



**MINUTES OF THE ORDINARY MEETING HELD ON 19TH MARCH, 2025 AT
THE HYDEN COMMUNITY RESOURCE CENTRE**

Order of Business

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Shire President Cr Mouritz read the Statement of Commitment to Indigenous Australians, welcomed those present and declared the meeting open at 4.48pm.

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

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

RESOLUTION: #4494

Moved: Cr Murray James

Seconded: Cr Beverley Gangell

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

Carried: 8/0

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

Against: Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATION FOR LEAVE OF ABSENCE

6. PETITIONS/DEPUTATION/PRESENTATIONION FACILITY

6.1 KONDININ ENERGY

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/INFORMATION REPORTS

7.1 MINUTES OF COUNCIL MEETING – 12th February 2025

RESOLUTION: #4495

Moved: Cr Brett Smith

Seconded: Cr Bruce Browning

That the Minutes of the Council Meeting, held on the 12th of February, 2025, be confirmed.

Carried: 8/0

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

Against: Nil

7.2 INFORMATION REPORT – March 2025

RESOLUTION: #4496

Moved: Cr Murray James

Seconded: Cr Darren Pool

That Council receives and accepts the Information Reports before this meeting.

Carried: 8/0

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

Against: Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 Kondinin Wind Farm – Time Extension

9.1.2 Excise of Reserve for Freehold at Lot 62, McPherson Street, Hyden

9.1.3 Approval of Rent Increase for 30 Repacholi Parade, Kondinin

9.1.4 Licence Agreement for the Shared Use of Facilities for Sporting & Recreational
Purposes at Hyden Primary School

9.1.5 Advertising of Draft Local Planning Policy No. 5 – Heritage List

9.1.6 Advertising of Draft Heritage List

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 List of Accounts – February 2025

9.2.2 Financial Reports – February 2025

9.2.3 Interest Write Offs

9.2.4 Mid-Year Budget Review – 31 December 2024

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Discovery Centre Update

9.4.2 Compliance Audit Return

9.4.3 Annual Electors Meeting

9.4.4 2025 Elections

9.4.5 CWA Hyden Hall

9.4.6 East Hyden Fire Unit

9.4.7 Common Seal

9.4.8 Purchase of Grader

9.4.9 Medical Services

9.4.10 RoeROC Housing Project

9.4.11 Support for Early Years' Program

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 AMENDMENT TO DEVELOPMENT APPROVAL – RENEWABLE ENERGY FACILITY, KONDININ

Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	12 th March 2025
Disclosure of Interest:	Nil
Attachments:	Development Application Report

Items requested to be returned to Council from February Meeting by Cr Browning, Cr Mouritz and Cr James as required under the Local Government (Administration) Regulations 1996 Regulation 10.

OFFICER RECOMMENDATION

Moved: Cr Bruce Browning

Seconded: Cr Paul Green

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

For

Against

Amendment Motion

RECOMMENDATION: #4497

Moved: Cr P Green

Seconded:

Cr M James

Council moved to include the following after 'two (2) years' in point 1.

"subject to Amending Clause 3 (i) of the Development Application issued by the JDAP 9th August 2018 as shown in underline as follows:

- 3 **Approve** DAP application reference DAP/18/01477 and the following list of accompanying documentation stamp dated 9th August 2018 in accordance with Schedule 2, clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the development of a 'renewable energy facility' on all or part of 19 separately titled freehold lots with frontage to and in the vicinity of Notting-Karlgarin Road and Brookton Highway, Kondinin subject to the conditions stated below:

- i) Development Application Report (Lacour - 24 July 2018) as amended with the wording under section 2.7 of the report amended increasing the stated community contribution of \$100,000 per annum (including CPI) being amended to \$150,000 per annum (including CPI)."

Carried: 8/0

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

Against: Nil

Substantive Motion

RESOLUTION: #4498

Moved: Cr Bruce Browning

Seconded: Cr Paul Green

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, subject to Amending Clause 3 (i) of the Development Application issued by the JDAP 9th August 2018 as shown in underline as follows:
 - 3 **Approve** DAP application reference DAP/18/01477 and the following list of accompanying documentation stamp dated 9th August 2018 in accordance with Schedule 2, clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the development of a 'renewable energy facility' on all or part of 19 separately titled freehold lots with frontage to and in the vicinity of Notting-Karlgarin Road and Brookton Highway, Kondinin subject to the conditions stated below:
 - i) Development Application Report (Lacour - 24 July 2018) as amended with the wording under section 2.7 of the report amended increasing the stated community contribution of \$100,000 per annum (including CPI) being amended to \$150,000 per annum (including CPI).
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: 8/0

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

Against: Nil

Council considered the item, but as the original Community Contribution was established 10 years ago, recommended that the amount be increased to consider it relevance to current costs.

Summary

This report is for Council to consider an extension of the original development application approved by the Mid-West/Wheatbelt 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 time for 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* 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* (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 proposal to consider a two (2) year extension to the development approval was supported by Council at its Ordinary Meeting on the 12th February 2025. Subsequent to the meeting, three (3) Members applied for this decision to be revoked or changed as per *Local Government (Administration) Regulations 1996 (10)*, resulting in the item being considered again by Council.

Acknowledging the concerns raised by Council Members a meeting was held with the proponents and the Council Members on the 11th March 2025, in which the following key matters of concerns were discussed:

1. Information on the processes involved in the decommissioning of the Wind Farm, including but not limited to Shell's commitment to establish a fund for end of life costs;
2. Further explanation on why Shell need an extension of time to deliver the project, including but not limited to update on securing an offtake, construction of transmission line and finalization on financial investment decision; and
3. Consideration to increase the yearly cash contribution to the community from the current \$100,000 per year detailed in the original development application and whether this money can be carried over several financial years for larger community projects.

In light of the feedback provided by Shell at the meeting held on the 11th March 2025 and on review of the information detailed in the Development Application Report attached to this Agenda item, the Shire's Administration recommended that Council support the extension of the development for a further two (2) years.

Statutory Environment

Emergency Management Act 2005

Local Government (Administration) Regulations 1996

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

Policy Implications

Nil

Financial Implications

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

Strategic Implications

Supports the following section of the Shire's 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

9.1.2 PROPOSED AMENDMENTS TO CROWN RESERVE 33998

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 12th March 2025
Disclosure of Interest: Nil
Attachments: 1. Aerial Map 2. Lease Arrangement

RESOLUTION: #4499

Moved: Cr Darren Pool

Seconded: Cr Brett Smith

That Council:

PART ONE

1. **SUPPORTS** the request from the land owners of No. 19 (Lot 62) McPherson Street, Hyden to excise a 728m² portion of crown land from No. 38 (Lot 500) on DP 428814 Marshall Street, Hyden (Reserve 33998) to freehold currently under a lease agreement with the Shire;
2. **ACKNOWLEDGES** that the landowners of No. 19 (Lot 62) McPherson Street, Hyden have agreed to cover all costs in the purchase of the excised portion of No. 38 (Lot 500) on DP 428814 Marshall Street, Hyden (Reserve 33998) in freehold from the State; 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.

