



SHIRE OF KONDININ

NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

KONDININ SHIRE COUNCIL

Will be held on Wednesday 15th September, 2021 at
Kondinin Council Chambers

2pm Informal Agenda Discussion

3pm Council Meeting

A handwritten signature in black ink, appearing to read 'David Burton', is located to the left of the printed name.

David Burton
10th September 2021
CHIEF EXECUTIVE OFFICER

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

STATEMENT OF COMMITMENT TO INDIGENOUS AUSTRALIANS

“The Shire of Kondinin acknowledges that, as we proceed with the development & management of facilities & services within the Shire we give recognition of the distinctive relationship that indigenous people have within the community and encourage a broader understanding & appreciation of indigenous heritage & culture. The Shire of Kondinin is committed to consultation across all communities in our Shire & we aim for mutual respect to achieve recognition of all cultures.”

SHIRE OF KONDININ
QUESTIONS FROM THE PUBLIC

The Shire of Kondinin welcomes community participation during public question time of Council Meetings. Any member of the public is welcome to do so. The following is a summary of Section 5.24 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996, the Shire's procedure and a guide to completion registering attendance and question/s.

- Members of the public should ideally register their attendance and question with the Council before the meeting before close of business the day prior to the scheduled meeting. This can be done;
 - a. In person at the Shire of Kondinin Office (120 Graham St, Kondinin)
 - b. By emailing the Executive Support Officer on eso@kondinin.wa.gov.au
 - c. By phoning the Executive Support Officer on 08 9889 1006
- When registering the following information will need to be supplied for record keeping and future correspondence (if required);
 - a. Name, Address, contact number and Name of Organisation representing (if applicable)
 - b. A written copy of the question to be asked at Public Question Time.
- It is recommended to arrive at the location of the Council Meeting 5 minutes prior to the commencement of the meeting. If you have not registered in advance it can be completed at this time. However, members of the public will also still be able to attend the meeting and provide required details at the meeting if they have not been able to register in advance.
- The Presiding Member will open Public Question Time and, if necessary, provide a brief summary on the rules, regulations and procedures of Public Question Time:
 - a. The person asking the question is to state their name prior to asking the question.
 - b. Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.
 - c. In order to provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal and no debating of the issue between the Gallery, Councillors or Officers is permissible.
 - d. Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response.
 - e. Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; will be refused by the Presiding Member as 'out of order' and will not be recorded in the minutes.
 - f. Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any reasonable direction from the Presiding Member, will be ruled 'out of order' and the question will not be recorded in the minutes.
 - g. Answers to questions provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being totally comprehensive.
 - h. The priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day immediately preceding the meeting) and secondly, 'questions from the floor'.

- Public Question Time is set for a maximum period of 15 minutes, and will terminate earlier should no questions be forthcoming.
- There are circumstances where it may be necessary to place limits on the asking of questions to enable all members of the public a fair and equitable opportunity to participate in Public Question Time. In these events the Presiding Member will apply the most appropriate limit for the circumstance. Generally each member of the public shall be provided a maximum two minutes time limit in the first instance, in which to ask a maximum of two questions (whether these are submitted 'in writing' or 'from the floor'). A question may include a request for the tabling of documents where these are relevant to an issue before Council.
- Should there be time remaining on the initial period for Public Question Time (i.e. 15 minutes) after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (in accordance with the register) ask further questions (with necessary limits in place as discussed above if required) until the initial period for Public Question Time has expired.
- Any extension to the initial period for Public Question Time is to be limited to a period that will allow sufficient time for any remaining members of the public to ask their initial allotment of two questions.
- Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next appropriate Council Meeting.
- Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).

SHIRE OF KONDININ DISCLOSURE OF FINANCIAL/IMPARTIALITY & PROXIMITY INTEREST

To: *Chief Executive Officer*

As required by Section 5.65(1)(a) of the Local Government Act 1995, I hereby declare my interest in the following matters included on the Agenda paper for the Council/Committee meeting to be held on _____ (Date).

The type of interest I wish to declare is a: Financial Proximity Impartiality

Item No	Details of Interest

Extent of interest only has to be declared if the Councillor also requests to remain present at a meeting, or participate in discussions or the decision making process (see item 6 below).

Councillor’s Signature _____ Date _____

NB:

- 1 This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have an interest is discussed, Section 5.65(1)(a) & (b).
- 2 It remains Councillor’s responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
- 3 It is a Councillor’s responsibility to ensure that the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
- 4 It remains the Councillors responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. This responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are being confirmed.
- 5 It is recommended that when previewing the Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
- 6 Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of Council. Where Councillors request consideration of such approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decided upon the Councillors application.

Remember: The responsibility to declare an interest rests with individual Councillors. If Councillors are in any doubt seek legal opinion, or, to be absolutely sure, simply declare in any case.
Penalties for not disclosing an interest apply.

Office Use Only:	Date/Initial
1. Particulars of declaration given to the meeting	_____
2. Particulars recorded in the minutes	_____
Signed by Chief Executive Officer or President (when the declaration belongs to the CEO)	_____

SHIRE OF KONDININ

DISCLAIMER

No responsibility whatsoever is implied or accepted by Shire of Kondinin for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff. Shire of Kondinin disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entities' own risk.

*In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of Shire of Kondinin during the course of any meeting is not intended to be and is not taken as notice of approval from Shire of Kondinin. The Shire of Kondinin warns that anyone who has an application lodged with Shire of Kondinin must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Kondinin in respect of the application.*

Signed on behalf of Council



David Burton
Chief Executive Officer

Order of Business

1. DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

The Shire President Cr Meeking read the Statement of Commitment to Indigenous Australians, welcomed those present and declared the meeting open at 0.00pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillors:	Cr S Meeking	Cr B Gangell	Cr B Browning
	Cr M James	Cr T Mulcahy	Cr D Pool
	Cr G Lynch	Cr S Jones	Cr K Mouritz
Staff:	David Burton (CEO)	Vince Bugna (MCS)	Mark Burgess (MoW)
	Tory Young (MPA)	Rachael Hendry (Minute Taker)	
Apologies:			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/INFORMATION REPORT

7.1 MINUTES OF COUNCIL MEETING – 18th August, 2021

RECOMMENDATION

That the minutes of the Council Meeting held on the 18th August, 2021 be confirmed.

7.2 INFORMATION REPORT – September 2021

RECOMMENDATION

That the Council receive and accept the Information Report prior to this meeting.

7.3 MINUTES OF SPECIAL MEETING – 30TH AUGUST 2021

RECOMMENDATION

That the minutes of the Special Meeting held on the 30th August, 2021 be confirmed.

