



# **SHIRE OF KONDININ**

## **MINUTES OF MEETING HELD ON 16<sup>TH</sup> APRIL, 2025 IN COUNCIL CHAMBERS**

## 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 5.27pm.

### 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	Cr Bruce Browning Cr Murray James
Staff:	David Burton (CEO)	Tory Young (MPA)	Ellen Valenta (ESO)
Apologies:	Mark Burgess (MoW)	Vince Bugna (MCS)	

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

### 4. PUBLIC QUESTION TIME

### 5. APPLICATION FOR LEAVE OF ABSENCE

### 6. PETITIONS/DEPUTATION/PRESENTATION FACILITY

### 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/INFORMATION REPORTS

#### 7.1 MINUTES OF COUNCIL MEETING – 19<sup>th</sup> March, 2025

**RESOLUTION: #4523****Moved: Cr Brett Smith****Seconded: Cr Bruce Browning**

That the minutes of the Council Meeting, held on the 19<sup>th</sup> March, 2025, be confirmed.

**Carried: 8/0**

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

**Against: Nil.**

#### 7.2 MINUTES OF SPECIAL MEETING - 2<sup>nd</sup> April, 2025

**RESOLUTION: #4524****Moved: Cr Murray James****Seconded: Cr Bruce Browning**

That the minutes of the Council Meeting, held on the 2<sup>nd</sup> April, 2025, be confirmed.

**Carried: 8/0**

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

**Against: Nil.**

7.3 MINUTES OF SPECIAL MEETING – 11<sup>th</sup> March, 2025

**RESOLUTION: #4525**

**Moved: Cr Paul Green**

**Seconded: Cr Darren Pool**

That the minutes of the Council Meeting, held on the 11<sup>th</sup> March, 2025, be confirmed.

**Carried: 8/0**

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

**Against: Nil.**

7.4 INFORMATION REPORT – April 2025

**RESOLUTION: #4526**

**Moved: Cr Brett Smith**

**Seconded: Cr Beverley Gangell**

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

**Carried: 8/0**

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

**Against: Nil.**

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

**9. ITEMS**

**9.1 MANAGER OF PLANNING & ASSETS**

9.1.1 Easement for Pedestrian Pathway on Lot 802 on DP 76835 Hyden-Lake King Road, Hyden

9.1.2 Amending the purpose of Crown Reserves 28832 and 28833 to include the additional purpose of "Parking"

9.1.3 Deed of Gift between Shire of Kondinin and ARC Infrastructure Pty Ltd

9.1.4 Regional Housing Fund

9.1.5 Amendment to Development Approval – Renewable Energy Facility, Kondinin

**9.2 MANAGER OF CORPORATE SERVICES**

9.2.1 List of Accounts – March 2025

9.2.2 Financial Reports – March 2025

9.2.3 Recovery of Unpaid Rates- Sale of Property (3-Year Rule)

**9.3 MANAGER OF WORKS**

**9.4 CHIEF EXECUTIVE OFFICER**

9.4.1 Discovery Centre Update

9.4.2 Kondinin CRC Sponsorship

9.4.3 Annual Sponsorship

9.4.4 Senior Staff Police

9.4.5 Shire Centenary

9.4.6 Computer Upgrades

9.4.7 Delegated Authority – Temporary Accommodation

**9.5      CONFIDENTIAL ITEMS**

**9.6      COMMITTEE ITEMS**

9.6.1 2025/2026 Road Works Program

UNCONFIRMED

## 9.1 MANAGER OF PLANNING & ASSETS

### 9.1.1 EASEMENT FOR PEDESTRIAN PATHWAY ON LOT 802 ON DP 76835 HYDEN-LAKE KING ROAD, HYDEN

Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	8 <sup>th</sup> April 2025
Attachments:	1. Easement; 2. Easement Plan; 3. COT

#### RESOLUTION: #4527

Moved: Cr Beverley Gangell

Seconded: Cr Paul Green

That Council:

1. **APPROVES** the Deed of Easement attached between the Shire of Kondinin and the land owner, Sheenagh Collins, over the portion shown in the Plan attached for Lot 802 Hyden-Lake King Road, Hyden to be adopted and signed with a Common Seal by Order of Council.

Carried: 8/0

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

Against: Nil.

#### Summary

The purpose of this report is for Council to approve the easement and associated plan attached via common seal by order of council.

#### Background

Over 10 years ago a pedestrian pathway was constructed inside the southern lot boundary of Lot 802 Hyden-Lake King Road, Hyden to create a continuous pathway from the Hyden Town Centre to Wave Rock. With the recent construction of a new vehicular access way into Lot 802 Hyden-Lake King Road, it has become apparent, there is no formal agreement between the land owner and the Shire of Kondinin enabling public access to utilize the pathway.

