, and the expectations the Council require from the study.

Valuable information was gained from the contribution made by local representatives at the meeting in regards to previous history of flooding and changes that have been made to the Highway over a period of time that has been detrimental to the drainage of Hyden. A visual inspection of the Town Site was carried out at the end of the meeting. The next stage, Cardno is now completing a detailed survey of the town site to identify existing infrastructure.

**Maintenance Crew**

Bitumen patching on Kondinin and Hyden town streets also Kondinin – Narembeen and Bending East Road

**Maintenance Graders**

Western Section

Kulin Rock, Bending, Gibson, De Gruchy, Narembeen South, Bending East, Whyte, Grey and Wilkins Roads

**Eastern Section**

East Section

Karlgarin East, Wheeler Rock, King Rock, King Rock West, Bates, Old Hump, Mc Lennon, Burma, Worland, Humps South and Raine Roads

**Sale of Equipment**

KN 59 6 Wheel Water Truck, Daimler Trucks Perth offered \$35,000, we have since negotiated a sale price of \$45,000 with a Melbourne based dealer giving Council a further \$10,000. Daimler Trucks Perth agreed to the sale of the truck to an independent dealer if it was advantage to Council.

**RNC Regional Network Contract**

BGC Contracting will soon be tendering on the Wheatbelt Region RNC contract for Main Roads WA. The RNC is for a five year period that commences early 2017. BGC have made a preliminary enquiry if the Shire of Kondinin is interested in providing any of the services included in their scope of works.

**Scope of Works**

Emergency Response (after hours)

Provision of plant- hired for specific works

Provision of materials for road construction and maintenance

Specific maintenance work such as:

Shoulder works

Edge repairs

Pavement repairs/ corrections

Vegetation control - verge slashing and trimming

Due to the fact that road funding may be reduced in the 2017/2018 financial year I have indicated to BGC Contracting that Council would be interested in providing plant, labour and road building materials. There may be a need for Council to purchase some minor items of plant this will need to be assessed at a later date.

### Plant Repairs

KN 67 Volvo L90F 3,800 hour service  
 KN 77 Isuzu Prime Mover service  
 KN 58 Isuzu Prime Mover service  
 KN 64 Volvo G940 Grader 10,200 hour service

### 9.3.2 PLANT REPORT

Attached is a Plant Report as at August 2016.

### RESOLUTION 2804

Moved Cr James

Seconded Cr Browning

That the Works Manager's Report be received.

CARRIED 9/0

### .4 MANAGER PLANNING AND DEVELOPMENT REPORT

### 9.4.1 GRANTS AND EVENTS UPDATE

#### Grants Summary 2016 – 2017

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	<b>Approved</b> and Extension Requested to 2016/2017.
Breakaways Restoration	Natural Resource Management (Department of Agriculture and Food)	\$24,310	\$5,000	<b>Approved and In Progress</b> – funding agreement and work plan finalised. Soil ripped up by Western Areas. Tree planting of 1,600 trees planted on 11 <sup>th</sup> July 2016. Bollards have been installed and signage being prepared by the Shire of Dundas.
Wave Rock Pathway Extension	Department of Infrastructure	\$25,104	\$27,196	<b>Approved</b> – incorporated into 2016/2017 works plan. Commenced August 2016.
National Stronger Regions Fund (NSRF) – Yeerakine Lodge Extension	Regional Development Australia	\$600,000	\$171,902	<b>Pending</b> – to be advised by August 2016
Metal Sculpture Project	Country Arts WA	\$10,000	\$2,500	<b>Pending</b> – first grant application unsuccessful. New application completed and submitted on 12



				August 2016.
Community Sporting and Recreation Facilities Fund - Hyden Tennis Club Lights	Department of Sport and Recreation	\$21,303	\$25,000	<b>Approved</b> – Letter received 2 July 2016 approving project. Hyden Tennis Club being advised. Funding Agreement submitted.
Extension to Kondinin Community Recreation Centre	Department of Sport and Recreation (Community Sporting and Recreation Facilities Fund) & Development Commission (Regional Grants Round)	\$185,000 (DSR) \$185,000 (WDC)	\$250,00	<b>Pending</b> – Both Grant Applications submitted to the Northam Offices of the DSR and the WDC respectively on Friday 16 <sup>th</sup> September 2016. KCRC has confirmed \$150,000 towards the project. Grants to be advised by January 2017
Freestyle Now Skateboard, Scooter and BMX Jam Session and Coaching Day	Health way	\$1,100	\$1,595	<b>Approved</b> – Application submitted on 21 June 2016.
Pioneer Wall	Lotterywest	\$7,200	\$9,355	<b>Pending</b> – Application submitted on 1 <sup>st</sup> July 2016. Maps finalised by Landgate.
Anzac Day	RSL / Lotterywest	\$940	In kind	<b>Pending</b> – Application submitted 26 <sup>th</sup> August 2016.
<b>TOTAL</b>		\$ 694,157	\$242,548	