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

- 9.1.1 Reconsideration of Hyden Railway Barracks
- 9.1.2 Lot 2 & 4 Lovering Road-Caravan Park
- 9.1.3 Kondinin Men's Shed Lease Renewal
- 9.1.4 Street Trading Licence
- 9.1.5 Rental Reduction

9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 List of Accounts
- 9.2.2 Financial Reports

9.3 MANAGER OF WORKS

- 9.3.1 Mower/Slasher Purchase
- 9.3.2 Vibe Roller

9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 GECZ Meeting
- 9.4.2 Adoption of Public Health Profile
- 9.4.3 Review of Delegated Authority
- 9.4.4 Application to approve the Town Team Movement
- 9.4.5 Sale of Loader
- 9.4.6 Appointment of Bush Fire Control Officers and Dual Bushfire Control Officer

9.5 ENVIRONMENTAL HEALTH OFFICER

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 RECONSIDERATION OF HYDEN RAILWAY BARRACKS

Applicant: Shire of Kondinin
Author: Manager Planning and Assets – Tory Young
Authorizing Officer: Chief Executive Officer – David Burton
Date: 9th September 2021
Attachments: 001 - Quotation from ERC Consultancy Pty Ltd

OFFICER RECOMMENDATION

That Council

- 1) **ACKNOWLEDGES** that the Public Transport Authority DOES NOT support the relocation of the Hyden Railway Barracks from L7363 to L3553; and
- 2) **AUTHORISES** the Chief Executive Officer to advise the PTAWA that the Shire of Kondinin
 - (a) **SUPPORTS** the asbestos to be removed from the Hyden Railway Barracks at a cost borne by the Public Transport Authority (PTA) to be carried out by ERC Consultancy Pty;
 - (b) **SUPPORTS** the termination of the License L7363 with the PTA scheduled to expire on 30/6/2023; and
 - (c) **REQUESTS** permission to install a plaque or another form of interpretive signage at the site to recognize the heritage value of the building.

SUMMARY

This report provides the context to substantiate the Officer's Recommendation to terminate the Licence L7363 with the Transport Authority of Western Australia (PTAWA) for the reasons outlined below.

BACKGROUND

The Shire of Kondinin approached the PTAWA back in July 2019 to inquire about maintenance responsibilities and the presence of asbestos. Asbestos testing was then carried out by an Environmental Assessor and a report was prepared and presented to Council at its Ordinary Meeting held on the 18th December 2019. In July 2021 the Shire obtained a quote for the removal of the asbestos on the premises costed at \$1,100.

On the 26th November 2019 a vandalism report was presented to the Shire from the PTAWA which observed the following damages to the property;

- Timber panels being ripped off western wall
- Sleeping cubicle trashed and ripped down
- Glass windows smashed
- Flooring in poor condition
- Outbuilding in poor condition

Apart from the timber panels on the western wall being replaced in January 2021 (\$1,500) the building remains in a poor condition highlighting that the Shire is not upholding its' obligations under the License. As noted when this matter was previously reported to Council, the poor condition and damage date well before the vandalism report and the barracks remain a public safety risk in which the public should not be encouraged to enter.

When this matter was presented to Council in December 2019, the view of the Reporting Officer which was endorsed unanimously by Council was for the Shire of Kondinin to give 12 months' notice to the PTAWA of our intention to terminate the lease.

The resolution of Council at its Ordinary Meeting on the 18th December 2019 was as follows:

"RESOLUTION 3523

Moved Cr Gangell

Seconded Cr Mouritz

That Council authorise the use of the Other Tourist Facilities – Maintenance (1132540) and Rentals Property Maintenance (1116120) Accounts in the 2019/20 Budget for remedial work on the Hyden Railway Barracks with the intention of terminating the license to occupy.

CARRIED 8/0"

It was noted in the report, that a resolution would be put before Council after remediation work is complete to make a final decision on the termination of the license unless Council wished to make that determination sooner. Since the matter was reported to Council in December 2019, the Shire's Administration have received mixed feedback from the Hyden Progress Association, some Council Members, Community Members and the Public Transport Authority on the future of the Barracks, falling into three main options.

- Demolition of Building and Termination of Lease
- Upgrade to Building in situ
- Relocation of Building to adjacent PTA leased area L3553

The matter was presented to Council at its Ordinary Meeting held on the 21st July 2021 in which Council resolved as follows:

"That Council – Subject to Costings:

- 1) *CONSIDERS the three (3) options to manage the Railway Barracks on PTAWA License Plan No. L7363 detailed in the Background Section of this Agenda Report; and*
- 2) *AUTHORISES the Chief Executive Officer to advise the PTAWA that the Shire of Kondinin's preferred option for the future management of the Hyden Railway Barracks is:*
 - (a) Continue under the Licence L7363 and adhere to the obligations under the Licence to Occupy and allocate appropriate funds in the 2021/2022 budget to remove the asbestos and upgrade the Hyden Railway Barracks so that it is in good repair and is in a safe condition; OR*
 - (b) Request that the Hyden Railway Barracks is relocated to adjacent Licensed Area L3553 and allocates appropriate funds in the 2021/2022 budget for the asbestos to be removed and the building relocated and upgraded.*

Subject to costings

Carried 9/0"

The Shire's Manager Planning and Assets advised the Public Transport Authority of the above recommendation and received an email response dated 8th August 2021 noting the following:

- The PTA **does not** support the relocation of the Railway Barracks from the existing Licence Area L7363 to Licence Area 3553
- The PTA have received a quotation for the removal and replacement of the Asbestos Cladding from ERC Consultants Pty Ltd costed at \$35,000
- The PTA advised that they will fund the removal only of the Asbestos cladding from the Railway Barracks
- The PTA advised that they will not refund the replacement of new cladding on the Railway Barracks and that this cost must be met by the Shire
- The PTA does not accept the quotation provided by the Shire to undertake the asbestos removal, and unless a more detailed quotation is provided it will use the quotation provided by ERC Consultants Pty Ltd

Since the matter was presented to Council in July 2021, the Shire's Manager Planning and Assets has sought quotations from three (3) different contractors to relocate the building, all of whom have declined to quote on the works.

Now with the feedback from the PTA ruling out the relocation of the Barracks to L3553, the reality that the building is likely to continue to deteriorate unless the Shire commits to appropriate funds and time to the building to comply with the License, is inevitable. This, coupled with the fact that the Shire does not own the land, together with the unanimous decision of Council back in December 2019 to terminate the lease, all provides strong justification that on balance the most viable option for the Shire is to terminate the lease with the PTA, which ultimately will see the demolition of the building.

To recognize the heritage value of the building, it is recommended that a plaque and interpretive signage is located on the site following demolition.