A meeting was held on site on the 5<sup>th</sup> December 2024 with the land owner and the Shire's Administration to discuss the easement and the recommended width appropriate. Acknowledging that the existing fence line does not represent the lot boundary, it was agreed that a two (2) metre set back from the northern side of the existing sealed pathway would be appropriate, resulting in a total ten (10) metre width easement from the southern lot boundary.

The matter was then presented to the Ordinary Meeting of Council held on the 18<sup>th</sup> December 2025, in which Council resolved as follows:

1. **SUPPORTS** the engagement of suitably qualified practitioners to prepare an easement to formalize public access to the existing pedestrian pathway through freehold Lot 802 on DP 76835 Hyden-Lake King Road, as per the plans attached;
2. **SUPPORTS** the Shire of Kondinin as beneficiaries and fully responsible for the management and maintenance of the proposed easement on Lot 802 on DP76835 Hyden-Lake King Road, Hyden;
3. **AUTHORISES** the Chief Executive Officer to follow the provisions pursuant to section 195 & 196 of the Land Administration Act 1997 to complete the process; and
4. **APPROVES** all costings associated with the preparation of the easement be borne by the Shire of Kondinin

Following on from the above, suitably qualified practitioners were engaged and the necessary documentation has been prepared as presented to Council for consideration.

**Statutory Environment**

Land Administration Act 1997

**Policy Implications**

Nil

**Financial Implications**

Approximately \$5,000 will be required to cover legal and surveyor fees and the lodgement of the easement with Landgate to be sourced from the Shire's 2024/2025 Consultancy Budget Allocation.

**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

**9.1.2 AMENDING THE PURPOSE OF CROWN RESERVES 28832 AND 28833 TO INCLUDE THE ADDITIONAL PURPOSE OF “PARKING”**

Author: Tory Young, Manager Planning and Assets  
Authorising Officer: David Burton, Chief Executive Officer  
Date: 8<sup>th</sup> April 2025  
Disclosure of Interest: Nil  
Attachments: 1. Reserve Aerial Map 2. Reserve Reports

**RESOLUTION: #4528**

**Moved: Cr Darren Pool**

**Seconded: Cr Kerrie Green**

That Council:

1. **SUPPORTS** amending the purpose of Crown Reserve 28832 – Caravan Park to include the additional purpose of Parking;
2. **SUPPORTS** amending the purpose of Crown Reserve 28833 – Recreation and Wildlife Park to include the additional purpose of Parking;
3. **AUTHORISES** the Chief Executive Officer to submit a Crown Enquiry Form to the Department of Planning, Lands and Heritage seeking consideration to amend the purpose of Reserve 28832 from ‘Caravan Park’ to ‘Caravan Park and Parking’; and
4. **AUTHORISES** the Chief Executive Officer to submit a Crown Enquiry Form to the Department of Planning, Lands and Heritage seeking consideration to amend the purpose of Reserve 28833 from ‘Recreation and Wildlife Park’ to ‘Recreation, Wildlife Park and Parking’.

**Carried: 8/0**

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

**Against: Nil.**

**Summary**

The purpose of this report is to seek approval from Council to commence the process to amend the purpose of Crown Reserves 28832 and 28833 to include ‘parking’ to enable the preparation of a Local Law relating to Parking to apply to the Wave Rock Precinct.

**Background**

Under the Shire’s current governance framework, the Shire of Kondinin is unable to issue parking infringement notices in the Wave Rock Precinct, meaning formal parking infringements cannot be issued and money cannot be recouped from motorists not displaying a parking ticket in the Wave Rock Precinct. Under current arrangements, the Shire is limited to issuing a warning notice of unpaid entry fees.

In order to enable formal infringements to be enforced, the Shire’s Administration are investigating the possibility to develop a dedicated Local Law relating to Parking.

The proposed areas in which the Local Law relating to Parking would apply include Crown Reserve 28832 and Crown Reserve 28833 which are currently designated the purpose of ‘Caravan Park’ and ‘Recreation and Wildlife Park’ respectively.

In order to progress with the preparation of this Local Law, the Department of Planning, Lands and Heritage have recommended that the Shire seek approval to amend the purpose of the two Reserves to include the additional purpose of Parking.

In light of the above, it is recommended that Council support the Officer's Recommendation.

**Statutory Environment**

- Land Administration Act 1997
- Land Administration Regulations 1998

**Policy Implications**

Nil

**Financial Implications**

It is anticipated that there may be some administrative costs incurred to complete the process which can be covered in the Shire's 2024/2025 budget.