### Events Summary

Date	Event	Target Audience	Location
<b>OCTOBER 2016</b>			
6 <sup>th</sup> October 2016	Freestyle Now Skateboard, Scooter Jam and Coaching Session	School Children	Kondinin Skate Park and Hyden Stake Park.
8 <sup>th</sup> October 2016	Kondinin Community Gardens Twilight Markets with special guest Sabrina Hahn.	Whole Community	Kondinin Community Garden
<b>NOVEMBER 2016</b>			
10 <sup>th</sup> November 2016	Seniors Week – Rural Romance author talk and lunch with Fiona Palmer and Fleur McDonald	Seniors	Kondinin Community Recreation Centre

### Project Summary

Project	Status
Kondinin Community Garden	Monthly Busy Bees being held at the end of each month. Working on nature play area and getting garden ready for twilight markets and official opening of the gardens with special guest Sabrina Hahn.
Wave Rock Improvements	Working with Hyden Councillors and Works Manager.
Town Planning Scheme No.1 Consolidation	Final report being prepared by the Department of Planning to be approved by the Minister for Planning for final gazettal.
Hyden and Karlgarin	Advertisement placed in Weekly Echo and Hyden Householder seeking

Streetscape Improvements	comments until the 16 <sup>th</sup> September 2016.
Wheatbelt South Aged Care Alliance	Business Plan completed and application submitted to WDC. Wickepin is the lead Shire for this project. Scheme Amendment for zoning change from 'Public Purpose' to 'Residential' is required for proposed new dwellings at Whispering Gums. Report to Council to commence Scheme Amendment process to be presented in the coming months.

<b>RESOLUTION 2805</b>	<b>Seconded Cr Lynch</b>
<b>Moved Cr Meeking</b>	<b>That Council receive the Manager Planning and Development's update on Grants and Events</b>
	<b>CARRIED 9/0</b>

**9.4.2 LOT 201 (No. 117) MARSHALL STREET, HYDEN – EXTENSION TO EXISTING BULKHEAD**

**SUBJECT:** Planning Application – Proposed extension to existing open bulkhead  
**LOCATION:** Lot 201 (No. 117) Marshall Street, Hyden  
**APPLICANT:** Cooperative Bulk Handling Ltd (CBH Group)  
**ATTACHMENTS:** Plans  
**DATE OF REPORT:** 24 August 2016  
**AUTHOR:** Tory Young, Manager Planning and Development  
**DISCLOSURE OF INTEREST:** Nil

<b>Land Owner:</b>	Shire of Kondinin
<b>Applicant:</b>	Cooperative Bulk Handling Ltd (CBH Group)
<b>Zoning:</b>	Town Planning Scheme No.1 – General Industry
<b>Lot Area:</b>	14.340 hectares
<b>Existing Land Use</b>	Bulkheads and associated buildings and infrastructure

**SUMMARY:**

This report recommends that a planning application submitted by Cooperative Bulk Handling Ltd (CBH Group) as the owners and applicants to extend one of the existing open bulk heads at the Hyden CBH receival site on Lot 201 (No. 117) Marshall Street, Hyden be approved by the Council subject to conditions.

**BACKGROUND:**

The applicant is seeking Council's planning approval to extend one of the existing open bulk heads at the Hyden CBH receival site by 94 metres to 235 metres in length to increase its grain storage capacity by 10,998 to 27,500 tonnes of grain storage. The reason provided by the applicant for the proposed development is as follows: *'due to the amount of grain remaining from the 2015 harvest and positive outlook for the 2016 season, it is likely additional grain storage will be required for 2016 harvest at the Hyden grain receival site.'*

Lot 201 is located within the south-western corner of the gazetted Hyden townsite immediately south of the Brookton Highway and is divided north and south of the railway line. The proposed development is on the subject land south of the railway line and is rectangular in shape and comprises an area of approximately 14.340 hectares. Over the years CBH has lodged applications to rationalise and consolidate land requirements for its Hyden operations and added new structures as demand has required.