PART TWO

1. **SUPPORTS** the construction of a 12m x 4m concrete crossover to be installed on the northern side of No. 19 (Lot 62) McPherson Street, Hyden to be shared equally in cost with the land owner and the Shire of Kondinin to a maximum contribution of \$1,500 from the Shire.

Carried: 8/0

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

Against: Nil

Summary

The purpose of this report is to seek approval from Council to excise a portion of Reserve 33998 being Lot 500 on Deposited Plan 428814 and support the request from the landowners of No. 19 (Lot 62) McPherson Street, Hyden to purchase the excised portion as freehold from the State.

Background

Since 2009 a lease / deed has been renewed every five years for the landowners of No. 19 (Lot 62) McPherson Street to utilise a 12m x 56m section of Reserve 33998 being Lot 500 on Deposited Plan 428814 for the operations of a tyre business. The current lease expires in December 2027.

The land owners have recently approached the Shire with their intentions to construct a new shed on the property to facilitate operations of the business. The proposed dimensions of the new shed (12m x 20m) whilst will fit within the area used by the business it does not comply with the setback requirements for a building permit as the shed will extend over the lot boundary.

Given this, the land owners are seeking request from Council to excise a portion of land (13m x 56m) that is currently largely covered by the lease arrangement to be formally transferred to freehold into No. 19 (Lot 62) McPherson Street, Hyden. To avoid the removal of trees it is proposed that the section of land to be excised is increased from 12m x 56m to 13m x 56m.

In addition to the above request, the landowners would like consideration in the installation of a concrete crossover on the northern portion of their property to be shared in costs with the Shire. The proposed crossover to the northern entrance to the property and the proposed new fence along the eastern boundary of the property are considered will both enhance the functionality and physical appearance of the business from the street.

The Shire's Administration have considered the requests above not unreasonable, and recommend to Council to support the Officer's Recommendation.

Statutory Environment

- Land Administration Act 1997
- Land Administration Regulations 1998

Policy Implications

Nil

Financial Implications

The land owner has indicated that will cover the costs of the land transfer.

Strategic Implications

Supports the following section of the Shire's Strategic Community Plan 2022 – 2032

"CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government."

Voting Requirement

Simple majority

RESOLUTION: #4500

Moved: Cr Brett Smith

Seconded: Cr Murray James

That Council moves behind closed doors for the confidential item

Carried: 8/0

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

Against: Nil

9.1.3 RENT INCREASE FOR NO. 30 (LOT 246) REPACHOLI PARADE, KONDININ

Author: Tory Young, Manager Planning and Assets

Authorising Officer: David Burton, Chief Executive Officer

Date: 11th March 2025

Disclosure of Interest: Nil

Attachments: Nil

RESOLUTION: #4501

Moved: Cr Bruce Browning

Seconded: Cr Paul Green

That Council:

- 1) **AUTHORISES** delegation to the Chief Executive Officer to increase the rental rate applied to No. 30 (Lot 246) Repacholi Parade, Kondinin from \$170 per week to \$320 per week to take effect not less than 60 days of formally notifying the tenant of the rent increase pursuant to the Residential Tenancy Act 1997; and
- 2) **SUPPORTS** amendments to the Shire's Fees and Charges to replace \$170 per week for private rentals to 'as determined by Council' to be considered inclusion in the 2025/2026 Fees and Charges;

Carried: 8/0

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

Against: Nil

CONFIDENTIAL ITEM

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 —*
 - (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,**where the trade secret or information is held by, or is about, a person other than the local government; and*

RESOLUTION: #4502

Moved: Cr Brett Smith

Seconded: Cr Paul Green

That Council comes out from behind closed doors.

Carried: 8/0

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

Against: Nil

9.1.4 LICENCE AGREEMENT FOR THE SHARED USE OF FACILITIES FOR SPORTING AND RECREATIONAL PURPOSES AT HYDEN PRIMARY SCHOOL

Author: Tory Young, Manager Planning and Assets

Authorising Officer: David Burton, Chief Executive Officer

Date: 18th March 2025

Disclosure of Interest: Nil

Attachments: Letter from Department of Education; Licence Agreement

RESOLUTION: #4503

Moved: Cr Darren Pool

Seconded: Cr Beverley Gangell

That Council:

1. **RECEIVES** the letter attached received from the Department of Education dated 6th March 2025 addressing the procedural motion of the Ordinary Meeting of Council held on the 18th December 2024; and
2. **APPROVES** the Licence Agreement attached between the Shire of Kondinin and the Department of Education for the Shared Use of Facilities for Sporting and Recreational Purposes at Hyden Primary School to be adopted and signed with a Common Seal by Order of Council.

Carried: 7/1

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

Against: Cr Brett Smith

Summary

The Hyden Primary School have utilised the Hyden Recreation Reserve comprising Lot 151 on DP 216918 and Lot 187 on DP 36743 together being the whole of the land in Reserve 33998 with no formal agreement in place. Following the matter being laid on the table by Council at its Ordinary Meeting held on the 18th December 2024, the purpose of this report is for Council to consider the additional information supplied by the Department of Education and endorse via Common Seal the Licence Agreement for the Shared Use of Facilities for Sporting and Recreational Purposes at Hyden Primary School to formalise this arrangement.

Background

The Hyden Primary School have utilised the Hyden Recreation Reserve comprising Lot 151 on DP 216918 and Lot 187 on DP 36743 together being the whole of the land in Reserve 33998 for sporting activities with no formal agreement in place. In August 2023 the Shire of Kondinin were approached by the Hyden Primary School seeking information on a formal arrangement between the Shire and the Department of Education on the use of the recreation reserve and facilities. It was established that the Department of Education currently has an informal hire arrangement in place with the Hyden Sports Council (including a \$3,146 hire fee), however this arrangement was found not to provide any party with obligations or responsibilities in the way that a formal shared use licence agreement would.

With no legally binding (formal) lease/licence agreement in place, the informal arrangement was considered to carry some risk to the Department of Education. As the Hyden Sports Council do not have management of the reserve, or conduct the maintenance to the reserve, the Department considered that it would be more appropriate to enter into a shared use licence agreement with the Shire.

Noting the goodwill currently enjoyed by all parties involved, the Department sought to establish a shared use agreement that best captured the current use of the reserve and provides surety to the parties. Additionally, during the preparation of the document the Shire's Administration met with representatives of Hyden Primary School to ensure that the agreement enabled both parties to enjoy the same benefit and management of the Reserve as they do under the current informal arrangement.