STATUTORY ENVIRONMENT

Local Government Act 1995

Licence L7363 between Shire of Kondinin and Burgess Rawson as property managers for PTA expiring 30/6/2023.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$35,000 to remove asbestos and re-clad building (asbestos removal to be covered by the PTA)

On-going maintenance, upgrade and insurance costs depending on Council's recommendation

STRATEGIC IMPLICATIONS

The project supports the following sections of the Shire's Strategic Community Plan 2016 – 2026

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

4.1 Develop leadership skills and behaviours that enhance the knowledge, skills and experience of the Shire staff and Council

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

9.1.2 PLANNING APPLICATION – PROPOSED CARAVAN PARK AND CARE TAKERS UNIT/TICKET BOX ON LOTS 2 AND 4 LOVERING ROAD, HYDEN

Applicant: Guy Mouritz
Author: Manager Planning and Assets – Tory Young
Authorizing Officer: Chief Executive Officer – David Burton
Date: 6th September 2021
Disclosure of Interest: Nil

Attachments:

- 001 – Covering Letter
- 002 - Caravan Park Camp Site Plan
- 003 – Caravan Park Access and Egress Plan
- 004 – Caravan Park Fire Hose Layout Plan
- 005 – Caravan Park Plumbing Layout Plan
- 006 – Caravan Park Ablution Layout Plan
- 007 – Caravan Park Ablution Block Floor Plan
- 008 – Caravan Park Ablution Block East Elevations
- 009 – Caravan Park Ablution Block North Elevations
- 010 – Caravan Park Ablution Block South Elevations
- 011 – Caravan Park Ablution Block West Elevations
- 012 – Caretakers Unit Electrical Layout
- 013 – Caretakers Unit Elevation
- 014 – Caretakers Unit Footing Detail
- 015 – Caretakers Unit Steel Detail
- 016 – Caretakers Unit Plumbing Layout
- 017– Bushfire Attack Level (BAL) Assessment

OFFICER RECOMMENDATION

That Council;

APPROVES the application for a Caretakers Unit / Ticket Box and Caravan Park and Associated Infrastructure to operate on Lots 2 and 4 Lovering Road, Hyden as shown on the plans and accompanying information stamp dated 9th August 2021, subject to compliance with the following conditions and advice notes:

Condition

1. Lighting shall be provided at the facility pursuant to Schedule 7, Clause 32 of the *Caravan and Camping Grounds Regulations 1997*;
2. A supply of potable water of at least 300L per day shall be available for use by each site at the facility, or lesser amount if the applicant requests that the local government seek written approval of the Chief Health Officer within the meaning of the *Public Health Act 2016*;
3. An application to install an apparatus for the treatment of sewage in accordance with the Health (*Treatment of Sewage and Disposal of Effluent and Liquid Waste*) *Regulations 1974* is required to be submitted to the (Shire of Kondinin) Department of Health for an approval to manage all sewage generated from the proposed ablution blocks, caretakers unit as required;
4. The Applicant shall submit to the Shire of Kondinin for approval a Form 1 Application for Grant or Renewal Licence under section 7 (1) (a) of the *Caravan and Camping Grounds Act 1995* in the form of Schedule 1 of the *Caravan and Camping Grounds Regulations 1997*, which is to be renewed annually, together with the prescribed fee as per Schedule 3 of the *Caravan and Camping Grounds Regulations 1997*; and
5. If the facility intends to use the approved Caravan Park for an event a Shire of Kondinin Event Application is to be submitted 90 days prior to the event. All event applications will be assessed on a case by case basis.

Advice Notes:

1. The Applicant / Landowner is to have due regard to all recommendations of the Bushfire Attack Level Assessment Report dated 3rd September 2020;
2. Prior to any development being undertaken on-site a bond of \$2,000 is to be submitted to the Local Government pursuant to section BUILD 002 of the Shire's Policy Manual relating to re-erection of second hand houses to be refunded when the building is made habitable to the Council's satisfaction;
3. The Applicant/Landowner is reminded of their obligation to ensure compliance with the Shire of Kondinin Annual Firebreak Notice as this applies specifically to all rural and rural-residential land in the Shire to help guide against potential bushfire risk;
4. 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;
5. In accordance with the Building Act 2011 and Building Regulations 2012, a certified building permit application in the form of a Certificate of Design Compliance by a certifier must be submitted to and approved by the Shire of Kondinin prior to the commencement of any construction or earthworks on the land as may be required;
6. Any proposed new structures on the lots the subject of this approval that require a building permit approval are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire of Kondinin in support of any required building permit application;
7. The applicant/landowner is reminded of their obligation to ensure compliance with relevant legislation relating to the operation of a Caravan Park;
8. The Applicant / Landowner to acknowledge that in the situation that the current owner/management of Lots 2 & 4 alters, that additional infrastructure for the Caravan Park on Lot 2 maybe required to comply with the yearly Licence approval;
9. No construction works shall commence on the land prior to 7.00am without the Shire's written approval.
10. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the *Shire of Kondinin Local Planning Scheme No.1* and may result in legal action being initiated by the local government; and
11. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005 Part 14*. An application must be submitted within 28 days of the determination.

SUMMARY

An application for planning approval has been submitted for development over Lots 2 and 4 Lovering Road, Hyden. The proposed development comprises on Lot 4 a Ticket Box/Caretakers Unit to support both the operation of the existing Amphitheatre and a check-in point for the Caravan Park; and on Lot 2, 134 powered and unpowered caravan and camping sites; 2 x ablution blocks; car parking areas, recreation areas; camp kitchen and BBQ areas to accommodate the operations of a Caravan Park.

The Officer's Recommendation is to support the application, subject to a series of conditions and advice notes.

BACKGROUND

The Council at its Ordinary Meeting held on the 21st November 2018 approved an application for planning consent to construct a caretakers unit / ticket box and transit park at Lots 2 & 4 Lovering Road, Hyden subject to compliance with a series of conditions and advice notes. In this situation, the Council applied Schedule 2, *Clause 74 of the Planning and Development (Local Planning Scheme) Regulations 2015* asking that further detailed plans be

submitted before development commences, as long as the development does not substantially change the development approved. In this proposal the transit park was to utilize the existing ablution unit on Lot 4. With this new proposal the Caravan Park is largely self-contained on Lot 2, with powered and powered sites and associated infrastructure, recreational areas and two (2) new ablution blocks.

Due to the expansion of the development proposed on the site, the Shire was of the view that the new development the subject of this report did substantially change the scope of the development, and therefore a new planning application was submitted and receipted on 9th August 2021.

DEVELOPMENT DETAIL

Land Owners:	Sheenagh Collins and Valerie Mouritz
Applicant:	Guy Mouritz
Zoning:	Local Planning Scheme No.1 – Rural (Lot 4 on DP25779); and Rural Residential (Lot 2 on DP021460)
Lot Area	Lot 4 (29 ha) Lot 2 (21 ha)
Existing Land Use	Private Airport; Resort Accommodation; and Amphitheatre

Lot 2 Lovering Road, Hyden

1 x Ticket Box / Caretakers Unit.

This building comprises:

- An existing 6m x 2.5m second hand transportable building accommodating a bedroom and lounge room area
- A new brick extension 6m x 1.9m to accommodating a kitchen, WC, bathroom and laundry
- A new roof and verandah to extend along both the new building and existing second hand building to appear as one

Caravan Park Entrance

- Access way
- Parking
- 2 x 50,000 Litre Tanks
- Pump Shed

Lot 4 Lovering Road, Hyden

Caravan Park and associated Infrastructure comprising:

- 18 x 24ft+ Caravan Powered Sites (8m x 20m)
- 40 x 16 – 24ft Caravan Powered Sites (8m x 17m)
- 19 x up to 16ft Caravan Powered Sites (8m x 15m)
- 15 x Powered Camping Sites (8m x 10m)
- 42 x Unpowered Camping Sites (5m x 5m)
- Recreation Areas (Camp Kitchens, BBQ, Playground)
- Drainage / Planting Areas
- Gravel Roads
- 2 x Ablution Blocks
- 1200 parking bays

ASSESSMENT

Caretakers Dwelling / Ticket Box

Under a rural zoning, a Caretakers Dwelling is as Discretionary (D) Use under the Shire’s Local Planning Scheme No.1 meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval.