This proposal is considered to be consistent with the previous applications.

**PROPOSAL:**

The subject Lot 201 is land owned by CBH and is zoned 'General Industry' under the Shire's Town Planning

Scheme No.1.

The key elements of the proposal comprise:

- Closure of some existing internal roads;
- Extension of road alongside the extended bulkhead; and
- Extension of existing bulkhead by 94 metres to 235 metres in length, to increase its capacity from 10,998 to 27,500 tonnes of grain storage.

## **ASSESSMENT**

### Town Planning Scheme No.1

Lot 201 is classified 'General Industry' zone under the Shire of Kondinin's current operative Town Planning Scheme No.1 (TPS No.1).

Council's stated objectives for land classified 'Rural' zone under TPS No.1 are:

- *To encourage industrial development with diverse employment opportunities*
- *To provide for general industry to support development in the District*

The proposed development and use of the subject land is considered to be consistent with the abovementioned objectives for land classified 'General Industry' zone in TPS No.1 for the following reasons:

- i) It will continue to encourage industrial development and offer employment opportunities
- ii) It is directly associated with and will support the continuation of broad-hectare farming in the district; and
- iii) It represents a logical expansion to the existing approved grain handling and storage facility on the land.

The proposed development and use of the land is most appropriately defined in TPS No.1 as a 'rural industry' which may be approved by Council if it is generally satisfied that it is consistent with the broader principles of proper and orderly planning, the provisions and standards contained in TPS No.1 and any other planning considerations the local government deems relevant in the circumstances.

A detailed assessment of the proposal in the context of the relevant planning criteria and standards contained in TPS No.1 concludes that it is generally acceptable for the following reasons:

1. The proposed works constitute a simple addition and upgrade to the existing approved use of the land for 'general industry' purposes;
2. Minimal clearing of low lying scrub is required to prepare the site for the development;
3. The nature and scale of the proposed works are consistent with all existing approved development on the site;
4. Current vehicle access arrangements to the site will remain unchanged and are in accordance with Main Roads WA standards and requirements;
5. There is sufficient scope, through the imposition of relevant conditions, to ensure that all additional storm water runoff generated by the proposed development is maintained on-site to the satisfaction of the Shire;
6. The proposed boundary setbacks satisfy the specific requirements of TPS No.1.
7. The bulk and scale of the proposed works are unlikely to have a detrimental impact on the character or amenity of the immediate locality.

## **CONCLUSION**

It is concluded from a detailed assessment of the application that CBH's proposal extend one of the existing open grain storage bulkheads and alterations to the existing internal access ways on Lot 201 (No. 117) Marshall Street, Hyden is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to the imposition of a number of conditions to ensure that the development proceeds in a proper and orderly

manner. It is therefore recommended that Council exercise its discretion and grant conditional approval to the application.

**STATUTORY ENVIRONMENT:**

- Planning and Development Act 2005
- Shire of Kondinin Town Planning Scheme No.1
- Local Planning and Development (Local Planning Schemes) Regulations 2015

**POLICY IMPLICATIONS:**

Nil

**PUBLIC CONSULTATION:**

Under the Shire's Town Planning Scheme No.1 no formal consultation was required. Notwithstanding this, a letter was written to Main Roads WA to seek their comment on the proposal to determine any potential impacts on the safety and efficiency of Marshall Street, which forms part of a major regional road controlled by Main Roads WA. Furthermore, based on the advice provided by CBH of the pending closure of the East Hyden and Karlgarin Receiving Sites, comment was also sought from Main Roads WA as a follow up letter to that written in May 2016 where the Shire sought support and consideration for a slip road to be constructed at the Hyden Receiving Site to accommodate the projected increase in use of this site. Email correspondence with MRWA and CBH has indicated that this proposed development to enlarge an existing bulk head will have little impact on vehicles to and from the site however it is considered that if CBH do decide to close some of the surrounding receiving sites in the future then access to and from this Hyden Receiving site will need to be investigated further.