The matter was first presented to Council at its Ordinary Meeting held on the 18th December 2024, in which Council endorsed a procedural motion as follows:

Item lay on table for items to be discussed further:

Increased contributions for maintenance costs

Ministerial Permission required for items – (localised)

Permission to use our own facility should not be required

Agreement needs to reflect current arrangements.

The detail of the procedural motion was forwarded to the Department of Education, following which a letter has since been received as attached to this Agenda Report addressing the points listed in the procedural motion.

The Reporting Officer considers that the letter adequately addresses the queries raised in the procedural motion and no further amendments to the document are required.

In light of the above, it is recommended that Council endorse the licence agreement attached streamlining the arrangement between the Shire of Kondinin and the Department of Education for the use of the Hyden Recreation Reserve by the Hyden Primary School.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

The Hyden Sports Council currently receive \$3,146 from the Department of Education per annum for the hire of the Hyden Recreation Reserve. This hire fee will discontinue under the new shared use agreement and replaced with the Shire of Kondinin receiving a \$3,500 from the Department of Education per annum as a contribution towards the maintenance of the reserve.

Strategic Implications

Supports the following section of the Shire's 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 REQUIREMENT

Simple majority

9.1.5 **ADVERTISING OF DRAFT LOCAL PLANNING POLICY NO. 5 – HERITAGE LIST**

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 18th March 2025
Disclosure of Interest: Nil
Attachments: Local Planning Policy No. 5 - Heritage List

RESOLUTION: #4504**Moved: Cr Brett Smith****Seconded: Cr Murray James**

That Council:

1. **AUTHORISES** the Chief Executive Officer to advertise the draft Local Planning Policy No. 5 – Heritage List as shown in the attachment to this report pursuant to Schedule 2 cl.4 of the Deemed Provisions prescribed in the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Carried: 8/0**For: Cr Kent Mouritz, Cr B Gangell, Cr B Smith, Cr B Browning, Cr D Pool, Cr P Green, Cr M James, Cr K Green.****Against: Nil****Summary**

This report is for Council to approve the advertising of the draft Local Planning Policy No. 5 relating to the Heritage List.

Background

Part B of the Shire of Kondinin Local Planning Scheme No.1 being the deemed provisions set out in *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2* provides for the preparation of local planning policies to apply generally or to a particular class or classes of matters and throughout the Scheme area or in one or more parts of the Scheme area. The subject Policy is intended to apply to places on the Shire's Heritage List throughout the Scheme area, that being the whole of the Shire of Kondinin.

The Shire's existing Municipal Heritage Inventory (MHI) has not been reviewed since it was first prepared and adopted in 1998. Under the new Heritage Act 2018 all Shires require a Local Heritage Survey (previously known as MHI's). The Shire of Kondinin has no places listed on a Heritage List pursuant to the Local Planning Scheme No.1 resulting in no protection of places of heritage significance under the Planning and Development Act 2005. With no places on a Heritage List, the Shire equally had no need for a Local Planning Policy relating to Heritage Management.

The Shire received grant funding to engage Heritage & Conservation Consultant, Laura Gray of Heritage Intelligence WA to undertake the review of its Heritage Inventory. This grant funding presented a good opportunity to undertake this long overdue review and ensure that the Shire had supporting documentation to offer protection to heritage places.

Community workshops were held in July 2022 for each of the Shire's three (3) town sites, which were well attended by community members. During this same meeting the Heritage Consultant provided the Shire Councillors a presentation on the project.

Since the community workshops the Heritage Consultant has submitted a Local Heritage Survey, a recommended Local Heritage List and a draft Local Planning Policy, the latter the subject of this report and to be read in conjunction with the Local Heritage List which is being presented to Council as a separate Agenda Item.

With the exception of the Local Heritage Survey, both the Heritage List and the Local Planning Survey required to first be advertised for a minimum of 21 days prior to being adopted by Council.

Statutory Environment

- Shire of Kondinin Town Planning Scheme No.1
- Heritage Act 2018
- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development Act 2005 (as amended)

Policy Implications

- Guidelines for Local Heritage Surveys (Heritage Council of WA, August 2022)

Financial Implications

- \$4630.25 - Consultancy Services Account # 1042300
- \$4630.25 – Department of Planning, Lands and Heritage Grant Funding
- In-kind contribution for project management and administrative support

Strategic Implications

Supports the following section of the Shire's Strategic Community Plan 2022 – 2032:

"COMMUNITY

1.3 Celebrate our pioneers, and community members and protect our heritage"

Voting Requirement

Simple majority

9.1.6 **ADVERTISING OF DRAFT HERITAGE LIST**

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 18th March 2025
Disclosure of Interest: Nil
Attachments: Local Heritage List; Local Heritage Survey

RESOLUTION: #4505

Moved: Cr Bruce Browning

Seconded: Cr Beverley Gangell

That Council:

1. **RECEIVES** the Local Heritage Survey as a record of the Shire's heritage places;
2. **AUTHORISES** the Chief Executive Officer to advertise the places recommended inclusion in the Shire's Local Heritage List as shown in the attached in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, including but not limited to;
 - a) Invite each owner and occupier to make submissions on the places proposed inclusion in the Shire's Local Heritage List; and
 - b) A notice circulated in the locality, including local news publications, the Shire's website and a notice at the Shire Offices in Hyden and Kondinin.
3. **AUTHORISES** the Chief Executive Officer following the above advertising to present all submissions made to Council to determine which places are entered in the Shire's Heritage List with or without modification, or that the place be removed from the Heritage List.

Carried: 8/0

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

Against: Nil

Summary

This report is for Council to approve the advertising of places proposed inclusion on the Shire's Heritage List.

Background

The Shire's existing Municipal Heritage Inventory (MHI) has not been reviewed since it was first prepared and adopted in 1998. Under the new Heritage Act 2018 all Shires require a Local Heritage Survey (previously known as MHI's). The Shire of Kondinin has no places listed on a Heritage List pursuant to the Local Planning Scheme No.1 resulting in no protection of places of heritage significance under the Planning and Development Act 2005. With no places on a Heritage List, the Shire equally had no need for a Local Planning Policy relating to Heritage Management. A draft Policy has since been prepared and presented as a separate Agenda Item to Council which prescribes the requirements for places included on the Heritage List pursuant to the *Planning and Development (Local Planning Scheme) Regulations 2015*.

The Shire received grant funding to engage Heritage & Conservation Consultant, Laura Gray of Heritage Intelligence WA to undertake the review of its Heritage Inventory. This grant funding presented a good opportunity to undertake this long overdue review and ensure that the Shire had supporting documentation to offer protection to heritage places.

Community workshops were held in July 2022 for each of the Shire's three (3) town sites, which were well attended by community members. During this same meeting the Heritage Consultant provided the Shire Councillors a presentation on the project.

Since the community workshops the Heritage Consultant has submitted a Local Heritage Survey, a recommended Local Heritage List and a draft Local Planning Policy, the latter to be read in conjunction with the Local Heritage List which is being presented to Council as a separate Agenda Item.

