



SHIRE OF KONDININ

MINUTES OF MEETING

held on Wednesday 12th February 2025 at Kondinin
Council Chambers

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006
All communications are to be addressed to the CHIEF EXECUTIVE OFFICER
ceo@kondinin.wa.gov.au

Order of Business

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Shire Deputy President Cr Gangell read the Statement of Commitment to Indigenous Australians, welcomed those present and declared the meeting open at 4.15pm.

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

Councillors:	Cr Beverley Gangell Cr Darren Pool Cr Kerrie Green – via teleconference	(Deputy President) Cr Paul Green	Cr Bruce Browning Cr Murray James Cr Brett Smith
Staff:	David Burton (CEO) Mark Burgess (MoW)	Vince Bugna (MCS) Ellen Valenta (ESO)	Tory Young (MPA)
Apologies:	Cr Kent Mouritz (President)		

RESOLUTION: #4471

Moved: Cr B Smith

Seconded: Cr P Green

That Cr K Green be allowed to attend the Meeting by Teleconference.

Carried: 7/0

**For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James,
Cr K Green.**

Against: Nil

Absent: Nil

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

6.1 SYNERGY WORKFORCE ACCOMMODATION FACILITY

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/ INFORMATION REPORT

7.1 MINUTES OF COUNCIL MEETING – 18th December 2024

RESOLUTION: #4472**Moved: Cr B Browning****Seconded: Cr D Pool**

That the minutes of the Council Meeting, held on the 18th of December 2024, be confirmed
Carried: 7/0

**For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James,
Cr K Green.**

Against: Nil**Absent: Nil**

7.2 INFORMATION REPORT – January 2025 and February 2025

RECOMMENDATION: #4473**Moved: Cr B Smith****Seconded: Cr P Green**

That Council receives and accepts the Information Reports before this meeting.
Carried: 7/0

**For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James,
Cr K Green.**

Against: Nil**Absent: Nil**

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

NIL

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

- 9.1.1 Workers Accommodation – Kings Rock Wind Farm
- 9.1.2 Scheme Amendment No. 9
- 9.1.3 Stronger Communities Grant – BBQ Shelter
- 9.1.4 Time Extension – Kondinin Wind Farm
- 9.1.5 Common Seal for Kondinin CRC Lease
- 9.1.6 Expansion of Hyden Cemetery Reserve 41564
- 9.1.7 Freehold Reserve in Kondinin for Residential Development

9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 List of Accounts – December 2024
- 9.2.2 Financial Reports – December 2024
- 9.2.3 Sundry Debtors Write Offs
- 9.2.4 Mid-Year Budget Review – 31 December 2024
- 9.2.5 List of Accounts – January 2025

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 Discovery Centre Update
- 9.4.2 Annual Report
- 9.4.3 Appointment of Chairpersons

9.5 CONFIDENTIAL ITEMS

- 9.5.1 Tender for No. 39 Repacholi (*Confidential Item*)

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 PROPOSED WORKFORCE ACCOMMODATION FACILITY – LOT 192 HYDEN-MT WALKER ROAD, HYDEN

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 5th February 2025
Disclosure of Interest: Nil
Attachments: Schedule of Submissions; Plans and Supporting Documentation

RECOMMENDATION: #4474

Moved: Cr M James

Seconded: Cr B Browning

That Council:

APPROVES the application for the proposed construction of a temporary workforce accommodation facility at Lot 192 Hyden – Mt Walker Road receipted on the 28th November 2024 subject to compliance with the following conditions and advice notes:

CONDITIONS

1. The approved development shall be undertaken in general accordance with the plans and undertakings provided by the Applicants and forming the Application for Development Approval as attached to this report subject to any modifications required as a consequence of any condition/s of this approval;
2. Final detailed plans of the overall design shall be prepared, submitted to and endorsed by the local government, prior to the lodgement of a building permit;
3. This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;
4. This approval is valid for five (5) years from the date of works commencing on site. Following expiry of this period, all development works must be demolished, materials removed from the site and the verge, and the area rehabilitated to its original state (i.e. broad acre farming) within (2) years of cessation of the development, unless the Local Government approves otherwise;
5. Prior to commencement of construction, a Construction Management Plan shall be prepared, submitted to and endorsed by the Local Government. Once endorsed the Construction Management Plan shall be implemented at all times to the satisfaction of the Local Government during the construction phase;
6. Prior to the occupation of development, an Operational Management Plan shall be submitted to, prepared and endorsed by the Local Government. Once endorsed the Operational Management Plan shall be implemented at all times to the satisfaction of the Local Government during the operational stage;

ADVICE NOTES

1. This is a development approval only and not a building permit or any approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licences required under any other law and to commence and carry out development in accordance with all relevant laws, including but not limited to a certified building permit application under the *Building Act 2011* (WA) and relevant supporting documentation and detailed structural design plans;
2. Building Permit applications can be submitted to the Local Government in stages (i.e. stage 1 – earth works; stage 2 – main building structures).
3. 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.
4. In relation to the Construction Management Plan, the following information shall be included:
 - a) The location, width, drainage and surfacing standards for site access tracks and access and egress points to public roads;
 - b) Evidence of pH tests of the soil (down to 80cm) and appropriate mitigation measures if required to address high acidity;
 - c) Storm water management;
 - d) Public health considerations (i.e. where relevant air quality, water quality, land and hazard management; workforce health and communities)
 - e) The delivery and storage of construction materials and equipment to the site;
 - f) Waste disposal;
 - g) Fuel storage, handling and spill response;
 - h) Weed and pest management (biosecurity);
 - i) Flora and fauna protection / management;
 - j) Water management and water security;
 - k) Measures to minimize the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
 - l) Integration of the broad-hectare farming activities on-site with all proposed construction works;
 - m) The management of bush fire risk on the site during the construction period and responses to fire and emergency incidents
 - n) Details of all temporary land uses, associated built form of structures and the operation and management of those temporary uses including likely timeframes for such uses;
 - o) Traffic management and parking arrangements and provision of temporary amenities for contractors and sub-contractors;
 - p) The extent of earthworks proposed on site, the method of stabilizing those earthworks and any on-going management required to prevent wind or water borne erosion including the extraction of any road making materials from within the site and the rehabilitation of the excavation area/s to a suitable end use;

- q) The management of noise and vibration on the site during the construction period including a proposed methodology and monitoring procedure to be put in place to minimize any impacts;
 - r) Dust suppression and stabilization of any soils disturbed or deposited on-site;
 - s) Construction hours; and
 - t) Management of cranes used on-site.
5. In relation to the Operational Management Plan, the following information shall be included:
- a) Waste disposal;
 - b) Traffic Management;
 - c) Storm water management;
 - d) Fuel storage, handling and spill response;
 - e) Weed and pest management (biosecurity);
 - f) Flora and fauna protection / management;
 - g) Water management and water security;
 - h) The management of bushfire risk on the site during the operational period and responses to fire and emergency incidents;
 - i) Integration of the broad-hectare farming activities on-site with all proposed operations during the operational period;
 - j) Measures to ensure the use of buildings, works, accessways and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light
 - k) Public health considerations (i.e. where relevant air quality, water quality, land and hazard management; workforce health and communities); and
 - l) Information on procurement of goods for the facility with a preference to support local businesses
6. In relation to Waste Management the following information is to be considered and included in both the Construction Management Plan and the Operational Management Plan:
- a) Details of a commercial waste collection agreement between the Proponent, the Shire of Kondinin, RoeROC and Avon Waste for provision of weekly collection of all waste at the facility including wheelie bins for putrescible waste, wheelie bins for recyclable waste, front load lift bins, and, cardboard cages. Detail on the exact number of bins required should demonstrate provision to cater for waste management requirements during all stages of the project;
 - b) Information demonstrating that all recyclable waste is separated from putrescible waste;
 - c) Information demonstrating that any inert waste such as building rubble, sand, concrete, tiles, bricks etc. is sorted and kept separate from all other waste and taken to a waste facility for disposal and disposed of in the inert waste tip area;
 - d) Information relating to disposal permits;

- e) Information detailing that any additional waste generated from the facility to be taken directly to a waste facility for disposal and disposed of in the appropriate waste disposal area; and
 - f) Information confirming that no waste during the construction or operational stage of the development shall be taken directly to the Hyden Transfer Station or Kondinin Landfill Transfer Station for disposal.
7. In relation to Traffic Management, the following information is to be considered and included in both the Construction Management Plan and the Operational Plan:
- a) A site plan that is to scale and clearly shows the access points for vehicles entering and exiting the site including the width and construction material of the proposed new access ways and future crossovers into and out of the site;
 - b) A site plan that is to scale that clearly shows the internal accessways within the site, including the width, construction material and dust suppression treatment;
 - c) Parking arrangements including dimensions, construction material and dust suppression treatment;
 - d) Swept path diagrams demonstrating that vehicles can travel and manoeuvre safely and efficiently entering, exiting and within the site;
 - e) Details of any traffic / safety signage / lighting;
 - f) The preferred route to transfer the workers to and from site being via the Brookton Highway and Lovering Road; and
 - g) The current speed limits along Hyden Mt Walker Road will remain unchanged unless approved otherwise by Main Roads WA.
8. In relation to Public Health Considerations, where relevant the following information is to be considered and included in both the Construction Management Plan and the Operational Plan;
- a) Air Quality (Emissions, dust, smoke, ash, odour, buffers, noise, and light)
 - b) Water Quality (Wastewater disposal, drinking water, non-drinking water, environmental waters)
 - c) Land and Hazard Management (Vector borne disease, pest management, pesticide use, contaminated sites, acid sulphate soils)
 - d) Radiation Safety
 - e) Workforce Health (communicable diseases and sexual health, public buildings, safe and nutritious food supply, disaster preparedness and emergency management)
 - f) Communities (Aboriginal health, climate change, provision of health services and consulting with the community).
9. In relation to the proposed Waste Water Treatment Plant it is recommended the Applicant contact the Department of Water and Environmental Regulation for more information on the relevant works approval and licenses required for the premises;

10. Pursuant to the Health (Miscellaneous Provisions) Act 1911 and the Shire's Health Local Laws 2016 the accommodation component of the development shall be registered as a Lodging House with the Shire of Kondinin;
11. Should the Applicant be aggrieved by this decision, or any conditions imposed, there is a Right to Review under the *Planning and Development Act 2005* (WA).
12. An Application for Review must be submitted in accordance with the *Planning and Development Act 2005* (WA) within 28 days of the date of decision to the State Administrative Tribunal.

Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Advice Note 5(l) was included by Council to ensure local purchasing is considered

Summary

That Council support the application for construction of a temporary workforce accommodation facility at Lot 192 Hyden-Mt Walker Road subject to the conditions and advice notes provided.

Background

On the 15th November 2022 Synergy was granted Development Approval via the Joint Development Assessment Panel (JDAP) for the development of a Windfarm over two freehold lots 2845 & 2640 King Rocks Road North, Hyden.

Planning Solutions and Synergy on behalf of the landowners (Hyden Progress Association Inc.) have since submitted a separate development application for the construction of a workforce accommodation facility on Lot 192 Hyden-Mt Walker Road, Hyden to accommodate workers during the construction of the King Rocks Wind Farm. The development area is proposed to cover 36.82 hectares on the north-west section of the 64.75ha Lot 192 addressing the Hyden-Mt Walker Road.

A summary and assessment of the workforce accommodation facility is detailed below.

Assessment

Shire of Kondinin Local Planning Scheme No.1

The proposed workforce accommodation facility comprising 63 x three room accommodation units each room including sleeping and bathroom facilities (total of 189 rooms), with the option to add up to 21 rooms if required and associated support service infrastructure, is proposed to be constructed on Lot 192 Hyden-Mt Walker Road zoned 'Rural', under the Shire's Local Planning Scheme No.1. Under this zoning 'Transient Workforce Accommodation' is an 'A' use, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

The proposal was advertised for a minimum 14-day period, via public notice circulated in the locality and individual letters sent to owners and occupiers within close proximity of the development. During the advertising period no formal written submissions were received.

The proposal was also referred to relevant referral agencies, the responses of which are outlined in the summary of submissions attached to this Agenda Report.

The objectives of a Rural Zone in the Shire's Local Planning Scheme No.1 is listed as follows:

- *'To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment' and*
- *'To allow for facilities for tourists and travellers, and recreational use'*

Given the temporary nature of the proposed development, the potential benefit to the district and no evidence of significant impact on natural resources and the environment, it is considered that the development is found to align with the objectives of the zone and the conditions and advice notes proposed for the approval will monitor and mitigate any issues with the development at the locality.

Planning and Development (Local Planning Schemes) Regulations 2015

Pursuant to clause 67 of Schedule 2 of the Deemed Provision, when considering a development application, a Local Government is to give due regard to a list of matters of which in its opinion are relevant to the development application.

The Development Application Report prepared by Planning Solutions submitted with the Application and attached to this Agenda Report provides a detailed summary of the list of matters relevant to the development application, which generally speaking the Shire's reporting planning officer is in agreeance with the corresponding justification provided in the report. It is therefore not considered necessary to repeat the information in this Agenda report.

Notwithstanding this, there are a couple of matters from the Deemed Provisions that warrant further discussion and analysis as summarised below:

(d) any environmental protection policy approved under the Environmental Protection Act 1986 (WA) section 31(d)

Feedback received from the Department of Water and Environmental Regulation dated 10th January 2025 noted that the current plans for the development were insufficient in relation to the waste water treatment plant to adequately assess its compliance under the Environmental Protection Act 1986. Moreover, more information was required to determine if the proposed Waste Water Treatment Plant would be defined as a 'Prescribed Premises' as per Schedule 1 of the Environmental Protection Regulations 1987, and if that being the case the Applicant needing to apply for a works approval and thereafter either a licence or registration under Part V, Division 3 of the *Environmental Protection Act 1986* (WA).

It is recommended a suitable condition and advice note is included in the development approval to alert the applicant to these considerations.

The impact of noise emissions is also not clearly addressed in the matters to be considered under this section of Schedule 2 of the Scheme Provisions. The Acoustic Report submitted with the development application noted that to accurately assess the impact of level of noise emission generated from the development more detailed plans would be required. The preliminary report indicated that the noise emitted from the generators at the site would currently be higher than the permissible noise level during the night period as prescribed under the *Environmental Protection (Noise) Regulations 1997* (WA), unless suitable mitigation measures were installed.

It is recommended a suitable condition and advice note is included in the development approval to alert the applicant to these considerations.

(r) the suitability of the land for the development taking into account the possible risk to human health or safety

Information obtained from the Department of Health dated 24th December 2024 provided reference to a scoping tool published on the Department of Health's website relating to the development of mine sites, exploration camps and construction villages outlining the key public health issues that need to be addressed and incorporated into proposed workforce accommodation facilities relating to matters under the following key areas; Air Quality; Water Quality; Land and Hazard Management; Radiation Safety; Workforce Health and Communities.

It is recommended a suitable condition and advice note is included in the development approval to alert the applicant to these considerations.

The impact of noise emission is also considered a matter of possible risk to public health which has been addressed further above in the matter relating to the *Environmental Protection Act 1986* (WA).

(s) the adequacy of —

(i) the proposed means of access to and egress from the site; and

(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles

The documentation submitted in the development application proposes two route options between the Workers Accommodation and the King Rocks Wind Farm. The two options were considered and assessed on their merit and the preferred and safest option recommended being the 'southern option' via the Brookton Highway and Lovering Road. This option was supported by Main Roads WA who advised in their correspondence dated 9th January 2025 that proposed traffic generated from the Workers Accommodation will have no significant impact on the operations of the Brookton Highway and the corresponding intersections. This preferred route has been incorporated into the advice notes of the development approval.

The plans submitted with the development application show the main entrance gate to the north of the site and a main exit gate to the south of the site. An on-site visit indicated that the exact location of these entrances required further consideration in terms of line of sight and proximity to a flood way. Notwithstanding this, the modelling undertaken in the Traffic Impact Statement submitted with this development application indicated that the increase in traffic volume entering and exiting the site at 80km/h speeds did not warrant for auxiliary left turn lanes or channelized turn lane treatments at the proposed drive ways on Hyden Mt Walker Road. It is recommended that the Traffic Management Plan conditioned in the development approval will provide further detail on the preferred entrances to the sites and the treatments of crossovers.

(t) the amount of traffic likely to be generated by the development, particularly in relation to the road system in the locality and the probable effect on traffic flow and safety.

The documentation submitted in the development application indicates that during peak operations there will be up to 160 vehicles exiting the site between 5am and 6am and 160 vehicles entering the site between 6pm and 7pm daily. Traffic count data undertaken for Hyden-Mt Walker Road illustrates average weekly flow rates of 144 vehicles per day with the busiest hour of the average weekday being 11.30am to 12.30pm with traffic volumes of 15 vehicles per hour. During the proposed development peak periods the existing traffic flows on the Hyden-Mt Walker Road were 1 vehicle per hour (5am - 6am) and 6 vehicles per hour (6pm – 7pm). Whilst this development proposes a significant increase in traffic volume along this road, it is considered that with appropriately positioned entrances and signage this can managed effectively for the duration of the project. It is recommended that the Traffic Management Plan conditioned in the development approval will provide further detail in this regard.

(u) the availability and adequacy for the development of the following –

...

(iii) storage, management and collection of waste

The amount of waste generated during construction, operations and decommissioning is estimated to be significant and has not been clearly outlined in the development application documentation. At a minimum the following matters need to be addressed and incorporated into a Construction Management Plan and Operational Management Plan as noted in the recommended conditions of development approval.

- Commercial waste collection agreement to be arranged through the Shire of Kondinin with Avon Waste for provision of weekly collection of all waste at the camp site (and operations site) including wheelie bins for putrescible waste and recyclable waste, front load lift bins, and cardboard cages. The exact number of bins required should be discussed with the Shire and Avon Waste in advance to cater for waste management requirements during all stages of the project.
- Rigorous sorting of all recyclable waste from putrescible waste.
- Any inert waste such as building rubble, sand, concrete, tiles, bricks etc. to be sorted and kept separate from all other waste and taken to a waste transfer facility for disposal and disposed of in the inert waste tip area.
- Any additional waste generated from the camp site or operations site to be taken directly to a waste transfer station for disposal and disposed of in the appropriate waste disposal area.
- No waste from the camp site or operations site to be taken directly to the Hyden Transfer Station or Kondinin Landfill Transfer Station for disposal.

(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

In the development report submitted with the development application, the above matter of consideration in clause 67 (2) of the Deemed Provisions was listed as N/A. The reporting planning officer considers that this matter is applicable to the development and should be assessed accordingly. During community consultation period no submissions were received from community members. Notwithstanding this, verbal feedback from the community have raised comments on 'what is the benefit of this development to the community?'

In response to this, the planning report submitted with this development application notes that *'The proposed development provides a suitable response to the issues of housing affordability, building and infrastructure costs, social infrastructure, and reducing the distance between accommodation and worksite. The location of the development within the Hyden urban centre provides a suitable response to these issues and allows occupants staying in the facility to contribute to the local economy by visitation to local establishments and recreational facilities.'*

Given the proposed development is estimated to double the population of Hyden and result in a significant increase in vehicle movement, there is no doubt that the proposed development will have an impact on the community as a whole. However, based on the fact that no submissions were received from the community during the advertising period and the location of the development being a distance that provides a separation from the town site whilst also within walking distance from the town centre, it is considered that the proposed development has been managed so as to limit any potentially adverse impacts on the community.

In a planning context, under the *Planning and Development Act 2005* (WA) a planning decisionmaker cannot control requirements relating to matters such as community contributions by workforce accommodation proponents nor can it control requirements for workforce accommodation to achieve 'legacy benefit'. As such, stipulating conditions of development approval that the workforce accommodation proponents must use local suppliers for goods and services and must patronage local community services and amenities is outside the scope of land use planning and therefore cannot be controlled under the planning framework. This is something that is recommended that the proponents explore outside the planning framework in liaison with the Council and in consultation with the broader local community.