Under the Shire's Local Planning Scheme No.1, the objectives of a 'Rural' zone are:

- *To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities;*
- *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 for recreation uses.*

It is considered that the proposed Caretakers Unit/Ticket Box supports two of the above objectives of this zone by bringing benefit to the community and allowing facilities for tourists by supporting the existing non-rural uses which operate from this site, including the private airport, Wave Rock Resort Cottages, an amphitheater and an ablution block as well as the proposed new caravan park area on adjacent Lot 2.

Caravan Park

A Caravan Park is not expressly listed in Table 1 – Zoning Table of the Shire's Local Planning Scheme No.1 and therefore the application is required to be assessed in accordance with clause 18(4) of the Shire's Local Planning Scheme No.1. This clause states as follows:

“(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as following within a use class referred to in the zoning table –

- (a) Determine that the use **is consistent** with the objectives of a particular zone and therefore is a use that may be permitted in the zone subject to conditions imposed by the local government; or
- (b) Determine that the use **may be consistent** with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- (c) Determine that the use **is not consistent** with the objectives of a particular zone and is therefore not permitted in the zone.

In this particular instance the Shire's Administration concluded, following preliminary assessment of the application, that clause 4(b) of the above was applicable and that the proposal should be advertised in accordance with clause 64 of the Regulations 2015 before a final decision is made. The application was advertised for a 14 day period during which time no submissions were received.

Lot 2 Lovering Road, Hyden is zoned 'Rural Residential' and is governed by the requirements of Scheme 2 – Special Requirements for Rural Residential Zones of the Shire's Local Planning Scheme No.1. Of particular note, No.3 of the Special Requirements relating to Permissible Land Uses prescribes as follows:

Council may consider a number of land uses in the 'Rural Residential' Zone in accordance with the Zoning Table. In considering any development application, Council shall have regard to the following matters:

- (i) The compatibility of the proposed land use/s with the existing airstrip;
- (ii) The proposed location and relationship of the development with existing established land uses;
- (iii) The need for additional rehabilitation, revegetation and/or landscaping buffers;
- (iv) The matters to be considered by the local government under Part 9 of the deemed provisions;
- (v) The objectives of all land classified 'Rural Residential' Zone in the Scheme'.

The objectives of the Rural Residential Zone under the Shire's Local Planning Scheme No.1 are listed as follows:

- *To select areas wherein closer subdivision will be permitted to provide for uses such as hobby farms, horse breeding and rural residential retreats;*
- *To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas*
- *To locate Rural Residential zones generally within a five (5) kilometer radius of established settlements so that residents have convenient access to services and facilities without draining the resources of the wider community;*
- *To provide for the creation of rural residential lots having a minimum areas of two (2) hectares within or adjacent to the Kondinin and Hyden town sites and larger lots elsewhere.*

Whilst the proposed development does not provide for uses listed in the examples above, it does ensure the retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of the area and it can still enable rural residential uses on this lot in the future if required.

Caravan and Camping Regulations 1997

Detailed plans have been submitted to show the layout and key elements of the Caravan Park which are shown in the attachments to this Agenda Report. To order to operate as a Caravan Park, the proposal shall comply with the provisions of the relevant provisions of the *Caravan Parks and Camping Ground Regulations 1997*.

The proposal has been assessed against Schedule 7 of the *Caravan Parks and Camping Grounds Regulations 1997*, as summarized in the table below.

Criteria	Regulation Requirement	Provision Proposed / Comment
Distance between caravan park, annexe or site structure	3m	3m – <i>Complies</i>
Entrance Road Width	6m	11m – <i>Complies</i>
Facility internal one way road	4m	5m – <i>Complies</i>
Facility two way road	6m	10m – <i>Complies</i>
Guest Car Park 1 per 20 sites	7	1200 – <i>Complies</i>
Recreational Area 10% of total area (44,535m ²)	4,535m ²	1200m ² – <i>Complies</i>
Maximum Distance to Ablutions from any camp site	90m	77m – <i>Complies</i>
Number of Toilets (121-140 sites)	M-8 F-11	M-28 F-28 – <i>Complies</i>
Number of Showers (121-140 sites)	M-8 F-11	M-28 F-28 – <i>Complies</i>
Number of Hand Basins (121-140 sites)	M-10 F-10	M-44 F-44 – <i>Complies</i>
Laundry Facilities (1 machine, 1 trough, 1 dryer)	1 per 50 sites	1 per 33 sites – <i>Complies</i>
Camper Facilities (1 trough & 1 0.5m ² bench)	1 per 20 sites	1 per 19 sites – <i>Complies</i>
Communal Chemical Waste Dump Point	To be provided and comply with the requirements of AS/NS35 and connected to an approved waste water disposal system and readily accessible to all occupiers at the facility.	Two communal dump points are provided at the facility and readily accessible to all occupiers at the facility. – <i>Complies</i>
Waste Water Disposal	Each caravan park site is to be no more than 10m & each campsite to be no more than 30m from a sullage waste water dump point in accordance with the AS/NS 3500.2.2, or the facility is to utilize other approved means of dealing with sullage.	Waste Water Disposal system subject to approval from the Department of Health. <i>Subject to Condition of Approval</i>
Rubbish	There is to be at least one rubbish bin with a capacity of 80L within 90m of each site	14 bins at both ablution blocks. – <i>Complies</i>
Fire Hose Reels	Every site and structure is to be within reach of a nozzle	All sites are within reach of a fire hose nozzle – <i>Complies</i>
Potable Water	300L of potable water is to be available to use by each site at facility per day unless approval for less is given by the Chief Health Officer	Water Main Line shown to all powered sites. Availability of water and access to potable water from unpowered sites subject to approval. <i>Subject to Condition of Approval.</i>
Lighting	Ablution Blocks are to be lit at night of an intensity not less than 100	Not shown on plans or supporting documentation.

	lumens per sqm; a building containing a laundry is to be lit at night to an intensity of not less than 160 lumens per sqm; and the grounds shall be lit at night so that occupants have sufficient visibility at night.	<i>Subject to Condition of Approval.</i>
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STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

The following policy of the Shire's Policy Manual applies to this development application:
 BUILD 002 – Re-Erection of Secondhand Houses

PUBLIC CONSULTATION

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

Advertising closed on 27th August 2021. During this period no formal submissions were received.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

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

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

VOTING REQUIREMENTS

Simple majority required

9.1.3 KONDININ MEN’S SHED LEASE RENEWAL

Applicant: Kondinin Men’s Shed
Author: Manager Planning and Assets – Tory Young
Authorizing Officer: Chief Executive Officer – David Burton
Date: 8th September 2021
Attachments:
001 – Letter from Kondinin Men’s Shed
002 – Agreement between the Shire of Kondinin and the Kondinin Men’s Shed

OFFICER RECOMMENDATION

That Council

- 1) APPROVES the extension of the Agreement between the Shire of Kondinin and the Kondinin Men’s Shed for a further ten (10) years;
- 2) CONSIDERS the request from the Kondinin Men’s Shed and resolves as follows:
 - (a) SUPPORTS the request that the Shire will now pay all water service fees on the property Lot 277 Nicholls Street, Kondinin consistent with other lease arrangements at the Shire of Kondinin;
 - (b) NOTES that the Shire’s Administration will investigate the water use charges with the Water Corporation and advise the Men’s Shed accordingly;
 - (c) DOES NOT SUPPORT the request to exempt or reduce the waste collection fees consistent with other lease arrangements with the Shire of Kondinin.