With the exception of the Local Heritage Survey, both the Heritage List and the Local Planning Survey required to first be advertised for a minimum of 21 days prior to being adopted by Council.

The Heritage List prepared by the consultant recommended the inclusion of 29 places from the Shire's Local Heritage Survey to be included in the Heritage List. Of these, one was identified as a Category 1 which is already entered on the Heritage Council of Western Australia's Register of Heritage Places (Hyden WA), the remaining 28 places were recommended inclusion as a Category 2 being places of considerable cultural heritage significance to the Shire of Kondinin and worthy of recognition and protection through provisions of the Shire of Kondinin's Local Planning Scheme and Local Planning Policy.

Of the 29 places listed, 10 are under private ownership, with all others being either owned by the State or the Local Government.

As per the Officer's Recommendation, all owners and occupiers of the places proposed inclusion in the Shire's Local Heritage List will be notified of the proposal and asked to make a submission if they support or object to the listing. Additional information will be provided to the land owners and occupiers on the implications of the listing to assist in making an informed decision. This information will then be presented back to Council for consideration.

Statutory Environment

- Shire of Kondinin Town Planning Scheme No.1
- Heritage Act 2018
- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development Act 2005 (as amended)

Policy Implications

- Guidelines for Local Heritage Surveys (Heritage Council of WA, August 2022)

Financial Implications

- \$4630.25 - Consultancy Services Account # 1042300
- \$4630.25 – Department of Planning, Lands and Heritage Grant Funding
- In-kind contribution for project management and administrative support

Strategic Implications

Supports the following section of the Shire's Strategic Community Plan 2022 – 2032:

"COMMUNITY

1.3 Celebrate our pioneers, and community members and protect our heritage"

Voting Requirement

Simple majority

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS – February 2025

Applicant: Shire of Kondinin
 Author: Vince Bugna, Manager Corporate Services
 Disclosure of Interest: Nil
 Date: 6th March
 Attachment(s): List of Accounts 01/02/2025 to 28/02/2025

RESOLUTION: #4506

Moved: Cr Paul Green

Seconded: Cr Brett Smith

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

• Municipal Fund payment cheque numbers 19474 to 19481	=\$ 16,765.96
• Municipal EFT20009 to 20149	=\$ 437,620.39
• Direct Debits – Transport – Hyden Office	=\$ 4,776.45
• Direct Debits – Transport – Kondinin Office	=\$ 5,348.90
• Direct Debits – Credit Cards DD22241.3	=\$ 167.68
• Direct Debits – Other	=\$ 27,683.94
• EFTPOS Merchant Fees & Tyro	=\$ 1,630.42
• Bank Fees – NAB Connect	=\$ 133.73
• Payroll EFTs	=\$148,922.87
TOTAL	<u>=\$643,050.34</u>

Carried: 8/0

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

Against: 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*.

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

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's 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

9.2.2 **FINANCIAL REPORTS – February 2025**

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 12th March 2025
Attachment(s): Monthly Financial Report for the period ended 28 February

2025

RESOLUTION: #4507

Moved: Cr Beverley Gangell Seconded: Cr P Green

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 28 February 2025.

Carried: 8/0

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

Against: Nil

Summary

To present to Council the Monthly Financial Report for the period ended 28 February 2025.

Background

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

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

Local Government (Financial Management) Regulation 1996

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's 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

Reporting Officer's Comment

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

Item	Reference
Cash at Bank The Shire's total cash as at 28 February 2025 was \$6,815,807 – composed of \$4,419,596 reserve accounts (restricted), \$51,911 LCDC fund, \$240,722 term deposit investments and \$2,103,578 general fund (Muni, OCDF & Petty cash).	Page 9 – Note 6 Cash and Financial Assets Page 10 – Note 7 Reserve Accounts
Receivables Rates and Rubbish – \$461,250 balance as \$3,684,247 equivalent to 89% have been paid. Other receivables of \$148,460 – composed of \$54,115 sundry debtors, \$64,830 gst receivable and \$29,515 ESL and pensioner related receivables.	Page 16 – Note 10 Receivables
Current Liabilities YTD balance is \$1,445,390 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 \$480,496 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 \$1,796,329 – composed of \$7,595,513 Current Assets /less \$1,445,390 Current Liabilities and \$(4,353,793) 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 \$3.7m (amended) this financial year is 84% completed of which \$1.51m spent son Hyden Norseman Road (completed). ✓ Plant and equipment have a budget of \$1.093m are 88% completed. ✓ Land and buildings have a total budget of \$3.04m for WACHS housing, Kondinin Pavilion upgrade and staff housing are 25% completed.	Page 7 – Key Information Page 11 to 14 – Note 8 Capital Acquisitions
Grants, Subsidies and Contributions ✓ Operating grants total received = \$619,085 from three 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.

Voting Requirement

Simple Majority

9.2.3 **INTEREST WRITE OFF – A2228**

Applicant: Shire of Kondinin
Author: Leandré Genis, Rates Officer
Reviewed: Vince Bugna, Manager Corporate Services
Date: 20 June 2025
Attachments: Nil

RESOLUTION: #4508

Moved: Cr Brett Smith

Seconded: Cr Beverley Gangell

That Council **APPROVE** to write off the balance of interest on property Assessment 2228 to the amount of \$70.23.

Carried: 8/0

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

Against: Nil

Summary

To seek council approval to write off the interest on Assessment 2228.

Background

When paying the rates for this ratepayer's assessments, only 1 assessment number displayed on our bank statement causing us to allocate all the money received with this reference number (A2228) to this assessment. After further investigation and correspondence from the ratepayer, it was discovered that the money was meant to be paid to several other assessments rather than just A2228.

After redistributing the money correctly, A2228 accrued interest. The ratepayer has requested Council's consideration in writing off the interest since they have since settled all other outstanding balances.

Statutory Environment

Local Government Act 1995.

Policy Implications

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

Financial Implications

A provision for write-offs and doubtful debts is included in the 2024/25 budget. The outstanding balances will be reduced by the write-off.

Strategic Implications

Supports the following section of the Shire's Strategic Community Plan 2022-2032:

"4. CIVIC LEADERSHIP

4.1 Skilled, capable and transparent team."

Voting Requirements

Simple majority

9.3 MANAGER OF WORKS

NIL

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 DISCOVERY CENTRE UPDATE

Author: CEO - David Burton
Authorised Officer: CEO - David Burton
Date: 11th March 2025
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION: #4509

Moved: Cr Brett Smith

Seconded: Cr Paul Green

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

Carried: 8/0

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

Against: 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.

An application was made for funding 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 Strategic Community Plan and Long-Term Financial Plan.