(y) any submissions received on the application;

No formal submissions were received during the advertising period.

(za) the comments or submissions received from any authority consulted under clause 66

During the consultation period comments were received from the Department of Health, Main Roads WA, Department of Water and Environmental Regulation and the Department of Primary Industries and Regional Development. A summary of the comments received are outlined in the schedule of submissions attached to this Agenda Report and have been included as conditions and advice notes of development approval and incorporated into the comments above in relation to the other relevant matters listed under Schedule 2 of the Deemed Provisions.

Statutory Environment

State

- *Shire of Kondinin Town Planning Scheme No.1*
- *Planning and Development (Local Planning Schemes) Regulations 2015* (WA)
- *Planning and Development Act 2005 (as amended)* (WA)
- *Environmental Protection Act 1986* (WA)
- *Environmental Protection (Noise) Regulations 1997* (WA)
- *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974* (WA)
- *Food Act 2008* (WA)
- *Food Regulations 2009* (WA)
- *Health (Miscellaneous Provisions) Act 1911* (WA)
- *Government Sewerage Policy 2019* (WA)
- *WAPC Position Statement – Workforce Accommodation 2018*
- *State Planning Strategy 2050*
- *State Planning Policy 2.5 – Rural Planning*
- *State Planning Policy 3.7 – Planning in Bushfire Areas*
- *Building Act 2011* (WA)

Federal

- Australian/New Zealand Standards AS3500
- National Construction Codes

Local Policy Implications

Health Local Law 2016

Community Consultation

Public Consultation was undertaken for the minimum requirement of 14 days in accordance with deemed provisions 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (WA). Nil submissions were received during the advertising period. Feedback was also sought under deemed provisions 66 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (WA) with four (4) submissions received.

Financial Implications

Nil.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

2. ECONOMY

2.1 Support the diverse industry across the Shire

2.4 Housing meets existing and future community needs for families and workers

Voting Requirement

Simple majority.

**9.1.2 PROPOSED SCHEME AMENDMENT NO. 9 TO THE SHIRE OF KONDININ
LOCAL PLANNING SCHEME NO. 1**

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 3rd February 2025
Disclosure of Interest: Nil
Attachments: Scheme Amendment Report; Summary of Submissions

Cr P Green and Cr K Green declared a proximity interest in this item as owned of impacted property and left the meeting at 4.39pm.

Cr P Green and Cr K Green declared an interest and did not vote.

RECOMMENDATION: #4475

Moved: Cr B Smith Seconded: Cr D Pool

That Council:

1. **SUPPORTS** minor administrative amendments to the wording of the text and associated Scheme Amendment Report # 9 as presented to Council at its Ordinary Meeting held on the 19th June 2024 to now read as follows:
 - (i) *Rezone a portion of Lot 31 on DP 416005 Marshall Street, Hyden from the 'Rural' zone to the 'General Industry' zone.*
 - (ii) *Rezone Lots 1, 2, 8, 9,10, 11 and Part 9500 on DP 069082 Munday Loop, Hyden from the 'Urban Development' zone to the 'General Industry' zone.*
 - (iii) *Remove Meeking Crescent from the 'Urban Development' zone and identify it as a Local scheme reserve 'Local Road'.*
 - (iv) *Amend the relevant Scheme Map to reflect the changes (i), (ii) and (iii) in accordance with the Scheme Amendment Map.*
 - (v) *Amend Part 6 - Terms referred to in Scheme by deleting the land use term 'industry – primary production' and associated meaning and in its place insert the following land use term and meaning:
industry – rural means premises used for an industry that -
 - a) *supports and/or is associated with primary production; or*
 - b) *services plant or equipment used in primary production.**
 - (vi) *Amend the Zoning Table by:*
 - (a) *deleting the use class 'Industry - primary production' and in its place insert the use class 'Industry-rural';*
 - (b) *deleting the 'X' permissibility for the use class 'Industry - primary production' in the General Industry zone and in its place insert the 'D' permissibility;*
 - (c) *deleting the 'X' permissibility for the use class 'Community purpose' in the Residential zone and in its place insert the 'D' permissibility.*
 - (vii) *Amend clause 31(13) General Industry zone by inserting a new subclause (d) worded as follows: 'Unsewered industrial development is restricted to 'dry industry' types being industries predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1000m² of site area'.*
 - (viii) *Amend Table 4 as follows:*
 - (a) *In the 'Rear' and 'Side' columns for the General Industry zone insert '(See Note 4)';*
 - (b) *Under 'Notes' (to Table 4) add '4. A minimum 15 metre rear and side boundary setback shall apply where a lot abuts an Environmental Conservation local scheme reserve and/or existing established remnant native vegetation.'*

1. **ENDORSES** the Schedule of Submissions in respect of the submissions received during the public advertising process and the recommendations therein as shown as an attachment to this Report;
2. **SUPPORTS** with minor modification Amendment No. 9 to the Shire's Local Planning Scheme pursuant to Regulation 50 (3) of the *Planning and Development (Local Planning Schemes) 2015* (WA) by removing Lot 9500 on DP 69082 from Scheme Amendment No. 9 to the Shire's Local Planning Scheme No.1;
3. **PURSUANT** to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) **ADVISES** the Western Australian Planning Commission of the support of the amendment with the minor amendment to remove Lot 9500 on DP from Scheme Amendment No. 9 to the Shire's Local Planning Scheme No.1 and provide all the necessary supporting documentation required;
4. **ADVISES** the Western Australian Planning Commission that Amendment No. 9 to the Local Planning Scheme No.1 is considered a standard amendment pursuant to Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) as the amendment is:
 - i) Considered consistent with the objectives of the relevant zones within the Shire's Local Planning Scheme No.1;
 - ii) Will have minimal impact on land in the scheme area that is not the subject of the amendment;
 - iii) Will not result in any significant environmental, social, economic or governance impacts on the scheme area;
 - iv) Is not a complex or a basic amendment; and
5. **APPROVES** Scheme Amendment No. 9 to the Shire's Local Planning Scheme No.1 to be adopted and signed with a Common Seal by Order of Council.

Carried: 5/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr M James.

Against: Nil

Absent: Cr P Green and Cr K Green

Summary

This report recommends that Council consider and endorse the feedback received from the referral agencies as documented in the Summary of Submissions attached and resolve to support Scheme Amendment No. 9 to the Shire of Kondinin Local Planning Scheme No.1 in accordance with the details shown in the attached Amendment Report. The proposed amendments are intended to facilitate development within the Shire and, in particular, expand industrial development opportunities to the west of the Hyden Town Site, considering the location of community services within Residential zones.

Background

The matter was first presented to the Ordinary Meeting of Council held on the 15th February 2023. The matter was referred to the Environmental Protection Authority (EPA) for assessment following this meeting. An EPA letter indicated environmental concern from reclassifying Lots 1, 2, 8, 9, 10, 11 & 9500 Munday Loop to 'General Industry' and requested additional flora and fauna surveys be prepared.

The surveys were completed and changes were made to the original amendment proposal, including reducing the area proposed to be rezoned 'General Industry' and additional development controls to reduce the likelihood of potential environmental impacts.

Council at its Ordinary Meeting held on the 19th June 2024 authorised the proposal and the supporting environmental reports be referred back to the EPA to seek approval for advertising. This approval was obtained from the EPA and the proposal was advertised.

The amendment was referred to fifteen (15) different referral agencies, letters sent to surrounding and affected landowners, and advertised on the Shire's website and in local publications. Feedback was received from seven (7) referral agencies as outlined in the Summary of Submissions attached. Of the submissions received five (5) had no objections to the proposal and two required further information and clarification as summarised below.

Main Roads WA

Initial feedback from Main Roads WA is that the proposed Scheme Amendment No. 9 to the Shire's Local Planning Scheme No.1 may change the volume and nature (particularly size) of the Brookton Highway (Marshall Street) and recommended that the Shire prepare a Traffic Impact Statement.

The Shire engaged consultants to prepare a Traffic Impact Statement. The completed document was forwarded to Main Roads WA for comment who advised that they were *'satisfied that there are no immediate impacts on our road network and therefore have no issues with the proposed amendment No.9.'*

Notwithstanding this, Main Roads WA noted the conclusion of the Traffic Impact Statement which states *"If RAV vehicles are proposed to access the new lots, then the RAV network may need to be extended through the area and the new roads and intersections designed to accommodate the turning movements of the design vehicles. RAV access can be addressed at the subdivision stage."*

The proposed Scheme Amendment does not intensify land use nor involve any subdivision therefore no further action is required on the access element of the proposal at this time.

Department of Fire and Emergency Services (DFES)

The Department of Fire and Emergency Services recommended the Shire complete a Bush Fire Management Plan to address the provisions of State Planning Policy 3.7 during the initial referral process.

A Bushfire Management Plan, prepared by consultants, was forwarded to the DFES for review. An amended version was prepared on request from the Department of Fire and Emergency Services. The second version of the Bushfire Management Plan was generally supported. However, DFES had remaining concerns on emergency access, specifically that access in two different directions to two different destinations is not available until the Kondinin-Road intersection.

Responses to this are documented in the summary of submissions and scheme amendment report attached.

1. Reclassifying portion of Lot 31 on DP 416005 Marshall Street, Hyden from 'Rural' to 'General Industry'

The zoning of the area occupied by Co-operative Bulk Handling (CBH) in Hyden is irregular and reflects previous lot configurations, public road closures and changes to land tenure. Lot 178 that accommodates the railway reserve is zoned both 'Railways' and 'General Industry'. Lot 31 (formally Lot 201 and part Lot 202) is zoned both 'General Industry' and 'Rural'. A former section of the public road that runs east-west directly south of the Railway Reserve is now closed and incorporated into Lot 31, whilst still shown as a dedicated road in the Scheme.

The Scheme Amendment's purpose is to streamline the zoning around the Hyden CBH site to align with the current land use and land tenure of the area. More specifically, it proposes to re-zone the former section of the public road that ran east-west, directly south of the Railway Reserve now incorporated into Lot 31 to 'General Industry'; and to rezone the current 'Rural' zoned portion of Lot 31 to 'General Industry', thereby resulting in the whole of Lot 31 to be zoned 'General Industry' to align with the current land ownership and operations of the CBH receival site for grain storage and handling.