SUMMARY

This report is to present to Council the option to renew the agreement with the Kondinin Men’s Shed to operate from Lot 277 Nicholls Street, Kondinin for a further 10 years, and to consider the request for a reduction and exemption in water service and waste collection fees.

BACKGROUND

The Shire of Kondinin formed an Agreement with the Kondinin Men’s Shed in June 2011 to operate from Lot 277 Nicholls Street under a series of conditions detailed in the Agreement attached to this Agenda report. Clause 8 of the agreement states that ‘term of this agreement is ten (10) years, with an option of a further ten (10) years with the consent of both parties.’

The matter was tabled at the Annual General Meeting of the Kondinin Men’s Shed on 5th September 2021 where it was resolved that the Kondinin Men’s Shed endorse that the agreement be extended for another ten (10) years.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire receives a peppercorn lease of \$1 per year from the Men’s Shed as per clause 9 of the Agreement.

STRATEGIC IMPLICATIONS

The project supports the following sections of the Shire’s Strategic Community Plan 2016 – 2026

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

1.1.3 Develop infrastructure and support services to create the Shire as an ideal place to retire

1.3 A safe, healthy and active Shire

1.3.2 Embrace lifelong learning, social interaction and creativity

1.3.3 Provide a variety of quality sport, recreation and leisure services and facilities for all life stages across the three communities

VOTING REQUIREMENT

Absolute Majority

9.1.4 STREET TRADING LICENCE – DYNAMIC DONUTS

Applicant: Shire of Kondinin
Author: Manager Planning and Assets – Tory Young
Authorizing Officer: Chief Executive Officer – David Burton
Date: 8th September 2021
Attachments:
001 – Application for Street Trading Licence
002 – Supporting Documentation for Street Trading Licence

OFFICER RECOMMENDATION

That Council

- 1) APPROVES the Street Trading Licence Application for a Street Trader Licence received on the 8th September 2021, subject to the following conditions:
 - a) An approved Registration of a Food Business for ‘Dynamic Donuts’ must be renewed on a yearly basis and a copy shall be kept on display at all times of operation;
 - b) The Licensee shall comply with all requirements of the Shire of Kondinin By Law Relating to Street Trading;
 - c) The Licence issued shall only apply to one location being either Lot 277 Nicholl Street (Kondinin Men’s Shed) OR Lot 265 Gordon (Kondinin Information Bay) on confirmation in writing from the Applicant on their preference;
 - d) The Licence issued shall stipulate operating up to 5 days per week between 7am and 5pm on confirmation in writing from the Applicant on their preferred days of operation;
 - e) All signage is to comply with the Shire’s Local Planning Policy relating to Signs and Advertising;
 - f) All activity shall be in accordance with the terms and conditions of the Licence issued, including matters relating to waste, removal of vehicle/structures at the end of each day of operation and grey water removal;
 - g) The Licensee shall have appropriate insurance in place;
 - h) The Licence issued shall be valid for a period of the date on which it was issued and the 30th day of June 2022;
 - i) A fee of \$600.00 is payable to the Shire of Kondinin prior to the issue of the Licence
 - j) Any other alternative locations for trading in public places during the period of the Licence shall require approval from the Chief Executive Officer on written request from the Licensee and will be treated as a ‘one off event’.

SUMMARY

This matter is presented to Council to seek approval for a Street Trading Licence to be issued under the Shire of Kondinin By-Law relating to Street Trading.

Greg Gleeson trading as Dynamic Donuts is seeking approval to operate his Donut Van within various public locations in the Kondinin Town Site, with assistance from Lorraine Gleeson, Kyle Gleeson, Rebecca Gleeson, Drew Gleeson and Taylor Gleeson.

The locations include;

- No. 11 (Lot 84) Jones Street, Kondinin (KG’s Diesel Service Centre);
- The road reserve in front of Lot 277 Nicholls Street, Kondinin (Kondinin Men’s Shed);
- The road reserve in front of No. 2 (Lot 134) Connell Street, Kondinin (Kondinin Sale Yards); and
- No. 27 (Lot 265) & No. 49 (Lot 263) Gordon Street, Kondinin (Kondinin Information Bay)

Operations at Lot 227 Nicholls Street, Lot 134 Connell Street and Lots 265 & 263 Gordon Street are proposed to be on a sporadic basis with the van being operating at only one place at the one time up to 7 days per week from

7.00am to 7.00pm; and for Lot 84 Jones Street to be 5 days per week from 7.30am to 6pm. The Applicant also seeks consideration to trade in other public places in the Shire at community events as required, such as festivals, fun days and markets.

Further information on the proposal is detailed in the Application as attached to this report.

ASSESSMENT

When considering an application for a street trading licence, Council may refuse to issue a Street Trading Licence (clause 5 of the By Law Relating to Street Trading) if –

- (a) The applicant has committed a breach of the clauses listed in clause 5 (a) of the By-Law relating to Street Trading;
- (b) The proposed activity or place of Street Trading is in the opinion of Council undesirable
- (c) The proposed stand, table, structure or vehicle is in the opinion of Council unsuitable in any respect to the location for which the Street Trading Licence is sought;
- (d) If in its opinion the needs of the District of Kondinin or portion thereof for which the Street Trading Licence is sought are adequately catered for by established shops or persons to whom licences have been issued;
- (e) Does not conform to the requirements of the Health (Miscellaneous Provisions) Act 1911 (as amended); and
- (f) Such other grounds as may be relevant in the circumstances.

An assessment of the proposal has been undertaken and the following matters have been raised for consideration.

PROPOSED LOCATIONS FOR OPERATIONS

The intent of a Street Trading Licence is for mobile trading of a business at one location on set days and hours of operation.

The Sale Yards site is not considered a safe location to set up to trade on a regular basis. If for instance the business owner wishes to operate from this site during a sheep sale event, this can be considered as a separate request to be approved in writing by the Chief Executive Officer.

Lot 84 Jones Street is private property, and therefore the operations of the food business on this property does not come under the provisions of a Street Trading Licence.

The two most suitable options proposed in the Application are Lot 277 Nicholl Street, Kondinin (Kondinin Men's Shed) and Lot 263 Gordon Street, Kondinin (Kondinin Information Bay). Both locations are public places in close proximity to a toilet and readily and safely accessed from a public road. It is considered that either one of these locations would be suitable, subject to written preference from the Applicant.