Funding through the Federal Growing Regions Funding will be available now and will be the final round of funding for this project. 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

As mentioned last month a delegation include Cr Smith, Tyron Utley (HPA), Monique Brown (HCRC) and the CEO went to the breakfast meeting organized by Tourism Council WA with Minister Safiotti. Throughout the breakfast, the Tourism Council of WA raised ideas of where expenditure will be taking place in the future for its current projects, most of which we coastal and also included destination development.

Through the questions time of the breakfast, our group came up with the following question:

Minister, given priority four of the Tourism Council WA (destination development), what is the government's position on the responsibility of Visitor Centre's and regional pathways to the states iconic destinations to educate visitors of other destinations within the region?

Our question was taken well as something the State Government and Tourism Council WA would look into.

Later in the day, I received a phone call from Eval Hall, CEO of Tourism Council WA, thanking us for our well thought out question and raising the item and it will help Tourism Council WA in their future goals.

The idea of iconic locations filter visitors to other areas is one of the main goals we are looking at achieve with the Discovery Centre.

As previously mentioned, Wheatbelt Development Commission are interested in assisting with the production of a glossy booklet for our project to assist in trying to raise grant funding. As the current quote for the building is due to expire on 30th June, we will be seeking an update to this quote, plus and update to the economic benefits forecast to ensure information matches and is still relevant for the production of the booklet. We are hoping to present this to the Heads of Agencies prior to the current CEO leaving. This presentation would be to:

Tourism WA
Tourism Council WA
Australia's Golden Outback
RDA Wheatbelt
Wheatbelt Development Commission
DPRID and DLG
WAITOC

Policy Implications

Nil

Financial Implications

At this time, the current activities are more discussions with pollical advisors. If the Shire is looking at a major function to bring all parties together, a cost for the function would need to be established.

Consultation

Discovery Centre Working Group comprising of members from Hyden Progress Association, Hyden CRC, local Business and Council representatives.

Strategic Implications

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 manager 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 **COMPLIANCE AUDIT RETURN**

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Authorising Officer: Chief Executive Officer – David Burton
Date: 10th March 2025
Disclosure of Interest:
Attachments: Compliance Audit Return

RESOLUTION: #4510

Moved: Cr Darren Pool

Seconded: Cr Beverley Gangell

That Council **ADOPTS** the Shire of Kondinin Compliance Audit Return for the period 01/01/2024 to 31/12/2024 pursuant to Regulation 14(3A) of the Local Government (Audit) Regulations 1996.

Carried: 8/0

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

Against: Nil

Summary

To consider the Compliance Audit Return for 2024.

Background

Every Year, Local Governments are required to complete the Compliance Audit Return which is a list of various sections of the Local Government Act 1995. This is presented to the Audit Committee and then Council. Returns must be completed and sent to the Department of Local Government by 31st March.

Comment

Attached for Councillors' information and review is the Compliance Audit Return (CAR) for the period 1/1/2024 to 31/12/2024, which report is a requirement of the Department of Local Government.

The report has been completed by the CEO and Manager of Corporate Services and is required to be reviewed by Council's Audit Committee and then presented by the Audit Committee to the Council of the Shire of Kondinin, with any recommendations that the Committee may require Council to consider. The Compliance Audit Return (CAR) is to be adopted by the Council and recorded in the minutes of the meeting at which it is adopted. The certified copy of the return together with a relevant copy of the Council Minutes is to be submitted to the Director General of the Department of Local Government through the Smart Hub portal by 31 March.

Statutory Environment

Local Government (Audit) Regulations 1996 – Regulation 14 (3A) Regulation 15
Local Government Act 1995 – Section 7.13(1)(i)

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2022-2032:

“4. Civic Leadership

4.2 We are a compliant and resourced Local Government

External audits and reviews confirm compliance with relevant Local Government legislation”

Voting Requirement

Simple Majority

9.4.3 **ANNUAL ELECTORS MEETING**

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Authorising Officer: Chief Executive Officer – David Burton
Date: 10th March 2025
Disclosure of Interest:
Attachments: Draft Minutes

RESOLUTION: #4511

Moved: Cr Murray James

Seconded: Cr Bruce Browning

That Council **NOTES** the Minutes of the Annual Electors Meeting for 2025

Carried: 8/0

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

Against: Nil

Summary

For Council to note the Minutes of the Annual Electors Meeting 2025 and act if required.

Background

The Annual Electors Meeting was held on 12th February 2025 at the Bill Smoker Room of the Kondinin Aquatic Centre

Comment

The Annual Electors Meeting was attended by Members, staff and members of the public. All reports included in the Annual Report for 2023/2024 were accepted.

During General Business, several questions were raised by the Public. The Questions were answered at the time or followed up by staff with the individuals who raised the questions.

No matters requiring a resolution of Council were raised by the public.

Statutory Environment

Local Government Act 1995 – Section 5.33

- a) All decisions made in Electors Meetings are to be considered at the next Ordinary Meeting of Council, or; if that is not practicable;
 - a) At the first Ordinary Meeting after that meeting or;
 - b) Have a special meeting called for that purpose, whichever happens first.
- b) If at a meeting of the Council, the Local Government makes a decision in response to a decision made at an Electors Meeting, the reason for the decision is to be recorded in the minutes of the Council Meeting.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2022-2032:

“4. Civic Leadership

4.2 We are a compliant and resourced Local Government

*External audits and reviews confirm compliance with relevant Local
Government legislation”*

Voting Requirement

Simple Majority

9.4.4 **ELECTIONS 2025**

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Authorising Officer:	Chief Executive Officer – David Burton
Date:	12 th March 2024
Disclosure of Interest:	
Attachments:	Cost Estimate Process Information

RESOLUTION: #4512

Moved: Cr Beverley Gangell Seconded: Cr Paul Green

That Council by Absolute Majority resolve to:

- a) Declare that in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary elections, together with any other elections or polls which may be required.
- b) Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

Carried by Absolute Majority: 8/0

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

Against: Nil

Summary

To consider the engagement of the WA Electoral Commission to conduct the 2025 Local Government Elections

Background

As part of the Local Government Reforms introduced two years ago, the Shire of Kondinin conducted a review of our representation with the idea of reducing the number of elected members from nine (9) to seven (7) as requested by the Minister for Local Government. The Shire has received advice from the Local Government Advisory Board that this proposal has been accepted and will start from the 2023 Elections, with the final reduction in the 2025 Elections

As further reforms, the Local Government Elections will continue to be an 'optional preferential voting' system with the elector deciding if they want to vote just for the number of vacancies or cast a preferential vote for all nominees.

It should be noted that if a Council member resigns in the first 12 months of an election, the preferences can be used to determine the new member, rather than going back to the polls.

Comment

Due to the reduction of council members and also the new processes in place as a result of the Local Government Reforms, the electoral process for the 2025 elections will follow a similar process to the 2023 elections.

In order to complete the election process for the 2025 Elections, specific counting software will be required which will cost about \$5,000. This software will only be for the current election and will need to be renewed for future elections.