An associated matter to the proposed amendment to the Shire's Local Planning Scheme No.1 is that a portion of the CBH site will become unconforming. The existing grain storage and handling facilities and associated infrastructure operated by Co-Operative Bulk Handling is defined as 'Industry – Primary Production'. This use is 'D' (Discretionary) use under a 'Rural' Zone and an 'X' (Not permitted) use under an 'Industry – General' zone which results in the currently zoned 'Rural' land not conforming.

To address non-conformance, it is proposed to replace the current definition of 'Industry – Primary Production' in the Shire's Local Planning Scheme No.1 with 'Industry – Rural', as defined below, and for this use to be a 'D' (Discretionary) use in the 'Industry – General' zone.

- a) *Supports and/or is associated with Primary Production; and*
- b) *Services plant or equipment used in Primary Production*

This amended definition and associated amendment to the Zoning Table 1 to enable 'Industry – Rural' to become 'Discretionary' ('D') under the Shire's Local Planning Scheme No.1 addresses non-conformance at the Hyden CBH site and other similar sites within the Scheme Area and also provides greater flexibility for future development applications for Industry-Rural land uses.

Lot Details

Lot / Reserve Details	Current Classification in TPS No.1	Proposed Classification in TPS No.1
Portion of Lot 31 (DP 416005)	Rural	General Industry

1. Reclassifying Lots 1, 2, 8, 9, 10, 11 and 9500 on DP069082 Munday Loop, Hyden from 'Urban Development' to 'General Industry'

Urban Development to General Industry lots

A large area of land surrounding the western residential area of Hyden zoned as 'Urban Development' is shown in the Shire of Kondinin's Local Planning Scheme No.1 Scheme Map 3. With the exception of the abovementioned lots, this land forms part of Crown Reserve 23128 vested in the Shire of Kondinin for Recreation and Conservation.

In 2011 studies were completed on a portion of Crown Reserve 23128 to consider subdivision and suitability for development which resulting in the creation of freehold Lots 1, 2, 8, 9, 10, 11 and 9500 on DP 069082.

In recent years the Shire has received several inquiries to purchase the abovementioned lots on DP069082 to develop for industrial purposes. The current 'Urban Development' zoning has restricted industrial type development being considered, in turn limiting development opportunities and industrial and economic growth in Hyden.

The purpose of this Scheme Amendment is to consider re-zoning these lots to 'General Industry' to better align with the surrounding zoning and land use, and to enable greater development opportunity in this area of Hyden. The intent of the current Urban Development zone is to enable structure planning. If the land is re-zoned to 'Industry – General' then planning considerations, such as bushfire management, vegetation protection and servicing (where still to occur), will be addressed in future subdivision or development stages.

It is recommended that an additional sub-clause under Part 4 CI (13) of the Scheme be added to control wastewater generated from industry and be worded as follows:

'Unsewered industrial development is restricted to 'dry industry' type - industries that are predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1000m²'.

To further reduce the environmental risk from any further development in the expanded 'General Industry' zoned area, it is recommended to amend Table 4 Part 31 (1) of the Scheme to include in the 'Rear' and 'Side' columns relating to 'General Industry' (See Note 4) the following words:

'4. A minimum 15m setback shall apply where lots abut an environmental conservation local scheme reserve and/or existing established remnant native vegetation'

It is also recommended that Meeking Crescent be formally shown on the Scheme Map No. 3 as a dedicated Local Road Reserve to highlight the subject lots access to a constructed road.

Lot Details

Lot / Reserve Details	Current Classification in TPS No.1	Proposed Classification in TPS No.1
Lots 1, 2, 8, 9, 10, 11 & part 9500 (DP 069082)	Urban Development	General Industry

2. Amend the permissibility of 'Community Purpose' in Residential Zone from an 'A' use to an 'D' use

'Community Purpose' *'means a premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.'*¹ 'Community Purpose' can only be considered in 'Commercial' and 'Rural Townsite' zones under the Shire's Local Planning Scheme No.1. Notably, areas that are set aside as Local Reserves for public purpose under the Shire's Local Planning Scheme No.1 typically contain these types of uses. However, on some occasions, development defined as 'Community Purpose' is located outside of the Shire's Local Reserves. One example is the St John's Ambulance Hall / Sub-Centre in Kondinin which is located in a 'Residential Zone' and listed as an 'A' (Additional) Use to be lawful under the Shire's Local Planning Scheme No.1.

Restricting 'Community Purpose' to just 'Commercial' and 'Rural Townsite' zones has the potential to limit development and being able to facilitate community-based services in our town sites. An example is the proposed re-location of the St John's Ambulance Hall / Sub-Centre to residential lots 41 and 42 Lynch Street, Hyden. The preferred approach is to amend the Zoning Table to enable 'Community Purpose' as a 'D' (Discretionary) Use in a Residential Zone rather than creating another 'A' (Additional) Use specific to this location.

An objective of a Residential Zone is *'to allow for the establishment of non-residential uses subject to local amenities not being affected.'*² Development Applications would be considered on a case-by-case basis and an Applicant would be required to demonstrate that the operations of any proposed 'Community Purpose' development would not affect the amenity of adjoining properties. Applications would be expected to address matters relating to lot location, noise, traffic and parking and the Shire would undertake suitable consultation with adjacent land owners. It was not considered necessary to specify these matters in Scheme Amendment No. 9 as they are standard considerations when assessing a development application.

Statutory Environment

- *Shire of Kondinin Local Planning Scheme No.1*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*
- *Planning and Development Act 2005 (as amended) (WA)*
- *Environmental Protection Act 1996 (WA)*

Policy Implications

Nil.

¹ Shire of Kondinin Local Planning Scheme No. 1

² Shire of Kondinin Local Planning Scheme No. 1, Part 3

Community Consultation

Pursuant to section 83A of the *Planning and Development Act 2005* (WA) notification to advertise Scheme Amendment No. 9 to Local Planning Scheme No.1 was issued by the Department of Lands, Planning and Heritage on the 29th August 2024 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) (the 'Regulations').

Advertising commenced on the 30th August 2024 and closed on the 16th October 2024. This process included publication of appropriate notices through various medium and correspondence to adjoining/nearby landowners and all relevant essential service authorities. Details of the outcomes from public advertising is tabled in the Schedule of Submissions attached to this Agenda Report.

Financial Implications

The advertising, administrative costs and consultant reports associated with this Scheme Amendment were covered in the 2024/2025 Budget under Town Planning Scheme Expenses.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

2. ECONOMY

2.1 Support the diverse industry across the Shire

Voting Requirement

Simple majority.

Cr P Green and Cr K Green returned to the meeting at 4.41pm

9.1.3 STRONGER COMMUNITIES GRANT – BBQ SHELTER

Author: Hannah Repacholi – Projects Officer
Authorising Officer: Tory Young - Manager Planning and Assets
Date: 5th February 2025
Disclosure of Interest: Nil
Attachments: Plan for BBQ Shelter

RECOMMENDATION: #4476

Moved: Cr M James **Seconded:** Cr P Green

That Council;

1. **SUPPORT** the Shire Administration's application to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts *Stronger Communities Programme Round 9*; and
2. **SUPPORT** a contribution of \$4,075.5 (50% of the project) in the 2025/2026 budget for a BBQ Shelter at Coronation Park to align with the grant application guidelines.

Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

The Shire's Administration is seeking to apply to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts' Stronger Communities Programme for funding towards the construction of a shelter over the barbecue area in Coronation Park, Hyden.

Grant application guidelines state that for local governing bodies, total Commonwealth funding for the project cannot exceed 50 per cent of the total eligible project expenditure. Therefore, a commitment of \$4,075.5 is required from Council in order for the Shire's Administration to proceed with the application process.

Background

The barbecue area at Coronation Park needs a shelter to improve the usability of the space. By providing adequate protection from the elements, a shelter will help improve the safety of the area, in addition to increasing the number of visitors and the time that they spend at the Park.

Following a site visit, a quotation has been prepared by a local contractor for the construction of a BBQ shelter that is in keeping with the design of the existing infrastructure at the Park.

Statutory Environment

Local Government Act 1995 (WA)

Functions and General Regulations 1996 (WA)

Policy Implications

Nil.

Financial Implications

Council are asked to commit to 50% of the total project cost. Based on the quotation received, half of the project will be \$4,075.5. The project is to be completed by December 2025 and proposed to be included in the 2025 / 2026 Budget.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

COMMUNITY

Recreational and social spaces encourage active and healthy lifestyles

Achievement of the Sport and Recreation Facilities Plan

Voting Requirement

Simple majority.

9.1.4 AMENDMENT TO DEVELOPMENT APPROVAL – RENEWABLE ENERGY FACILITY, KONDININ

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 4th February 2025
Disclosure of Interest: Nil
Attachments: Development Application Report

RECOMMENDATION: #4477

Moved: Cr B Browning

Seconded: Cr B Smith

That Council:

1. **SUPPORTS** the request received by the Applicant dated 3rd February 2025 to amend the development approval granted on the 9th November 2018 by the Mid-West /Wheatbelt Joint Development Assessment Panel (JDAP) for a Renewable Energy Facility located 5km north-east of the Kondinin town for a further two (2) years;
2. **SUPPORTS** the request to be considered a minor amendment to the development approval and therefore wavier Schedule 2 Part 8 Reg.62 (1) (d) of the Planning and Development (Local Planning Schemes) Regulations 2015; and
3. **ADVISES** the proponent that by applying the two (2) year extension request the development must be substantially commenced by the 9th November 2027.

Carried: 5/2

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr M James.

Against: Cr P Green and Cr K Green.

Absent: Nil

ADMINISTRATION NOTE:

Since the Council Meeting, three (3) Members have applied for this decision to be revoked or changed as per Local Government (Administration) Regulations (10), as such the item will go back to the March Ordinary Meeting.

10. *Revoking or changing decisions (Act s. 5.25(1)(e))*

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —***

- (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or***
- (b) *in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,***

inclusive of the mover.

- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.***

Summary

This report is for Council to consider an extension of the original development application approved by the Mid-West/Wheatbelt Joint Development Assessment Panel (JDAP) at its meeting on the 9th November 2018 for a renewable energy facility located approximately 5km north/north-east of the Kondinin townsite for a further two (2) years to enable development to have substantially commenced on site.

Background

At its meeting held on the 9th November 2018 the Mid-West/Wheatbelt JDAP provided conditional support for a renewable energy facility on 19 freehold agricultural lots located approximately 5km north and north-east of the Kondinin townsite comprising up to 46 wind turbines, a 125ha solar farm, energy storage and all associated transmission corridors and infrastructure.

Under the conditions of the original development approval the development was required to be substantially commenced within five (5) years of development approval, which was extended another two (2) years through the emergency response issued by the State Government under the *Emergency Management Act 2005* (WA) during the COVID 19 pandemic. The notice had the effect of extending the term in which the development must be substantially commenced from the 9th November 2023 to the 9th November 2025.

Pursuant to Reg. 77 (1) (a) Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) (Deemed Provisions), the Applicant has requested the local government to extend the period which the development is to be substantially commenced for a further two (2) years. The request relates to an amendment to the time period only and the development itself remains unchanged.

The Shire's Administration have been working closely with the proponents to progress this development to construction phase and appreciate the issues that have hindered the commencement of the project in the time originally prescribed.

Moreover, on review of the Development Application Report attached to this Agenda item, the Shire's Administration concur with key points and associated justification presented by the proponents in support of the proposal to amend the development approval as follows:

- the relevant planning framework has not substantially changed since the original approval;
- the proposed development would likely receive approval now;
- Kondinin Energy has actively pursued implementation of the development approval; and
- The requested extension period is reasonable and will enable construction of the proposed development to commence.

It is recommended that Council support the extension of the development for a further two

(2) years.

Statutory Environment

Planning and Development Act 2005 (WA)

Planning and Development (Planning and Development Assessment Panels) Regulations 2011 (WA)

Planning and Development (Local Planning Schemes) Regulations 2015 (WA)

Emergency Management Act 2005 (WA)

Policy Implications

Nil.

Financial Implications

Fees to amend a development application as per the Shire's 2024/2025 Fees and Charges.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

CIVIC LEADERSHIP

2.1 Support the diverse industry across the Shire

ECONOMY

2.1 Support the diverse industry across the Shire

Voting Requirement

Simple majority.

9.1.5 LEASE AGREEMENT BETWEEN THE SHIRE OF KONDININ AND THE HYDEN COMMUNITY RESOURCE CENTRE FOR LOT 151 MARSHALL STREET, HYDEN

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 28th January 2025
Disclosure of Interest: Nil
Attachments: Lease Agreement

RECOMMENDATION: #4478

Moved: Cr B Smith **Seconded:** Cr P Green

That Council:

1. **APPROVES** the Lease attached between the Shire of Kondinin and the Hyden Community Resource Centre for Lot 151 Marshall Street, Hyden to be adopted and signed with a Common Seal by Order of Council.

Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

The Hyden Community Resource Centre (CRC) has occupied the Shire's building located on the north-west corner of Lot 151 Marshall Street, Hyden for approximately thirty (30) years with no formal agreement in place. A lease agreement has been prepared to provide greater certainty and clarity of responsibilities to both parties over the next ten (10) years.

Background

No lease fee is charged to the Hyden CRC which has occupied the Shire's building located on the north-west corner of Lot 151 Marshall Street, Hyden for approximately thirty (30) years with no formal agreement in place.

A similar situation with the Kondinin CRC was also found to be the case and a lease agreement was endorsed by Common Seal by the Council at its Ordinary Meeting on the 14th February 2024.

This process of arranging a lease agreement with the Hyden CRC was suspended until the Shire was afforded the power to license or lease since the building is located on a Crown Reserve. This process is now complete and the lease can be endorsed.

The attached lease prepared for the Hyden CRC largely replicates the current arrangement between the two (2) parties which works well.

In light of the above, it is recommended that Council endorse the lease agreement.

Statutory Environment

Local Government Act 1995 (WA)

Land Administration Act 1997 (WA)

Policy Implications

Nil.

Financial Implications

The Shire of Kondinin will charge the Hyden CRC \$270 per annum for the use of the building, in addition to fees associated with the emergency services levy (ESL) and waste collection.

Responsibility for other costs associated with the building are outlined in the lease agreement attached to this Agenda Report.

The rent charged by the lease agreement is to be reviewed every three (3) years.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

1. COMMUNITY

1.4 Recreational and social spaces encourage active and healthy lifestyles

Parks, nature reserves and community spaces are green, tidy, accessible and activated.

Voting Requirements

Simple majority.

**9.1.6 PROPOSED EXPANSION OF HYDEN CEMETERY CROWN RESERVE 41564
& EXCISION OF CROWN RESERVE 21253**

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 5th February 2025
Disclosure of Interest: Nil
Attachments: 1. Aerial Map
2. Map Showing Proposed Amendments

RECOMMENDATION: #4479

Moved: Cr P Green **Seconded:** Cr B Smith

That Council:

1. **SUPPORTS** the excising portions of Crown Reserve 21253 to be incorporated into adjacent Crown Reserve 41564 for the purpose of 'Cemetery' as shown in the map attached;
2. **AUTHORISES** the Chief Executive Officer to submit a Crown Enquiry Form to the Department of Planning, Lands and Heritage seeking consideration to excise portions of Crown Reserve 21253 to be incorporated into adjacent Crown Reserve 41564 for the purpose of 'Cemetery' as shown in the map attached; and
3. **AUTHORISES** the Chief Executive Officer to write to the Department of Biodiversity Culture and Attractions requesting consideration to excise a 1.9491ha portion of Crown Reserve 21253 and surrender the portion of land from its reserve and management.

Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

Approval from Council is sought to commence the process to amend Crown Reserves 21253 and 41564 to create a greater area for the Hyden Cemetery.

Background

The matter of enlarging the Hyden Cemetery was first raised with the Shire's Administration through the Hyden Lions Club in 2023. Various on-site meetings and correspondence between the Shire's Administration and Council Members, the Hyden Lions Club, the Department of Lands, Planning and Heritage and the Department of Biodiversity Culture and Attractions have occurred to determine a way forward.

The proposed extension to the Hyden Cemetery is required to:

- enhance access to the site;
- create a greater parking area;
- accommodate improvements to the site including shelters, niche walls and toilets; and
- expand the burial area.

Since the proposed area can now be excised, the matter is now formally presented to Council to support the Officer's Recommendation.

Statutory Environment

Land Administration Act 1997 (WA)

Land Administration Regulations 1998 (WA)

Policy Implications

Nil.

Financial Implications

It is anticipated that the administrative costs incurred to complete the process can be covered by the Shire's 2024/2025 budget.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government.

Voting Requirement

Simple majority.

9.1.7 PROPOSED AMENDMENTS TO CROWN RESERVE 49449

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 4th February 2025
Disclosure of Interest: Nil
Attachments: Aerial Map

OFFICER RECOMMENDATION

Moved: Cr D Pool **Seconded:** Cr B Browning

That Council:

1. **SUPPORTS** the surrender of the management order for a portion of Reserve 49449 (being Lot 300 on Deposited Plan 49449) while retaining the management order for the remaining portion;
2. **APPROVES** the purchase of the excised portion of Reserve 49449; and
3. **AUTHORISES** the Chief Executive Officer to submit a Crown Enquiry Form to the Department of Planning, Lands and Heritage seeking consideration of the above.

Carried:

AMENDMENT MOTION

RECOMMENDATION: #4480

Moved: Cr P Green **Seconded:** Cr M James

Council moved to remove the word **and** replace with **after final approval** in section 2

Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James,
Cr K Green.

Against: Nil

Absent: Nil

AMENDMENT WAS ADOPTED AND THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION

RECOMMENDATION: #4481

Moved: Cr D Pool

Seconded:

Cr B Browning

THAT Council

1. **SUPPORTS** the surrender of the management order for a portion of Reserve 49449 (being Lot 300 on Deposited Plan 49449) while retaining the management order for the remaining portion;
2. **APPROVES** the purchase of the excised portion of Reserve 49449; after final approval
3. **AUTHORISES** the Chief Executive Officer to submit a Crown Enquiry Form to the Department of Planning, Lands and Heritage seeking consideration of the above.

Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

The purpose of this report is to seek approval from Council to excise a portion of Reserve 49449 being Lot 300 on Deposited Plan 49499 and purchase the excised portion as freehold.

Background

A portion of Lot 300 on DP 59344 (Reserve 47449) is zoned Residential R10/25 and the remainder of the lot is zoned Local Scheme Reserve - Public Open Space under the Shire's Local Planning Scheme No.1. The whole reserve has a management order outlining the Shire's authority for management as 'Recreation'.

This parcel of land was identified for potential residential development through the housing studies currently being undertaken by RoeROC. Currently the land tenure and accompanying management order for this site is restricted to recreational use only.

The Shire's Officers recommend the land be excised from the Reserve and purchased as freehold to facilitate the site's development potential.

The area to be excised comprises remnant bush and provides a passive recreational space with no formal infrastructure in place. The site already has access to a constructed road, power, and water and would require minimal site works for residential development.

It is recommended that Council support the Officer's Recommendation so the land can be developed.

Statutory Environment

Land Administration Act 1997 (WA)

Land Administration Regulations 1998 (WA)

Policy Implications

Nil.

Financial Implications

It is anticipated that the administrative costs incurred to complete the process can be covered by the Shire's 2024/2025 Budget.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government.

Voting Requirement

Simple majority.