**FINANCIAL IMPLICATIONS:**

The approximate cost of the development is \$133,480.

**STRATEGIC IMPLICATIONS:**

This supports the following sections of the Shire's Strategic Plan 2016 – 2026

*"2.1 Promote the Shire of Kondinin within the local community and beyond the Wheatbelt and state boundaries as a preferred location for business, tourism and lifestyle*

*2.1.1 Identify and attract industry to the Shire to contribute to a balanced and diverse economy"*

**VOTING REQUIREMENTS:**

Simple majority required.

**RESOLUTION 2806**

Moved Cr Ilich

Seconded Cr Lynch

**That the application for planning approval submitted by Co-Operative Bulk Handling Limited stamp dated 25<sup>th</sup> August 2016 to extend one of the existing open grain storage bulkheads and associated reconfigurations to internal access ways at its existing grain handling and storage facility on Lot 201 (No. 117) Marshall Street (Brookton Highway), Hyden be APPROVED subject to compliance with the following conditions and advice notes:**

**Conditions**

1. The development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. All stormwater generated by the development shall be managed and disposed of to the specifications and satisfaction of the Shire of Kondinin.
3. All proposed modifications to the internal vehicle access ways directly associated with the development shall be treated and drained to the specifications and satisfaction of the Shire of Kondinin.

4. CBH shall implement appropriate dust management measures to minimise dust nuisance with particular emphasis on ensuring that the operational efficiency and safety of the nearby residential areas is not compromised.

**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. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land.
3. The noise generated by any activities on-site, including machinery motors or vehicles, shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
4. When implementing appropriate dust management measures CBH should have due regard for the guidance provided by the Department of Environment Regulation publication entitled 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities' dated March 2011.
5. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Kondinin Town Planning Scheme No.1 and may result in legal action being initiated by the local government.

**CARRIED 9/0**

**9.4.3 LOT 800 (PROPOSED LOTS 802 & 803) HYDEN LAKE KING ROAD, HYDEN**

**SUBJECT:** Subdivision – Approval of Restrictive Covenant  
**LOCATION:** Lot 800 (proposed lots 802 & 803) Hyden Lake King Road, Hyden  
**APPLICANT:** Water Corporation  
**ATTACHMENTS:** Plans and Subdivision Conditional Approval  
**DATE OF REPORT:** 24<sup>th</sup> August 2016  
**AUTHOR:** Tory Young, Manager Planning and Development  
**DISCLOSURE OF INTEREST:** Nil

<b>Land Owner:</b>	Sheenagh Collins
<b>Applicant:</b>	Water Corporation
<b>Zoning:</b>	Town Planning Scheme No.1 – Rural
<b>Lot Area</b>	Proposed Lot 803 (6 ha); Proposed Lot 802 (161.8265 ha)
<b>Existing Land Use</b>	Farmland and Septic Tank Effluent Disposal (STED) evaporation ponds

**SUMMARY**

This report recommends that the Council approve for the Restrictive Covenant documentation to be signed and executed to fulfil condition 1 of the conditional subdivision approval 148767 in relation to subdividing existing Lot 800 to create a new lot for the evaporative ponds for Hyden's Septic Tank Effluent Disposal (STED) scheme.

**BACKGROUND**

The Water Corporation received Conditional Approval from the Western Australian Planning Commission to subdivide an area from existing farmland (Lot 800; DP 72828) Hyden Lake King Road, Hyden to create a site for the evaporative pond associated with Hyden's Septic Tank Effluent Disposal (STED) scheme.

Condition 1 of the Approval 148767 states:

1. A restrictive covenant, pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate (s) of title of proposed lot B advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan or survey (deposited plan).

*The restrictive covenant is to state as follows:*

*'The lot is not to be developed for any purposes other than for Effluent Disposal Infrastructure'  
(Local Government)*

A Restrictive Covenant document has been prepared for this purpose and has already been executed by the landowner and is awaiting Council approval and execution.

**STATUTORY ENVIRONMENT**

- Transfer of Land Act 1893
- Planning and Development Act 2005

**POLICY IMPLICATIONS**

Nil

**PUBLIC CONSULTATION**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

NIL

**CULTURAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple majority required

**RESOLUTION 2807**

Moved Cr Meeking

Seconded Cr Lynch

THAT Council:

1. Clears condition 1 of the Conditional Subdivision Approval 148767 that a restrictive covenant, pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate (s) of title of proposed lot B [Lot 803] advising of the existence of a restriction on the use of the land which shall be included on the deposited plan and the restrictive covenant is to state that 'this lot shall not be developed for any purposes other than for Effluent Disposal Infrastructure'; and
2. ENDORSES the Deposited Plan 76835 as shown as an attachment to this report.