Elections for the Shire of Kondinin are usually very competitive with significantly more nominees than vacancies. As such, the preferential system may need significant countbacks before being finalised. As this is a new process, the possibility of errors is increased which may have consequences for the election process.

A quote has been received from the Electoral Commission and for the four (4) offices to be filled, the cost for the Electoral Commission will be \$12,352. This does not include staff time to assist with the count.

The postal vote system was considered as a preference to in person voting on the day to reduce other costs of staff attending polling booths and also reduce the possibility of wrong information being given to the public which may cause issues for the process.

While staff at the administration office have been previously involved with the electoral process, this was always with the simple 'first past the post' system. As the process is significantly different and to ensure that staff are not seen as biased for the election, it is requested that the Electoral Commission be responsible for the 2025 election. Staff will be required to assist with the count, but that is all.

Statutory Environment

Local Government Act 1995

4.20. CEO to be returning officer unless other arrangements made

- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

** Absolute majority required.*

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a —

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

- (2) The local government may decide* to conduct the election as a postal election.

** Absolute majority required.*

Policy Implications

Nil

Financial Implications

Costs associated with the 2025 Elections will be included in the 2025/26 Annual Budget.

Strategic Implications

Strategic Community Plan 2022-2032:

“4. Civic Leadership

4.2 We are a compliant and resourced Local Government

External audits and reviews confirm compliance with relevant Local Government legislation”

Voting Requirement

Absolute Majority

9.4.5 CWA HALL – HYDEN

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Authorising Officer:	Chief Executive Officer – David Burton
Date:	12 th March 2024
Disclosure of Interest:	Cr K Green - Impartiality
Attachments:	Nil

RESOLUTION: #4513

Cr Kerry Green declared an interest and did not Vote.

Moved: Cr Murray James Seconded: Cr Paul Green

That Council **AGREES** to the transfer of the CWA Property in Hyden to the Shire of Kondinin, with the building to be leased back to the Hyden CWA on a 'Peppercorn Lease' arrangement.

Carried Simple Majority 8/0

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

Against: Nil

RESOLUTION: #4514

Moved: Cr Brett Smith Seconded: Cr Darren Pool

The Council, by Absolute Majority, **AUTHORISE** the Shire President and Chief Executive Officer to sign the transfer documents for the Hyden CWA and affix the Shire of Kondinin Common Seal.

Carried by Absolute Majority: 8/0

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

Against: Nil

Summary

This report is for Council to consider the transfer of the current Hyden CWA property to the Shire of Kondinin and the lease back to the group for a peppercorn lease arrangement.

Background

The Shire has been approached by the Hyden CWA Members for the possible transfer of the Hyden CWA property to be transferred to the Shire, but the CWA being able to continue the use of the facility.

CWA are prepared to transfer the property to the Shire of Kondinin providing that the Shire covers the legal fees for the transfer and as part of the Agreement, the Shire will lease back the property to the CWA on a peppercorn lease arrangement.

Comment

The Hyden CWA building is linked to the Hyden Town Hall, with the facilities of both being used by both buildings, i.e., the CWA provides a kitchen facility and power goes to the CWA from the Hall.

In recent times, the Hyden CWA have found the increasing cost of insurance and other building costs a burden on the small group of members, but a still wanting to be able to continue providing services to the community.

CWA as an institution has provided many benefits to the community and to the state as a whole. The group is wanting to continue to serve the community, but the financial costs of the building may be prohibitive. The building was originally gifted to CWA by a local resident and the current members want to ensure the facility still remains part of the community and the group can continue to function.

In initial discussions, a price was considered for the property, but as it was initially gifted to CWA, the members felt that it was not right for the property to be 'sold' to the Shire for market value.

In discussions with the CEO from CWA Western Australia, CWA are proposing to gift the property to the Shire as long as the Shire pays for legal fees associated with the transfer and agrees to a 'peppercorn lease' arrangement for the CWA

The transfer of the property to the Shire will enable costs associated with the upkeep of the building to be met by the Shire (which uses the facility as well) and reduce the burden to the local members. This will also reduce the current issues with the two buildings having a symbiotic relationship, but two owners. It should be noted that the CWA building is on the State Heritage listing, so no changes can be made to the building without heritage approval.

The Hyden CWA group is still wanting to continue, but as the group is small, costs are proving to be a burden. For many of the members, the activities of CWA do allow them to participate with others which can have many health benefits. The benefits to the Shire of allowing the 'peppercorn lease' arrangement will be that the building will still be used on a regular basis to ensure that the maintenance of the facility is kept.

The CWA also sublet the building to the Hyden Lions Club and it is recommended that this be allowed to continue with the small contribution to the building go to the CWA for funding assistance for their continuance. The income from this sublet would be minimal income for the Shire when considering the benefits of the building being used.

The transfer of the property to the Shire will also allow for the two lots to be merged into a single lot. There will be a cost associated with this (approx. \$30,000 est), however it will make the construction of the additional toilets being considered for the Hyden Hall to progress as the building cannot straddle a property boundary. The joining of the lots will give more room for the toilet block to be constructed.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The CWA are looking to transfer the property to the Shire for only the cost of the legal fees for the land transfer. At the current time, these fees are unknown, but are not expected to be excessive.

The transfer of the building will have maintenance costs associated with the building, however these should be able to be covered within the Shire current property portfolio. The Shire currently maintains the garden of the property from a previous arrangement with the CWA from March 2023. The lease back to the members will enable the group to continue and provide benefit to the community. While this will be no tangible benefit to the Shire financially, it will be a benefit to the community for the group's activities.

The merging of the two lots will be at a cost, estimated at approximately \$30,000, but will allow the construction of the additional toilet block currently being considered for the Hyden Hall. The merging of the two blocks can be considered in the 2025/26 Annual Budget.

Strategic Implications

Strategic Community Plan 2022-2032

1. Community

- a. Community members have the opportunity to be active, engaged and connected

Voting Requirement

Simple / Absolute Majority

9.4.6 **EAST HYDEN FIRE UNIT**

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Authorising Officer: Chief Executive Officer – David Burton
Date: 10th March 2025
Disclosure of Interest:
Attachments: Nil

RESOLUTION: #4515

Moved: Cr Beverley Gangell

Seconded: Cr Murray James

That Council **SUPPORT** an application for funding for a permanent Fire Unit for the East Hyden Bush Fire Brigade (\$500,000) and shed for the unit, with the Shire contributing the pad for the shed.

Carried: 8/0

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

Against: Nil

Summary

For Council to support an application for a permanent fire appliance for the East Hyden Fire Brigade and a shed to house the vehicle.

Background

The Shire of Kondinin has only one ESL funded firefighting appliance and two (2) FESA Units. This is inadequate and the shire is seeking an additional appliance to address the current bushfire risk and increase the level of safety afforded to volunteer fire fighters.