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS – DECEMBER 2024

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 20th January 2025
Attachment(s): List of Accounts 01/12/2024 to 31/12/2024

RECOMMENDATION: #4482

Moved: Cr B Smith **Seconded:** Cr M James

That Council receive the attached report – List of Accounts Due & Submitted to Council for the month of December 2024:

• Municipal Fund payment cheque numbers 19455 – 19463	= \$	13,681.14
• Municipal EFT19724 –19773; 19782 – 19863	= \$	1,242,823.28
• Direct Debits – Transport – Hyden Office	= \$	17,752.00
• Direct Debits – Transport – Kondinin Office	= \$	10,285.05
• Direct Debits – Credit Cards DD22035.1	= \$	3,649.00
• Direct Debits – Other	= \$	131,561.42
• EFTPOS Merchant Fees & Tyro	= \$	2,958.57
• Bank Fees – NAB Connect	= \$	59.00
• Payroll EFTs	= \$	203,437.98
• Trust EFT 19774 – 19781	= \$	23,280.00

TOTAL	= \$	<u>1,649,487.44</u>
		Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

To present to Council a list of accounts paid from Municipal and Trust Funds (when applicable) under the delegated authority to the CEO.

Background

The Chief Executive of a local government has delegated authority to make payments from Municipal and Trust Fund accounts pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA).

As required by sub regulation (1), a list of accounts paid by the CEO each month should show –

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment;*
- (d) sufficient information to identify the transaction*

Sub regulation (3), a list prepared under sub regulation (1) and (2) is to be –

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

Statutory Environment

Local Government (Financial Management) Regulations 1996 (WA)

Policy Implications

Nil.

Public Consultation

Nil.

Financial Implications

All payments made to the Shire creditors have been in accordance with the 2024/25 Annual Budget.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

4. Civic Leadership

4.1 Skilled, capable and transparent team:

- We engage with the community on key projects and we provide regular, transparent communication*
- The capability of our organisation is continually improved*

4.2 We are a compliant and resourced Local Government:

- External audits and reviews confirm compliance with relevant Local Government legislation*
- Financial sustainability in achieving community aspirations*

Voting Implications

Simple majority.

9.2.2 FINANCIAL REPORTS – DECEMBER 2024

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 24th January 2025
Attachment(s): Monthly Financial Report for the period ended 31 December 2024

RECOMMENDATION: #4483

Moved: Cr P Green Seconded: Cr B Smith

That Council **RECEIVE** the attached reports entitled Monthly Financial Report (Containing the required Statement of Financial Activity and Statement of financial position) for the year ended 31 December 2024.

Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

To present to Council the Monthly Financial Report for the period ended 31 December 2024.

Background

The monthly Financial Report (Containing the Financial Activity and Financial Position) is presented in accordance with the *Local Government Act 1995 (WA)* and the *Local Government (Financial Management) Regulation 1996 (WA)*.

Regulation 4(4) states that, *a statement of financial activity, and the accompanying documents (notes) referred to in sub regulation (2), are to be –*

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

The Statement of Financial Activity summarizes the Shire's financial activities for the period at which it relates.

Statutory Environment

Local Government Act 1995 (WA)

Local Government (Financial Management) Regulation 1996 (WA)

Reporting Officer's Comment

The highlights of the December 2024 financial reports are as follows:

Item	Reference
Cash at Bank The Shire's total cash as at 31 December 2024 was \$8,136,404 – composed of \$4,367,347 reserve accounts (restricted), \$51,911 LCDC fund, \$2,224,087 term deposit investments and \$1,493,059 general fund (Muni, OCDF & Petty cash).	Page 9 – Note 6 Cash and Financial Assets Page 10 – Note 7 Reserve Accounts
Receivables Rates and Rubbish – \$726,179 balance as \$3,557,817 equivalent to 83% have been paid. Other receivables of \$219,448 – composed of \$95,319 sundry debtors, \$128,353 gst receivable and (\$4,224) impairment of receivables.	Page 16 – Note 10 Receivables
Current Liabilities YTD balance is \$1,314,606 which includes \$501,221 of employees' annual and long service leave provision, \$131,404 Current portion of borrowings (payable within 12 months), \$345,342 unearned Capital Grants/Contributions and \$336,639 gst and other payables.	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
Closing Funding Surplus(Deficit) YTD actual is \$3,570,681 – composed of \$9,173,758 Current Assets less \$1,314,606 Current Liabilities and (\$4,288,471) Net Adjustments to Net Current Assets.	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
Significant Capital Projects: ✓ Roadworks budgeted for \$3.8m this financial year is 65% completed of which \$1.36m spent so far on Hyden Norseman Road. ✓ Plant and equipment have a budget of \$1.093m are 81% completed. Acquisitions of the remaining 4 (x2 Admin Vehicles and x2 Road Construction plant) in progress. ✓ Land and buildings have a total budget of \$3.04m for WACHS housing, Kondinin Pavilion upgrade and staff housing – in progress.	Page 7 – Key Information Page 11 to 14 – Note 8 Capital Acquisitions
Grants, Subsidies and Contributions ✓ Operating grants total received = \$523,769 from two quarter FAGS payment, Main Roads WA for Road Maintenance and few minor ones. ✓ Capital grant total to date = \$420,600 from MRWA full payment for RRG Lovering Road and DVA grants for Kondinin and Hyden War Memorial Garden improvements.	Pages 21 – Note 15 Grants, Subsidies and Contributions Page 22 – Note 16 Capital Grants, Subsidies and Contributions.

In relation to material variances, “timing difference are due to the monthly spread of the budget not matching in comparison to the actual spread of revenue or expenditure.

Timing difference will not result in a forecast adjustment. Where the material variance is flagged as “permanent”, this indicates that a forecast adjustment to the annual budget is required. – Refer to page 6, Note 3 – Explanation of Material Variances.

Policy Implications

Nil.

Public Consultation

Nil.

Financial Implications

In accordance with the approved material variances of 10% or \$10,000 whichever is the greater within the monthly Statement of Financial Activity during the 2024/25 financial year.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

4. Civic Leadership

4.1 Skilled, capable and transparent team:

- *We engage with the community on key projects and we provide regular, transparent communication*
- *The capability of our organisation is continually improved*

4.2 We are a compliant and resourced Local Government:

- *External audits and reviews confirm compliance with relevant Local Government legislation*
- *Financial sustainability in achieving community aspirations*

Voting Requirements

Simple majority.

9.2.3 SUNDRY DEBTORS WRITE OFFS

Applicant: Shire of Kondinin
Author: Ellen Valenta, Senior Administration Officer
Authorising Officer: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 20th January 2025
Attachment(s): Nil

RECOMMENDATION: #4484

Moved: Cr M James **Seconded:** Cr B Browning

That Council **APPROVES** to write off the total \$4,224.50 outstanding amounts of sundry debtors owed to the Shire of Kondinin as listed below.

Carried: 7/0 (by absolute majority)

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

To seek Council Approval to write off outstanding amounts owed to the Shire by Sundry Debtors believed to be non-recoverable.

Background

In accordance with Section 6.12 of the *Local Government Act 1995* (WA), the Council is empowered to write off monies owing to the local government.

Some debtors are no longer in existence or whereabouts unknown to the Shire. The age of the debts raises some doubt over their recoverability. In most cases the cost to pursue such debts are highly likely to exceed recoverable costs.

Below is the list of sundry debtors outstanding amounts we recommend for write off:

Debtor Name	Total amount Owing	Information and/or Reason for write off
Estate of Brian Johnstone	\$713.00	Relates to disconnection/demolition charges back in 2008 and 2009. Deceased estate where rates outstanding written off per Council resolution 4469.
Michael Joseph Murphy	\$3,511.00	Relates to private works charged for clean-up and removal of rubbish from 19 Rankin Street Kondinin on 26/10/2012. Deceased estate where rates outstanding written off per Council resolution 4469.
Total	\$4,224.00	

Statutory Environment

The Local Government Act 1995 (WA) - Section 6.12(1)(c) Power to write off debts/any amount of money which is owed to the local government

Policy Implications

Nil.

Financial Implications

Write off of \$4,224.00 will reduce the expected credit loss (ECL) account and the total debtors by the same amount.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022-2032

4. Civic Leadership

4.2 We are a compliant and resourced Local Government.

Voting Requirement

Absolute majority.

9.2.4 2024/25 MID-YEAR BUDGET REVIEW

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 4th February 2025
Attachments: Budget Review Report

RECOMMENDATION: #4485

Moved: Cr P Green **Seconded:** Cr B Smith

That Council:

1. **ADOPT** the 2024/25 Budget Review Report conducted for the six (6) month period ended 31st December 2024 for submission to the Department.
2. **AUTHORISE** the CEO to amend the 2024/25 Budget in accordance with the attached "Budget Review Report" for the period ended 31st December 2024.

Carried: 7/0 (by absolute majority)

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

To present to Council the Mid-Year 2024/25 Budget Review Report for the period ended 31st December 2024.

Background

Under the *Local Government (Financial Management) Regulations 1996* (WA), each local government has to carry out a budget review of its current year budget mid financial year and make the necessary adjustments in the interest of achieving a surplus or balanced budget at the end of its financial year.

The Shire's Manager of Corporate Services conducted the review and together with the CEO, Manager of Works and Manager of Planning and Assets discussed the budget review amendments contained in note 4 of the 2024/25 Budget Review Report.

The amounts included are as follows:

1. Additional town planning fees received due to the planned development for wind farm projects.	\$15,234
2. Decrease in the budgeted interest revenue on term deposits (Cash reserves and investments) – overestimated.	(\$61,906)
3. Decrease in road maintenance budget due to reallocation to Council roads construction – underestimated.	\$125,000
4. Underestimated depreciation on roads and other infrastructure due to additions at end of financial year 2024 (non-cash item).	(\$250,400)
5. Decrease in RTR and RRG grant funding budget due to nominal annual distribution differ from allocation estimate.	(\$238,701)
6. Council funded roads construction underestimated – reallocation taken from budgeted road maintenance (See 3 above); and RTR budget allocation adjusted based on nominal annual budget distribution.	\$107,947
7. Savings on capital improvements to Kondinin cemetery budget.	\$32,188
8. Transfer to Cash reserves interest (restricted) accounted to reserve accounts (see 2 above, note 4.2 budget review report).	\$16,906
9. Non-cash amounts excluded from operating activities – depreciation (see 4 above).	\$250,400
Overall Change (surplus)	(\$3,331)

Statutory Environment

Regulation 33A of the *Local Government (Financial Management) Regulation 1996* (WA) requires:

(1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*

(2A) *The review of an annual budget for a financial year must —*

(a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*

(b) *consider the local government's financial position as at the date of the review; and*

(c) *review the outcomes for the end of that financial year that are forecast in the budget.*

(d) *include the following —*

(i) *the annual budget adopted by the local government;*

(ii) *an update of each of the estimates included in the budget;*

(iii) *the actual amounts of expenditure, revenue and income as at the date of the review;*

(iv) *adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end of year amount for the item.*

(2) *The review of an annual budget for the financial year must be submitted to the council on or before 31 March in the financial year.*

(3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) *Within 14 days after a council has made the determination, a copy of the review and determination is to be provided to the Department.*

Section 6.8(1) (b) of the *Local Government Act 1995* (WA) provides that expenditure can be incurred when not included in the annual budget provided it is authorised in advance by resolution (absolute majority required).