CARRIED 9/0

**9.5 ENVIRONMENTAL HEALTH OFFICER'S REPORT – AUGUST 2016**

Continued work on the amendments to the Local Laws with an update due for the October Meeting.

**FOR INFORMATION ONLY**

**9.6 BUILDING SURVEYOR'S REPORT – AUGUST 2016**

Permits were issued for the following:-

1. 7 Rankin St Kondinin - Carport
2. Roe Loc 2127 North Hyden Rd Hyden – Agricultural Shed
3. 38 Clayton St Hyden – Garage
4. Lot 804 Kondinin-Hyden Rd Karlgarin – Caretakers dwelling

**FOR INFORMATION ONLY**

**9.7 SWIMMING POOL REPORTS**

The two pools are currently closed until next season.

**FOR INFORMATION ONLY**

**9.8 RANGER ACTIVITY and BUILDING MAINTENANCE REPORT – AUGUST 2016**

On the 4th of August there was an incident on Young road Kondinin where two dogs were involved in an attack on livestock. From the attack a breeding ram was killed and eight others mauled which resulted in all 9 having to be destroyed. This caused an immediate estimated loss to the owner of between \$6500- \$8000.

After investigation and consultation it was decided to deal with this attack by the issue of Infringements. A total of \$2800 were written and issued to the owner of the dogs along with 10 Warning notices relating to dogs that according to Shire records reside on a nearby property. These Notices will be followed up in due course and action taken if they are not abided by.

I would like to put forward the idea that the Shire advertise in local papers, to encourage farmers to report any stock loss or attack, as it is difficult to deal with these situations after the fact. I am happy for my number to be issued to any farmer so they are able to contact me at any time regarding stock attacks.

- There were two warning notices issued to another Kondinin local in respect to No dog rego/microchip
- Two further infringements were issued regarding a dog not on lash and no rego = \$400.00
- A total of 16 " Please purchase a ticket" were issued at Wave Rock
- 3 Warning Notices were issued regarding Illegal camping

It has taken a while but McCanns rock has finally been listed on Wikicamps (website advertising so-called free camp sites). Over the past few weeks McCanns rock has been very well used leaving a lot of rubbish and the BBQs and toilets have been used extensively as well. With warmer weather approaching this is going to become a bigger issue.

Eagle Sightings Month of August  
 A Pair along Spur Road  
 Single King Rocks

As mentioned in a recent meeting with the CEO and the DCEO I am still learning to deal with the day to day challenges that this role brings but at the same time enjoy those same challenges and I do appreciate Councils support.

**Maintenance Activity**

- Wave Rock toilet block painting and refurbishment
- Kondinin community garden
- Hyden sports Pavilion
- Hyden day care centre
- Hyden youth park
- Kondinin Caravan Park and chalets
- Kondinin sports pavilion
- East Hyden repeater site check and panel clean
- East Hyden park bays
- Karlgarin repeater site check
- New L.E.D light tubes have now been installed into the Kondinin Administration building
- Service Hyden and Kondinin waste transfer sites chemical toilets
- Service The Humps chemical toilet

**Meter Readings 30/8/2016**

Site	Damage	Leaks	Reading	Tanks
King Rocks	N	N	N/A	Full

Tolland Road	N	Y	0365027	Full
Raine Road	N	N	013116	Full
Aylmore Road	N	N	036765	Full
Redhill	N	N	4715711	Full
Alan Rocks	Y	Y	N/A	Full
Karlgarin S/P	N	N	005208	N/A
Bendering Siding	N	N	09258577	Full

**10. BUSINESS OF AN URGENT NATURE**

Cr Browning advised that it appears since the mobile phone tower in Kondinin has had additional infrastructure mounted to the top of the tower, the internet connection has decreased. It was agreed that administration investigate with Telstra.

**11. CLOSURE**

There being no further business the Shire President thanked Councillors and Staff for their attendance and declared the meeting closed at 5.55 pm.