The additional appliance requested are a 4.4 Broadacre appliance for the East Hyden Bush Fire Brigade. Acquiring these appliances will assist the shire to control bushfires early in the wooded area of the Shire, protect critical infrastructure economically significant businesses and reduce the risk to firefighters.

The Shire of Kondinin covers 7,340sq km and is located and 278 km from Perth with crops and livestock farming being the dominant agricultural activities. The Shire is 200kms long and 40kms wide. The three towns of the Shire are located in the western portion of the Shire within the first 90kms.

The primary focus of this proposal is to reduce the likelihood of bushfires becoming established or reducing the final size of a fire when started east of Hyden in the wooded areas of the Shire. This recognises the inadequacy of the current resource level of one appliance with major assets located within the shire.

The shire has established four bushfire brigades, only one Karlgarin Bush Fire Brigade has an ESL funded fire appliance. Kondinin and Hyden are VFES units being supplied with DFES vehicles. The other brigades are all farmer response, relying 100% on private firefighting vehicles.

The area that the covered by the East Hyden BFB with the high season truck covers extends from the Hyden townsite (assisting the Hyden VFES) through to the eastern end shire boundary as well as north and south of the Kondinin shire boundaries and venturing into neighbouring shires to assist when required. This covers a large area of broad acre farming which sees severe significant weather events especially throughout the summer months. A large section of the eastern end of the shire that the BFB services is bush/scrub land known as the great western woodlands, which continues through to Norseman.

Within this area we currently have one working mine sites, with another couple under development, and a further 2 just beyond the shire boundaries, all of which we have working relationships with during active bushfires.

The Forrestania Nickel Project, amongst many other organisations and government departments have previously expressed a willingness to support this application for a permanent appliance to be based at East Hyden, after the significant fires that we experienced in the 2019/20 bushfire season in which we saw over half a million hectares accumulatively burnt over multiple incidents within the western end of the great western woodlands area.

East Hyden BFB membership base has been strong throughout the years, we have 10-15 members that consistently actively attend incidents.

As East Hyden only has a seasonal unit for 6 months of the year, it averages approximately 5 incidents per year, but has also assisted with larger fire including the Dundas fires at Norseman. If the unit was permanent, then it would attend more fire in the area and assist with other fires in the regional area.

Comment

The East Hyden Brigade currently only have a fire tender during the “high use” season or summer months. This means that this area is relatively undefended should a fire get started in the off-peak months. Being that this unit covers a heavily wooded area, the impact in the delay of having a unit respond, does mean that a fire can be significantly increase in size, by the time units respond. Having a local unit would allow a faster response.

The LGGS Grants for Fire and Emergency Services will allow for a unit to be based in the area permanently. This unit would then be maintained and replaced with the payments to the Shire from the ESL levies from the area.

Staff are currently waiting for the updated cost of the shed for housing the unit, but this should be similar to previous years and will be included in the application.

The application will be lodged within the timeframe to ensure it is considered in the next round of funding.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil – Items are included in the Annual Budget and only purchase pending funding through the Grants system.

Strategic Implications

Supports the following section of the Shire's Strategic Community Plan 2022 – 2032:

COMMUNITY

1.5 Support local volunteer organisations

Clubs and service organisations feel supported

Community Grant Scheme is well subscribed

Voting Requirement

Simple Majority

9.4.7 **SHIRE'S COMMON SEAL**

Author: RATES – Chase McLean
Authorised Officer: CEO- David Burton
Date: 10th March 2025
Disclosure of Interest: Nil
Attachments: T5 Forms- Landgate

RESOLUTION: #4516

Moved: Cr Brett Smith

Seconded: Cr Bruce Browning

That Council:

AUTHORISE the Shire President and Chief Executive Officer to affix the Shire's Common Seal to the T5 forms from Landgate.

Carried: 8/0

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

Against: Nil

SUMMARY

This item seeks Council approval of affixing the common seal on execution of documents for the transfer of land to the Shire in accordance to the Local Government Act 9.49A.

BACKGROUND

An item went to Council in December 2024 Council's Meeting requesting approval to write off outstanding rates and charges on 3 properties and to allow the Shire to transfer these properties to itself pursuant under the Act since they previously went to auction and did not sell. The resolution was carried and Shire administration started the process, however, when receiving the documentation from our Debt Collectors, we noticed that the Shire's Common Seal needs to be affixed to the forms.

In order to remain compliant under the Act and Shire policies, authorization is sought from Council to affix the Shire's Common Seal to these documents and continue the process.

COMMENT

This process is just the finalization of the documentation. For the use of the Shire Common Seal, approval must be given by Council.

POLICY IMPLICATIONS

Common seal register.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2022-2032:

"4. Civic Leadership

4.2 We are a compliant and resourced Local Government

External audits and reviews confirm compliance with relevant Local Government legislation"

VOTING REQUIREMENT

Simple Majority

9.4.8 **PURCHASE OF GRADER**

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Authorising Officer:	Chief Executive Officer – David Burton
Date:	10 th March 2025
Disclosure of Interest:	
Attachments:	Tender Information – to be handed out before meeting

RESOLUTION: #4517

Moved: Cr Bruce Browning

Seconded: Cr Paul Green

That Council give retrospective **APPROVAL** for the purchase of the John Deere Grader as part of the plant replacement programme.

Carried: 8/0

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

Against: Nil

Summary

For Council to consider the retrospective approval for the purchase of a new Grader for the Shire of Kondinin.

Background

In the 2024/25 Budget, an allocation was made for the replacement of a construction Grader for the Shire.

As per tender requirements (purchase over \$250,000), quotes were sought through the WALGA Preferred Suppliers process from various agencies.

Comment

In consideration of the purchase of the Grader, the Works Manager did look at some cheaper options as mentioned from the WALGA Local Government Week exhibits, however it was considered that these graders were more 'maintenance' graders, not construction. The required grader for replacement was for construction works and the cheaper graders considered not appropriate for the work required.

The Works Manager examined the grader specification and costings and recommended the John Deere Grader that fit within the purchase parameters of the Shire. In discussion with the CEO, this was the best option for various reasons. In discussion, the CEO stated 'go ahead' thinking that the next process would be to present to Council, however this was misinterpreted as an instruction for the Works Manager to purchase the grader. With Tender processes, the expenditure amount is beyond the purchase limit of the CEO and it should have been referred to Council. Due to the erroneous instruction from the CEO, this step was missed and the grader purchased.

Details of the quotes received will be passed out to members prior to the meeting.

As the purchase limit is outside the CEO's purchase limit as per the Purchasing Policy, retrospective approval for the purchase is sought from Council for the purchase of the grader.

In order to ensure this does not happen again, the CEO will also be looking at training for staff for Tender Processes and communication and strengthening the Tender processes for the Shire.

Statutory Environment

Local Government Act 1995

Policy Implications

Shire of Kondinin Purchasing Policy.