Policy Implication

Nil.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2016 – 2026

4. Provide good strategic decision making, governance, leadership and professional management

4.2 Manage the organisation in a responsible and accountable manner

4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance.

Voting Requirement

Absolute majority.

9.2.5 LIST OF ACCOUNTS – JANUARY 2025

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 5th February 2025
Attachments: List of Accounts 01/01/2025 to 31/01/2025

RECOMMENDATION: #4486

Moved: Cr B Browning **Seconded:** Cr P Green

That Council receive the attached report – List of Accounts Due & Submitted to Council for the month of January 2025:

• Municipal Fund payment cheque numbers 19464 – 19473	= \$	62,761.53
• Municipal EFT19864 –19939; 19941 – 20008	= \$	1,060,933.76
• Direct Debits – Transport – Hyden Office	= \$	8,439.85
• Direct Debits – Transport – Kondinin Office	= \$	12,639.45
• Direct Debits – Credit Cards DD22131.1	= \$	2,006.69
• Direct Debits – Other	= \$	58,655.25
• EFTPOS Merchant Fees & Tyro	= \$	2,581.15
• Bank Fees – NAB Connect	= \$	137.73
• Payroll EFTs	= \$	135,375.68
• Trust EFT 19940	= \$	100.00

TOTAL	= \$	<u>1,343,631.09</u>
		Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

To present to Council a list of accounts paid from Municipal and Trust Funds (when applicable) under the delegated authority to the CEO.

Background

The Chief Executive of a local government has delegated authority to make payments from Municipal and Trust Fund accounts pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA).

As required by sub regulation (1), a list of accounts paid by the CEO each month should show –

- (a) *the payee's name;*
- (b) *the amount of the payment;*
- (c) *the date of the payment;*
- (d) *sufficient information to identify the transaction*

Sub regulation (3), a list prepared under sub regulation (1) and (2) is to be –

- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) *recorded in the minutes of that meeting.*

Statutory Environment

Local Government (Financial Management) Regulations 1996 (WA)

Policy Implications

Nil.

Public Consultation

Nil.

Financial Implications

All payments made to the Shire creditors have been in accordance with the 2024/25 Annual Budget.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

4. Civic Leadership

4.1 Skilled, capable and transparent team:

- *We engage with the community on key projects and we provide regular, transparent communication*
- *The capability of our organisation is continually improved*

4.2 We are a compliant and resourced Local Government:

- *External audits and reviews confirm compliance with relevant Local Government legislation*
- *Financial sustainability in achieving community aspirations*

Voting Requirements

Simple majority.

9.2.6 FINANCIAL REPORTS – JANUARY 2025

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 6th February 2025
Attachment(s): Monthly Financial Report for the period ended 31 January 2025

RECOMMENDATION: #4487

Moved: Cr B Smith **Seconded:** Cr B Browning

That Council **RECEIVE** the attached reports entitled Monthly Financial Report (Containing the required Statement of Financial Activity and Statement of financial position) for the period ended 31 January 2025.

Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

To present to Council the Monthly Financial Report for the period ended 31 January 2025.

Background

The monthly Financial Report (Containing the Financial Activity and Financial Position) is presented in accordance with the *Local Government Act 1995 (WA)* and the *Local Government (Financial Management) Regulation 1996 (WA)*.

Regulation 4(4) states that, *a statement of financial activity, and the accompanying documents (notes) referred to in sub regulation (2), are to be –*

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) recorded in the minutes of the meeting at which it is presented.*

The Statement of Financial Activity summarizes the Shire's financial activities for the period at which it relates.

Statutory Environment

Local Government Act 1995 (WA)

Local Government (Financial Management) Regulation 1996 (WA)

Reporting Officer's Comment

The highlights of the January 2025 financial reports are as follows:

Item	Reference
Cash at Bank The Shire's total cash as at 31 January 2025 was \$7,087,360 – composed of \$4,367,347 reserve accounts (restricted), \$51,911 LCDC fund, \$2,224,087 term deposit investments and \$444,015 general fund (Muni, OCDF & Petty cash).	Page 9 – Note 6 Cash and Financial Assets Page 10 – Note 7 Reserve Accounts
Receivables Rates and Rubbish – \$528,417 balance as \$3,798,835 equivalent to 88% have been paid. Other receivables of \$163,555 – composed of \$73,359 sundry debtors, \$94,420 gst receivable and (\$4,224) impairment of receivables.	Page 16 – Note 10 Receivables
Current Liabilities YTD balance is \$1,149,260 which includes \$501,221 of employees' annual and long service leave provision, \$118,331 Current portion of borrowings (payable within 12 months), \$345,342 unearned Capital Grants/Contributions and \$184,366 gst and other payables.	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
Closing Funding Surplus(Deficit) YTD actual is \$2,511,713 – composed of \$,962,18 Current Assets less \$1,149,260 Current Liabilities and \$(4,301,544) Net Adjustments to Net Current Assets.	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
Significant Capital Projects: ✓ Roadworks budgeted for \$3.8m this financial year is 78% completed of which \$1.5m spent on Hyden Norseman Road (completed). ✓ Plant and equipment have a budget of \$1.093m are 88% completed. One last Road Construction plant to be acquired and plant acquisitions this financial year will then be complete. ✓ Land and buildings have a total budget of \$3.04m for WACHS housing, Kondinin Pavilion upgrade and staff housing – in progress. ✓ Other Infrastructure acquisition/construction is 30% completed to date.	Page 7 – Key Information Page 11 to 14 – Note 8 Capital Acquisitions
Grants, Subsidies and Contributions ✓ Operating grants total received = \$530,756 from two quarter FAGS payment, Main Roads WA for Road Maintenance and few minor ones. ✓ Capital grant total to date = \$420,600 from MRWA full payment for RRG Lovering Road and DVA grants for Kondinin and Hyden War Memorial Garden improvements.	Pages 21 – Note 15 Grants, Subsidies and Contributions Page 22 – Note 16 Capital Grants, Subsidies and Contributions.

In relation to material variances, “timing difference are due to the monthly spread of the budget not matching in comparison to the actual spread of revenue or expenditure.”

Timing difference will not result in a forecast adjustment. Where the material variance is flagged as “permanent”, this indicates that a forecast adjustment to the annual budget is required. – Refer to page 6, Note 3 – Explanation of Material Variances.

Policy Implications

Nil.

Public Consultation

Nil.

Financial Implications

In accordance with the approved material variances of 10% or \$10,000 whichever is the greater within the monthly Statement of Financial Activity during the 2024/25 financial year.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 – 2032

4. Civic Leadership

4.1 Skilled, capable and transparent team:

- We engage with the community on key projects and we provide regular, transparent communication*
- The capability of our organisation is continually improved*

4.2 We are a compliant and resourced Local Government:

- External audits and reviews confirm compliance with relevant Local Government legislation*
- Financial sustainability in achieving community aspirations*

Voting Requirements

Simple majority.

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 DISCOVERY CENTRE UPDATE

Author: CEO - David Burton
Authorised Officer: CEO - David Burton
Date: 3rd February 2025
Disclosure of Interest: Nil
Attachments: Nil

RECOMMENDATION: #4488

Moved: Cr P Green **Seconded:** Cr B Smith

That Council **NOTES** the updated information and supports the actions taken / to be taken.

Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

This report is to provide information and updates in relation to the Discovery Centre Project (the 'Project') and responses to the Business Plan.

Background

Since 2018, the Shire of Kondinin has been working with the Hyden CRC (HCRC) and the Hyden Progress Association (HPA) for construction of a Centre in Hyden for the CRC and to promote tourism for the Shire and region.

A funding application was made in 2020 but failed to gain financial support. The Working Group has been following through with improving the project and seeking funding.

This Project is in the Shire of Kondinin's Strategic Community Plan and Long-Term Financial Plan.

Funding through the Federal Growing Regions Funding is available and this will be the final round of funding from this source. It is likely that other funding may be available but details and timeframes are not known and no indications of future funding have been made.

The Working Group are also trying to get funding from State Government to reduce the financial impact of the project for the Shire of Kondinin residents and ratepayers.

Funding is currently being sought through the Regional Precincts and Partnership Program (RPPP).

Comment

Staff have been monitoring press releases of grant funding through RPPP. While some funding has been released, the Shire has not received an update with regard to its outstanding RPPP application and a further application for grant funding cannot be made until a decision is communicated.

At this time, we are still hopeful for State Government support. Shire staff and the Working Group are continuing their efforts for a political commitment and looking at other submissions for funding. According to local member Grant Writer it is clear that RPPP funding is being considered. However, it is unclear when the next round of funding will be assessed while the Government is in caretaker mode. Accordingly, while we have not received an update, they have also not said “no” to the Project.

On 31st January 2025, discussions were held with the Chair of the Working Group, the CEO, and Senator Dean Smith. The Senator recommended that no further applications be made without a commitment from State Government since it would likely be lost in the flurry of applications received at this time. He suggested that the Working Group look at trying to get the major parties together after the election to discuss the Project. Potential parties would include federal and state politicians, Australia’s Golden Outback, WA Tourism, the Tourism Council of WA, and the neighboring local governments. Hosting a function may impress the importance and benefits of the Centre, thus giving the Working Group some bargaining power.

A notice was sent to members of the Working Group about a tourism session with Deputy Premier, Minister Saffioti this month. A delegation of four (4) will attend the breakfast session to raise awareness of the Project

Policy Implications

Nil.