PROPOSED HOURS OF OPERATION

The intent of a street trading license, is temporary in its nature and therefore it is not considered appropriate to approve for hours of operation to be seven days a week and from 7am to 7pm per day, particularly after each end of days trade all goods need to be packed away and removed from the site. Likewise on issuing a license it is preferable that the Council have greater clarification on the set days and hours of operation, rather than a more open-ended arrangement.

It is considered appropriate that just 5 days of trade should be permitted in the License issued on written preference from the Applicant and the hours of operation are reduced to 7am to 5pm. If there is a special event that requires a change of days or hours of operation at the preferred location this can be considered subject to written approval from the Chief Executive Officer.

CONCLUSION

Should Council decide to support this application for a Street Trading Licence, it is recommended that the approval be issued subject to the conditions to be met by the Licensee (Dynamic Donuts).

STATUTORY ENVIRONMENT

- Shire of Kondinin By Law Relating to Street Trading
- Local Government (Miscellaneous Provisions) Act

POLICY IMPLICATION

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL IMPLICATIONS

As per the Second Schedule of the Shire of Kondinin's By Law relating to Street Trading the fee shall be \$600.000 per annum for the Street Trading Licence.

STRATEGIC IMPLICATIONS

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

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

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

2.1.2 Stimulate economic prosperity through various economic development strategies including buy local campaigns

2.1.3 The Shire of Kondinin will have strong business networks and an innovative, creative and entrepreneurial culture

Our Actions

- *Form partnerships and work collaboratively with the Community Resource Centres, Business Local and Wheatbelt Business Network to assist start-up businesses.'*

VOTING REQUIREMENTS

Simple majority required

9.1.5 46 GRAHAM STREET – RENTAL REDUCTION

Applicant: Shire of Kondinin
Author: Manager Planning and Assets – Tory Young
Authorizing Officer: Chief Executive Officer – David Burton
Date: 8th September 2021
Attachments: Nil

OFFICER RECOMMENDATION

That Council

- 1) AUTHORIZES delegation to the Chief Executive Officer to reduce the rental rate applied to No. 46 Graham Street, Kondinin from \$170 per week to \$140 per week for private rental for the 2021-2022 financial year.

SUMMARY

This matter is presented to Council to provide delegation to the Chief Executive Officer to reduce the rental rate at No. 46 Graham Street, Kondinin from \$170 per week prescribed in the Shire’s 2021-2022 Fees and Charges to \$140 per week.

BACKGROUND

The Shire of Kondinin currently has 16 residential properties that it owns and manages. No. 46 Graham Street, Kondinin has been vacant since September 2020. The Shire was recently approached by a local resident to rent the property and a 6 month rental agreement has been put in place expiring on the 26th February 2022. The new tenant has provided a written request to the Shire seeking a reduction in the weekly rental rate from \$170 per week to \$140 per week.

Agenda Report 9.1.1 presented to Council at its July Ordinary Meeting provided an overview of all residential properties in the Shire. This particular property is a fibro and metal clad 1 bathroom, 3 bedroom dwelling constructed in 1969 with little capital upgrade during this time and is given the lowest fair value of all residential properties in the Shire.

In the Shire’s fees and charges the private rental of residential properties in the Shire is set at \$170 per week regardless of the property rented. It is considered that due to the value, age, size and condition of No. 46 Graham Street is it appropriate that the Council give delegation to the Chief Executive Officer to lower the private rental rate of this property to \$140 per week commensurate with the value and condition of the property.

STATUTORY ENVIRONMENT

Shire of Kondinin Schedule of Fees and Charges 2021 – 2022
Local Government Act 1995
Shire of Kondinin Delegation Register

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL IMPLICATIONS

Weekly income from No. 46 Graham Street, Kondinin proposed to be reduced from \$170 per week to \$140 per week for the 2021-2022 financial year.

STRATEGIC IMPLICATIONS

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

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

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

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

VOTING REQUIREMENTS

Simple majority required

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS

Applicant: Shire of Kondinin
Author: Manager Corporate Services - Vince Bugna
Disclosure of Interest: Nil
Date: 8th September 2021
Attachment(s): List of Accounts 01/08/2021 – 31/08/2021

OFFICER RECOMMENDATION

That Council:

- 1) That Muni Cheques 19061 - 19071, Muni EFTs 13916 – 14079, Transport Direct Debits, Other Direct Debits, Payroll and Bank Fees (for the month August 2021) totalling \$888,270.83 be endorsed.

SUMMARY/COMMENT

A list of accounts is attached.

9. MANAGER OF CORPORATE SERVICES

9.2.2 FINANCIAL REPORTS

Applicant: Shire of Kondinin
Author: Manager Corporate Services - Vince Bugna
Disclosure of Interest: Nil
Date: 9th September 2021
Attachment(s): Monthly Financial Reports

OFFICER RECOMMENDATION

That Council:

- 1) ACCEPTS the Financial Reports for the period ended 31st July 2021.

9.3 MANAGER OF WORKS

9.3.1 Mower Slasher

Applicant: N/A
Author: Manager of Works – Mark Burgess
Date: 8th September 2021
Disclosure of Interest: Nil
Attachments: Included

OFFICER RECOMMENDATION

That Council
Purchase the Toro 3300 4wd from T- Quip for the changeover price of \$25,179 Inc. GST

SUMMARY

That Council consider the purchase of the quotation submitted by T-Quip for the purchase of a slasher for the up keep of the towns of Kondinin, Karlgarin and Hyden

BACKGROUND

As Council are aware due to the rains over the winter period the grasses have grown rampant especially within the town boundaries. Due to this reason it is proposed that Council purchase a purpose built slasher to keep the grasses to a minimum length to we are meeting all firebreak requirements and improve the aesthetics of the towns in general.

It is proposed that we trade the Toro Reel Mower and the Peruzzo Mower to reduce the impact on the cost. The Balance can be made up by the savings made on the Trade of the Loader, therefore having a nil balance on the budget

Slasher							
COMPANY	ContactDetails	Model	Model	Engine Power	Price Incl GST	Trade Ins: ToroReelmaste r & Peruzzo incl GST	Change over price incl GST
T-QUIP	Richard Gainsford sales@tquip.com.au Mob: 0487880001	TORO Groundsmaster	3300	37hp 4WD	\$45,529.00	\$20,350.00	\$25,179.00
T-QUIP	Richard Gainsford sales@tquip.com.au Mob: 0487880001	TORO Groundsmaster	7210		\$43,021.00	\$20,350.00	\$22,671.00
Afgri	Cory Clark cclark@afgri.com.au Mob: 0459872031	TerrainCut Commercial Front Mower			\$34,886.36	\$16,500.00	\$21,875.00

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Ensuring Council Roads Program is kept to the highest efficiency levels

VOTING REQUIREMENT

Simple Majority

9.3 MANAGER OF WORKS

9.3.2 Vibe Roller

Applicant: N/A
Author: Manager of Works – Mark Burgess
Date: 8th September 2021
Disclosure of Interest: Nil
Attachments: Included

OFFICER RECOMMENDATION

That Council
 Purchase the Dynapac CA3500D Smooth Drum Roller for the quoted price of \$146,000 plus GST

SUMMARY

That Council consider the purchase of the quotation submitted by Construction Equipment Australia (CEA) for the purchase of a Dynapac CA3500D

BACKGROUND

Recently our original smooth drum roller received some damage to the cab due to it slipping down an embankment and damaging the cab quite substantially to a point that the ROPS was slightly damaged.