Financial Implications

The purchase of the Grader was included in the budget and the allocated amount within the limits of the plant purchases. The Shire does allow funds for training, which will cover the training costs of the refresher courses for staff.

Strategic Implications

Supports the following section of the Shire's Strategic Community Plan 2022 – 2032:

"4. CIVIC LEADERSHIP

4.2We are a compliant and resourced Local Government"

Voting Requirement

Simple Majority

RESOLUTION: #4518

Moved: Cr Darren Pool

Seconded: Cr Brett Smith

That Council moves behind closed doors for the confidential item

Carried: 8/0

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

Against: Nil

9.4.9 PROVISION OF MEDICAL SERVICES

Applicant: Shire of Kondinin

Author: Chief Executive Officer – David Burton

Authorising Officer: Chief Executive Officer – David Burton

Date: 10th March 2025

Disclosure of Interest:

Attachments: Nil

RESOLUTION:

Moved: Cr Paul Green

Seconded: Cr Brett Smith

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.

Carried

For

Against

Procedural Motion

RESOLUTION: #4519

Moved: Cr Bruce Browning

Seconded: Cr Beverley Gangell

That the item lay on the table pending the 150 Squared Report.

Carried: 6/2

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

Against: Cr P Green, Cr K Green

CONFIDENTIAL ITEM

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 —

- (b) the personal affairs of any person; and*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

- (e) *a matter that if disclosed, would reveal —*
- (i) a trade secret; or*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*
- where the trade secret or information is held by, or is about, a person other than the local government; and*

RESOLUTION: 4520

Moved: Cr Beverley Gangell Seconded: Cr Paul Green

That Council comes out from behind closed doors.

Carried: 8/0

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

Against: Nil

9.4.10 **ROEROC KEY WORKER HOUSING PROJECT**

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Authorising Officer: Chief Executive Officer – David Burton
Date: 10th March 2025
Disclosure of Interest:
Attachments: Nil

RESOLUTION: #4521

Moved: Cr Brett Smith

Seconded: Cr Paul Green

That Council:

1. **Adopts** the RoeROC Key Worker Housing Investment Cost-Benefit Analysis and Preliminary Business Case.
2. **Notes** the findings and recommendations contained in the report.
3. **Supports** continued collaboration with RoeROC member councils to explore funding and delivery options for the key worker housing initiative.
4. **Requests** the CEO to engage with relevant stakeholders, including government agencies and potential funding partners, to progress discussions on investment opportunities.

Carried: 8/0

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

Against: Nil

Summary

The purpose of this report is to present Council with the Roe Regional Organisation of Councils (RoeROC) Cost-Benefit Analysis and Preliminary Business Case for the investment in 29 key worker dwellings across the region. The report seeks Council's acknowledgment of the findings and consideration of the next steps in advancing the project.

Background

RoeROC, consisting of the Shires of Narembeen, Corrigin, Kondinin, and Kulin, has been actively exploring solutions to address the critical shortage of key worker housing in the region. Workforce housing shortages have been identified as a barrier to attracting and retaining essential workers, impacting local government operations, businesses, and community services.

A Cost-Benefit Analysis and Preliminary Business Case have been prepared to assess the feasibility, economic impact, and potential funding mechanisms for developing 29 key worker dwellings across the four local governments. This analysis provides a framework for investment, considering factors such as project costs, economic returns, regional workforce sustainability, and potential partnerships.

Comment

The Cost-Benefit Analysis and Preliminary Business Case outline:

- The economic viability of investing in key worker housing.
- The projected return on investment and long-term benefits to the region.
- Funding opportunities, including state and federal grants, partnerships, and local government contributions.
- The potential for collaboration with government agencies, employers, and housing providers to maximise outcomes.

Receiving this report enables Council to acknowledge the findings and consider its role in progressing the initiative. The project aligns with Council's strategic objectives to support workforce attraction and retention and improve community sustainability. Further discussions with RoeROC member councils will be necessary to determine the preferred delivery model and funding strategy.

The pilot project used for the Shire of Kondinin is for the consideration of housing units for the Shire's property on Radbourne Drive in Hyden as it was considered that this would be the next housing project for the Shire.

Consultation

Executive Manager Corporate Services

Chadwick Consulting

Econisis

JE Planning

RoeROC Council Members – CEO Working Group

Wheatbelt Development Commission

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

The Cost-Benefit Analysis and Preliminary Business Case outline the estimated financial commitment required for the development of 29 key worker dwellings across the RoeROC region.

The financial commitment from Council will depend on the chosen funding model and the extent of external funding secured. Further financial modelling and risk assessments will be required before making a final investment decision.

Strategic Implications

Supports the following section of the Shire's Strategic Community Plan 2022 – 2032:

"ECONOMY

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

- *Shire housing stock is well maintained and expanded upon.*
- *We advocate for improved State Government and Public Housing stock*

Voting Requirement
Simple Majority

9.4.11 SUPPORT FOR EARLY YEARS' LEARNING

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Authorising Officer:	Chief Executive Officer – David Burton
Date:	10 th March 2025
Disclosure of Interest:	
Attachments:	Letter from Kondinin CRC

RESOLUTION: #4522

Moved: Cr Beverley Gangell Seconded: Cr Bruce Browning

That the Shire of Kondinin **SUPPORTS** the Kondinin Early Years' Program with an additional \$1,000 per year for resources.

Carried: 8/0

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

Against: Nil

Summary

The Council to considering supporting the Early Years' Learning Program run at the Kondinin Primary School in conjunction with the Kondinin CRC.

Background

The Shire has received a letter from the Kondinin CRC requesting support from the Shire of \$1,000 per year for resources and fruit to encourage children to the Early Years' Learning sessions.

The Shire currently contributes 25% to the Early Years' Learning program, however the request for additional support is minimal.

Comment

The Early Years' Learning Program is a great way to start children off on the right path with learning and can be advantageous to our youth as they prepare for schooling. As mentioned in the letter, it also encourages parent to consider using the Kondinin Primary School rather than sending students out to other schools.

The Early Years' programme has been operating in Hyden and Kondinin for several years with different levels of activities pending on volunteer's ability to assist, however this programme is supported where possible to engage youth and prepare them for schooling in future years.

Consultation

Kondinin CRC

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

The requested support is only \$1,000 per year for additional resources and fruit for the participants.

Strategic Implications

Supports the following section of the Shire's Strategic Community Plan 2022 – 2032:

“COMMUNITY”

1.1 Community members have the opportunity to be active, engaged and connected.

We collaborate with CRC's and local organisations to deliver community programs and activities.

Voting Requirement

Simple Majority

10. BUSINESS OF AN URGENT NATURE

Cr P Green – Notice of Motion for next meeting –

Council request a new Policy be drafted to consider the Senior Employees as per Section 5.37 of the Local Government Act 1995.

11. CLOSURE

Being no further business, the meeting was closed at 5.48pm.