Consultation

The Discovery Centre Working Group comprising of members from the Hyden Progress Association (HPA), Hyden Community Resource Centre (CRC), and representatives from local business and the Council.

Financial Implications

At this time, the current activities are more discussions with political advisors and the cost of attending the breakfast with the Minister is \$440.00

A budget is needed if the Shire decides to host a function to bring all parties together to discuss the Discover Centre. This will depend on the size of the function and those attending.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022-2023

- 1.3 *Celebrate our pioneers, community members and protect our heritage*
Shire owned heritage buildings and places of interest are maintained and managed appropriately

2.1 Support the diverse industry across the Shire

Townsite entrances, Shire verges and aesthetics are tidy, green and welcoming

4.1 Skilled, capable and transparent team

We are inclusive and our communities feel heard

We engage with the community on key projects and we provide regular, transparent communication

Voting Requirement

Simple majority.

9.4.2 ANNUAL REPORT

Author: CEO - David Burton
Authorised Officer: CEO - David Burton
Date: 31st December 2024
Disclosure of Interest: Nil
Attachments: 2023/24 Annual Report (separate document)

RECOMMENDATION: #4489

Moved: Cr B Smith **Seconded:** Cr D Pool

That Council, by Absolute Majority, **ACCEPTS** the 2023/24 Annual Report.

Carried: 7/0 (by absolute majority)

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

This report is for Council to accept the Annual Report for 2023/24

Background and Statutory Environment

Under Section 5.54 of the *Local Government Act 1995* (WA), the Council is required to adopt the Annual Report. The Annual Financials had been completed at the December Meeting but the Annual Report was yet to be finalised.

5.54. Acceptance of annual reports

(1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Comment

As per the Act, the Annual Report was required to be accepted by 31st December but the Report was not finalised until after this date. This is a non-compliance concern since the Audit Report was completed by 31st December 2024. Staff have noted this and will work towards future compliance.

The 2023/24 Annual Report will be presented at the Annual Electors Meeting, 12th February 2025.

Policy Implications

Nil.

Consultation

Staff and Shire President for Report.

Financial Implications

Nil.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022-2023

4.2 We are a compliant and resourced Local Government

Voting Requirement

Absolute majority.

9.4.3 CHAIRPERSON FOR COMMITTEES

Author: CEO - David Burton
Authorised Officer: CEO - David Burton
Date: 4th February 2025
Disclosure of Interest: Nil
Attachments: Nil

RECOMMENDATION: #4490

Moved: Cr B Smith Seconded: Cr B Browning

That Council, by Absolute Majority:

1) **ACCEPTS** the Chairpersons for the following Committees:

Works Committee: Cr Murray James

Housing and Building Committee: Cr Bruce Browning

Sports Council: Cr Darren Pool

2) **REQUESTS** the Chief Executive Officer to begin advertising for expressions of interest for the Independent Members of the Audit, Risk and Improvement Committee.

Carried: 7/0 (by absolute majority)

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

Summary

This report is for Council to accept the Chairpersons of the Committees by Absolute Majority as required.

Background and Statutory Environment

Under the recent changes to the *Local Government Act 1995* (WA):

5.12. Presiding members and deputies

(1) *The local government must appoint* a member of a committee to be the presiding member of the committee.*

** Absolute majority required.*

(2) *The local government may appoint* a member of a committee to be the deputy presiding member of the committee.*

** Absolute majority required.*

[Section 5.12 inserted: No. 47 of 2024 s. 39.]

Transitional provisions for the new legislation require the appointments to be made prior to 1st July 2025.

67. Presiding members

(1) In this clause —

amendment day means the day on which section 39 of the 2024 amendment Act comes into operation;

existing committee means a committee of the council of a local government that is in place immediately before amendment day;

new section 5.12(1) means section 5.12(1) as inserted by section 39 of the 2024 amendment Act.

(2) For each of its existing committees, a local government must make its first appointment of the presiding member under new section 5.12(1) no later than 1 July 2025.

(3) Until the first appointment is made, the person who, immediately before amendment day, is the presiding member of the existing committee may continue to be the presiding member.

(4) If that person goes out of office before the first appointment is made, the person's replacement as presiding member must be appointed by the local government under new section 5.12(1) as soon as practicable (but no later than 1 July 2025).

68. Deputy presiding members

(1) In this clause —

amendment day means the day on which section 39 of the 2024 amendment Act comes into operation;

existing deputy presiding member means a person who, immediately before amendment day, is the deputy presiding member of a committee of the council of a local government;

new section 5.12(2) means section 5.12(2) as inserted by section 39 of the 2024 amendment Act.

(2) An existing deputy presiding member may continue to be the deputy presiding member of their committee until the end of 30 June 2025.

(3) Subclause (2) ceases to apply if the existing deputy presiding member, or another person, is appointed by the local government as the deputy presiding member of the committee under new section 5.12(2).

[Clause 68 inserted: No. 47 of 2024 s. 159.]

Comment

In the past, the presiding member was elected from the group to be the Chairperson. The appointment is now required to be passed by an absolute majority by a resolution of Council under recent changes in the legislation. This is to be completed by 1st July 2025.

The current Committee Chairpersons have been listed for consideration by Council. However, Council may change this. Deputy Chairpersons for the Committees have not been appointed which Council may want to reconsider as part of this Resolution. If no Deputy is elected and the Chairperson is not available then the standard provision is for nominations for presiding member from the Committee attendees.

The current Chairpersons are:

Works Committee:	Cr James
Housing and Building Committee:	Cr Browning
Sports Council:	Cr Pool

The candidates for Deputy Chairperson are as follows:

Works Committee:	Crs Smith / P Green / Browning
Housing and Building Committee:	Crs K Green / Pool / Gangell
Sports Council:	Crs Pool / Gangell / James

Audit Committee

Draft legislation has been introduced for the Audit Committee (to be changed to Audit, Risk and Improvement Committee) and is as follows:

7.1A. Audit committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
** Absolute majority required.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

[Section 7.1A inserted: No. 49 of 2004 s. 5; amended: No. 5 of 2017 s. 11.]

69. Audit, risk and improvement committees

- (1) *In this clause —*

amendment day means the day on which section 87 of the 2024 amendment Act comes into operation;

audit, risk and improvement committee includes a shared committee under section 7.1CB as inserted by section 87 of the 2024 amendment Act;

existing audit committee means a local government's audit committee that, immediately before amendment day, is in place under old Part 7 Division 1A;

new Part 7 Division 1A means Part 7 Division 1A as inserted by section 87 of the 2024 amendment Act;

old Part 7 Division 1A means Part 7 Division 1A as in force immediately before amendment day.

- (2) *A local government must, in accordance with new Part 7 Division 1A, establish its audit, risk and improvement committee no later than 6 months after amendment day.*
- (3) *On and after amendment day, until the audit, risk and improvement committee is established —*
 - (a) *the local government's existing audit committee continues in place in accordance with old Part 7 Division 1A; and*
 - (b) *the local government may, as and when required, appoint members to the existing audit committee in accordance with old Part 7 Division 1A; and*
 - (c) *the existing audit committee's functions are those of the audit, risk and improvement committee.*

[Clause 69 inserted: No. 47 of 2024 s. 159.]

The provisions require the Audit, Risk and Improvement Committee to include two (2) independent members, of which one (1) will be the Chairperson. Selection of the Chairperson for the Audit, Risk and Improvement Committee will occur when the provisions are enacted and becomes law.

Local governments may be able to share a qualified person to act as Chairperson of the Audit, Risk and Improvement Committee to reduce costs. The Shire of Narembeen is looking at an advertising campaign for the role and it is recommended that the Shire of Kondinin also advertise to gauge interest.

Statutory Implications

This will bring Shire of Kondinin into line with the proposed changes in the *Local Government Act 1995* (WA).

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022-2023

4.2 We are a compliant and resourced Local Government

Voting Requirement

Absolute majority.

9.5 CONFIDENTIAL ITEMS

RECOMMENDATION: #4491

Moved: Cr B Browning

Seconded: Cr B Smith

That Council goes behind closed doors to deal with the CONFIDENTIAL items.

Carried: 7/0

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.

Against: Nil

Absent: Nil

CONFIDENTIAL ITEM 9.5.1 – DESIGN AND CONSTRUCTION OF SINGLE HOUSE AT NO. 39 (LOT 282) REPACHOLI PARADE, KONDININ - TENDER (04 / 2024 – 2025)

Author: Tory Young, Manager Planning and Assets

Authorising Officer: David Burton, Chief Executive Officer

Date: 11th February 2025

Attachments: Drawings Preferred Tenderer

Disclosure of Interest: Nil

*****CONFIDENTIAL*****

Local Government Act 1995

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

RECOMMENDATION: #4492

Moved Cr D Pool

Seconded Cr P Green

That Council:

- (1) **ACCEPTS** the tender received from Stallion Homes for a total cost of \$538,864 (ex GST) for the construction of a 3 x 2 dwelling with porch, carport and alfresco area at No. 39 (Lot 282) Repacholi Parade, Kondinin; and
- (2) **AUTHORISES** the Chief Executive Officer to prepare the necessary documentation to engage in contractual arrangements with Stallion Homes to complete the project.

Carried 6/1

For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr M James, Cr K Green.

Against: Cr P Green

Absent: Nil

RECOMMENDATION: #4493

Moved: Cr M James Seconded: Cr B Browning

That Council come out from behind closed doors.

Carried: 7/0

**For: Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr M James, Cr P Green
Cr K Green.**

Against: Nil

Absent: Nil

10. BUSINESS OF AN URGENT NATURE

Notice of Motion

Cr P Green

That the Shire of Kondinin Administration request information from providers in relation to providing GP Medical Services to the town of Hyden 2 days per week, and also to the town of Kondinin 2 days per week with consideration of the following:

Capacity to deliver medical services to the towns as above.

Indicative cost of services, using experience in like regional towns.

What other ideas or options can be suggested to provide GP medical services to our Shire that would represent value to the ratepayers.

11. CLOSURE

Being no further business, the meeting was closed at 5.00pm.