The cost of the repairs was estimated at \$72,000 by the Shire's insurance company, consequently they have written it off.

The roller was insured at \$100,000 which I believe has been settled and paid, less \$300 excess.

The attached is quotes received to replace the roller with the insurance payout, however there will be a short fall of \$46,300.

After discussion with the Chief Executive Officer, Manager of Corporate Service and Manager of Planning and Asses it was felt that the short fall can be met in the current budget without putting any pressure on it.

It is also felt that we are better of purchasing now as the timeframe of getting new machinery seems to be getting harder due to Covid and also demand.

SMOOTH DRUM ROLLER					
COMPANY	ContactDetails	Model	Drum Width	Operating Weight	Price ex gst
CEA	Mark Williams m.williams@cfcdistribution.com.au 0439 767 058	DYNAPAC CA3500D	2130mm	12,100	146,000
Wirtgen Group	Marc Fernandes Marc.Fernandes@wirtgen-group.com 0458 069 083	HAMM 3414HT	2140mm	14,240	\$157,560
AMMANN PorterEquipment	Andrew Mullins 407546485	ARS130	2130mm	12580	149,200
AMMANN PorterEquipment	Andrew Mullins 407546485	ARS150	2130mm	14580	164,100
COMPLANT	David Idel David.Idel@complant.com.au 0436 107 990	RC140 T3	2140mm	14240	154,000
Westrac	Brian Slater	CAT C7.1 CS68B	2134	14325	161,000
		CAT C4.4 CS64B	2134	12355	148,000
		CAT CS12GC	2134	12275	136,000

All prices are without GST

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Ensuring Council Roads Program is kept to the highest efficiency levels

VOTING REQUIREMENT

Simple Majority

9.4.1 GECZ MEETING

Applicant: Shire of Kondinin
Author: CEO – David Burton
Date: 7 September 2021
Disclosure of Interest: Nil
Attachments: GECZ Minutes

OFFICER RECOMMENDATION

That Council:
That Council notes and endorses the recommendations of the Great Eastern Country Zone meeting held at Merredin on 23rd August 2021.

SUMMARY

This report is for Council to note actions and recommendations from the Great Eastern Country Zone (GECZ) Meeting held in Merredin on 23rd August 2021.

BACKGROUND

GECZ is the regional WALGA Meeting including the Shires of Bruce Rock, Cunderdin, Kellerberrin, Kondinin, Koorda, Merredin, Mt Marshall, Mukinbudin, Naremben, Nungarin, Tammin, Trayning, Westonia, Wyalkatchem and Yilgarn.

COMMENT

Items raised at the meeting included:

5. GUEST SPEAKERS / DEPUTATIONS

5.1 Hon John Carey MLA – Minister for Housing; Local Government

The Minister spoke about trying to work with Local Government on reforms and reducing red tape. The Minister also raised about GROH and will be looking at lifting standard of GROH houses or transferring old houses to public housing.

5.2 Grant Robinson, Office of the Auditor General – Financial Audit

6. MINUTES

6.1 Confirmation of Minutes from the Great Eastern Country Zone meeting held Monday 28 June 2021

6.2 Business Arising from the Minutes of the Great Eastern Country Zone Meeting Monday 28 June 2021

6.2.1 Item 6.2.4, Department of Local Government, Sport and Cultural Industries

6.2.2 Item 7.1, Invite to Minister David Kelly, Minister for Water, Forestry; Youth

6.2.3 Item 7.3, Fire Bans and Public Holidays

6.2.4 Item 8.4, Wheatbelt MOU Group

6.2.5 Item 9.2, WALGA Status Report

6.2.6 Item 12.1, Delivery of Ambulance Services in WA

6.4 Confirmation of Minutes from the Great Eastern Country Zone Meeting of the Executive Committee

7. ZONE BUSINESS

7.1 Regional Telecommunications Review

7.2 2021 Local Government Elections – Zone Office Bearer Elections

7.3 Social Housing Economic Recovery Package Grant Funding

7.4 State Planning Policy 2.4 Basic Raw Materials

7.5 Information Items

7.6 Drought advocacy update

8. ZONE REPORTS

8.1 Zone President Report

8.2 Local Government Agricultural Freight Group

8.3 Wheatbelt District Emergency Management Committee

8.4 Wheatbelt Health MOU Group

8.5 WALGA Roadwise

9. WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) BUSINESS

9.1 State Councillor Report

9.2 WALGA Status Report

9.3 Review of WALGA State Council Agenda – Matters for Decision

9.4 WALGA President's Report

10. MEMBERS OF PARLIAMENT

11. AGENCY REPORTS

11.1 Department of Local Government, Sport and Cultural Industries

11.2 Wheatbelt Development Commission

11.3 Main Roads Western Australia

11.4 Wheatbelt RDA

11.5 Water Corporation

12. EMERGING ISSUES

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

GECZ Shires.

STRATEGIC IMPLICATIONS

The project meets the following objectives of the Shire's Community Strategic Plan 2016-2026:

Goal 4: Civic

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

Simple Majority

9.4.2 ADOPTION OF PUBLIC HEALTH PROFILE

Applicant: Shire of Kondinin
Author: CEO – David Burton
Date: 8th September 2021
Disclosure of Interest: Nil
Attachments: Shire of Kondinin Public Health Profile

OFFICER RECOMMENDATION

That Council:

That Council accept the Draft Public Health Profile in principal with the following actions to be followed up:

The CEO:

- a) seek public feedback for the document for final adoption in December 2021 subject to public comments; and
- b) proceed with the drafting of a Public Health Plan for the Shire of Kondinin.

SUMMARY

For Council to consider the draft Public Health Profile for the Shire of Kondinin

BACKGROUND

As part of changes to the Health Act, Local Government is now required to have a Public Health Plan to look at health issues of the residents of the Shire and plan for the future to meet the needs of the residents.

The attached draft Public Health Profile for the Shire of Kondinin is a detailed look at our residents and factors that impact their health and wellbeing. This information will then be used to draft a Public Health Plan to cater for the future needs of our community.

COMMENT

The Public Health Profile for the Shire of Kondinin is a step towards the Public Health Plan as required under legislation. This will look at the needs of the residents and ratepayers of the Shire of Kondinin and how the Shire can meet their needs going into the future.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The adoption of this Profile will then be followed with the drafting of the Shire of Kondinin Public Health Plan. While this will be a cost to the Shire, it should fit within current budget allocations.

CONSULTATION

Nil

STRATEGIC IMPLICATIONS

The project meets the following objectives of the Shire's Community Strategic Plan 2016-2026:

Goal 1: Social

1.3 A safe, healthy and active Shire

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

Goal 4: Civic

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

Simple Majority

9.4 CHIEF EXECUTIVE OFFICER

9.4.3 REVIEW OF DELEGATED AUTHORITY

Applicant:	Shire of Kondinin
Author:	CEO – David Burton
Date:	9th September 2021
Disclosure of Interest:	Nil
Attachments:	Delegated Authority Register

OFFICER RECOMMENDATION

That Council, by Absolute Majority, approve the Review of the Delegated Authority Register and confirms delegation of the powers of Council as per the Delegated Authority Register as at 15th September 2021.

SUMMARY

To consider the review of the Delegation Register as at the 15th September 2021

BACKGROUND

It is a requirement of the Local Government Act 1995 that Council review the Delegated Authority listing at least once every financial year.

It is common for this process to be completed in the early part of the financial year to ensure that it does not get missed creating a compliance issue.

COMMENT

The Review is carried out as a statutory requirement to ensure compliance with the Local Government Act 1995. At this time, staff have no recommendations for changes to the Delegations Register.

It should be noted that the Register includes all delegations, including delegations from the CEO to Employees. These are included to keep all delegations together, however Council does not have any requirement to approved the CEO's delegated authority to employees.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.46 Register of, and records relevant to, delegation to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The project meets the following objectives of the Shire's Community Strategic Plan 2016-2026:

Goal 4: Civic

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

9.4.4 APPLICATION TO APPROVE THE TOWN TEAM MOVEMENT

Applicant: Shire of Kondinin
Author: CDO – Kirstie Pool
Date: 9th September 2021
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

That Council endorses the participation of Shire Staff in the Town Teams Movement Groups within the Shire.

SUMMARY

To consider a request to support the Town Team Movement within the Shire of Kondinin

BACKGROUND

On the 13th of August 2021 the two Community Development Officers, Steevi-Lee Thomas and Kirstie Pool attended the Town Team Movement State conference in Bunbury with Toni Smeed the Kondinin Community Resource Centre Co-coordinator.

The Town Team Movement enables local community groups and local governments to connect, organize and act to regenerate the fabric of our shire and create a better place together.

The movement creates a positive and proactive organizations that include businesses, landowners and residents working collaboratively with the local government to improve a place or area, such as town center or Main Street. Town Teams try and bridge the gaps between local governments, places, local business and residents.

Town Teams make the journey and the experiences along the way constructive and creative. By creating connections across the Shire/s through social events can open up more amazing opportunities for people to find new ways to change their towns.

COMMENT

The Kondinin CRC is looking at establishing a Town Team Movement for Kondinin and the Development Officer are looking at being a part of this group.

The outcomes of the Town Team Movement is to promote local activities and development of the towns, which fits within the duties of the Development Officers. Being a part of this working group will enable to officers quick access and participation with the outcomes.

This group is starting in Kondinin and it is hoped that it will extend to Hyden once a CRC Co-Coordinator has been engaged.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

At the current time, there is no financial consideration for this project, however in the future, the Shire may be requested to contribute in the future or be requested to auspice funding.

STRATEGIC IMPLICATIONS

The project meets the following objectives of the Shire's Community Strategic Plan 2016-2026:

Goal 1: Social

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

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

1.2 A growing, diverse and dynamic community.

1.2.3 Create aesthetically attractive and vibrant towns within the Shire.

VOTING REQUIREMENT

Simple Majority

9.4.5 SALE OF LOADER

Applicant: Shire of Kondinin
Author: CEO – David Burton
Date: 8th September 2021
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

That Council:
That the Chief Executive Officer proceed with the disposal of the L90 Loader as a trade-in to Afgri as per the Tender Specifications.

SUMMARY

For Council to consider the sale of the Volvo L90 Loader as part of a trade in for a new loader.

BACKGROUND

The Shire can only dispose of property as per the requirements of the Local Government Act 1995 (the Act) and associated Regulations.

In this case, the sale of the loader was done as a trade for a new vehicle, however as the loader was over \$20,000 and the total transaction was over \$75,000, additional steps were required to ensure the transfer was as per the requirements of the Act

COMMENT

In order to comply with the legislation it was required that the sale of the vehicle to Afgri was advertised and submission on the sale could be made to the Shire office. The final day of submissions is 14th September 2021. At the time of preparing this report, no submission had been received with regard to the sale of the loader. Any submissions received before the closing date will be presented to Council at the meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.58.

Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

30. Dispositions of property excluded from Act s. 3.58

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(3) A disposition of property other than land is an exempt disposition if —

- (a) its market value is less than \$20 000; or
- (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Tender has already been accepted by Council for the new loader, therefore this item will have no financial implications.

CONSULTATION

Nil

STRATEGIC IMPLICATIONS

The project meets the following objectives of the Shire's Community Strategic Plan 2016-2026:

Goal 4: Civic

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

Simple Majority

9. CHIEF EXECUTIVE OFFICER

9.4.6 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS AND DUAL BUSHFIRE CONTROL OFFICERS

Applicant: Shire of Kondinin
Author: CEO – David Burton
Date: 10th September 2021
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

That Council:
That Councils appoint the listed Officers as Bush Fire Control Officers and Dual Bush Fire Control Officers

SUMMARY

For Council to Bush Fire Control Officers for the 2021/2022 Year.

BACKGROUND

The AGM for the Shire of Kondinin Bush Fire Brigades was held on 8th September 2021. As part of the Meeting, the following Officers were recommended for the Bush Fire Control Officer

COMMENT

Bushfire Control Officers are responsible for any fire control activities within the Shire of Kondinin are:

Chief Fire Control Officer & Fire Weather Officer

David Burton, CEO

Deputy Chief Fire Control Officer & Fire Weather Officer

Tom Mulcahy (East) Deputy CFCO

Roger Northey (West) Deputy CFCO

Kondinin Town Brigade

Allan Nelson FCO

Kondinin Brigade (West)

Glenn Browning FCO

Kurt Spurgeon DFCO

Kondinin Brigade (East)

Neil Whyte FCO

Karlgarin Brigade (North)

Murray James FCO

Peter Richter DFCO

Karlgarin Brigade (South)

Craig Soper FCO

Hyden Town Brigade

Ashley Rogers FCO

Hyden Brigade (North)

Paul Green FCO

Hyden Brigade (South)

Trevor Hinck FCO

Stephen James DFCO

East Hyden Brigade (North)

Ken Graham FCO

Dennis Gittos DFCO

Forrestania Brigade

Forrestania Mine

General Manager (Duncan Sutherland)

Dual Bush Fire Control Officer

Shire of Corrigin

Phillip Browning

Shire of Kulin

Beau Repacholi

Trevor Hinck

James Falconer

Shire of Narembeen

Neil Whyte

Murray James

Paul Green

Shire of Yilgarn

James Falconer

Shire of Lake grace

Tom Mulcahy

STATUTORY ENVIRONMENT

Local Government Act 1995

Bush Fires Act 1954

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

Nil

STRATEGIC IMPLICATIONS

The project meets the following objectives of the Shire's Community Strategic Plan 2016-2026:

Goal 4: Civic

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

Simple Majority

9.5 ENVIRONMENTAL HEALTH OFFICER

10. BUSINESS OF AN URGENT NATURE

11. CLOSURE