**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



**9.1.3 DEED OF GIFT BETWEEN SHIRE OF KONDININ AND ARC INFRASTRUCTURE PTY LTD**

Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	8 <sup>th</sup> April 2025
Disclosure of Interest:	Nil
Attachments:	1. Deed of Gift

**RESOLUTION: #4529**

**Moved: Cr Murray James**

**Seconded: Cr Paul Green**

That Council:

1. **APPROVES** the Deed of Gift attached between the Shire of Kondinin and Arc Infrastructure Pty Ltd on portion of Lot 45 on DP 5691 Marshall Street, Hyden for disused sleepers and metal tracks to be adopted and signed with a Common Seal by Order of Council.

**Carried: 8/0**

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

**Against: Nil.**

**Summary**

The purpose of this report is for Council to approve the Deed of Gift attached via common seal by order of council.

**Background**

The Hyden Progress Association approached the Shire of Kondinin to utilize the disused sleepers and railway tracks within the Hyden Railway Reserve for their historical displays being installed on Lot 45 on DP 5691 Marshall Street, Hyden (within PTA Lease 3553).

On receipt of this request, the Shire's Administration contacted the Public Transport Authority (PTA) and Arc Infrastructure Pty Ltd via the lease managers of the subject land to formalise permission for this request. Approval has since been received via the Deed of Gift attached. On signing of this Deed, the lease managers will then send through a new 10-year PTA Lease 3553 for a portion of Lot 45 on DP 5691 Marshall Street, Hyden, with a designated use 'Community Purpose' which will include on-going beautification of the site and inclusion of train carriage and engine.

The PTA have also formally approved in writing the painting of the goods shed located on Lease 3553 in a neutral colour.

**Statutory Environment**

Local Government Act 1995

Land Administration Act 1997

**Policy Implications**

Nil

**Financial Implications**

Minor administrative fees.

**Strategic Implications**

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

**"1. COMMUNITY**

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

**4. CIVIC LEADERSHIP**

*4.2 We are a compliant and resourced Local Government."*

**Voting Requirement**

Simple majority

#### **9.1.4 CALL FOR SUBMISSIONS – REGIONAL GRANTS ROUND**

Author: Tory Young, Manager Planning and Assets  
Authorising Officer: David Burton, Chief Executive Officer  
Date: 9<sup>th</sup> April 2025  
Disclosure of Interest: Nil  
Attachments: Nil

##### **RESOLUTION: #4530**

**Moved: Cr Kerrie Green**

**Seconded: Cr Bruce Browning**

That Council:

1. **SUPPORTS** the Chief Executive Officer to prepare and submit a 'Call for Submissions' for funding from the Department of Communities 'Regional Grants Round' for the construction of 2 x dwellings in Hyden and 2 x new dwellings in Kondinin dedicated to aged persons social housing;
2. **SUPPORTS IN PRINCIPLE** a co-contribution to the project through the provision of land and some in-kind and cash contribution subject to the final costings of the project; and
3. **AUTHORISES** the Chief Executive Officer to seek support for the project from the Hyden Lions Club and the West Court Retirement Village including consideration of a cash contribution towards the project.

**Carried: 8/0**

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

**Against: Nil.**

##### **Summary**

The purpose of this report is for Council to support the Shire's Administration to submit a Call for Submissions for funding from the Department of Communities 'Regional Grants Round' for the construction of 2 x dwellings in Hyden and 2 x new dwellings in Kondinin dedicated to aged persons social housing.

##### **Background**

Since the additional aged persons dwellings were constructed in Hyden and Kondinin respectively several years ago, both the Hyden Lions Club and West Court Committee have indicated a strong demand for more of these like dwellings at their respective crown leased locations.

The Department of Communities is making up to \$50 million in grant funding available under the Call for Submissions process to help increase the supply and diversity of new and refurbished social housing in regional Western Australia.

The process is open to Local Governments and Community Housing Providers registered under the WA Community Housing Regulatory Framework. With neither the Hyden Lions Club or the West Court Retirement Village registered housing providers, the Shire of Kondinin as the local government will need to be applicant.

The Call for Submission will be prepared by the Shire's Administration and include information relating to:

- Land Tenure
- Development Type
- Management
- Utilities and Services
- Costs
- Concept Designs
- Co-Contribution

Once submitted as a power point presentation, the Shire's Administration are interviewed by a panel from the Department of Communities to provide further information on the project to confirm is suitable to formally apply for grant funding.

### **Statutory Environment**

Local Government Act 1995

### **Policy Implications**

Nil

### **Financial Implications**

Submission to prepared in-house.

Project construction costs to be determined.

### **Strategic Implications**

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

## ***"2. ECONOMY***

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

*We advocate for improved State Government and Public Housing stock*

### **Voting Requirement**

Simple majority

**9.1.5 AMENDMENT TO DEVELOPMENT APPROVAL – RENEWABLE ENERGY FACILITY, KONDININ**

Author: Tory Young, Manager Planning and Assets  
Authorising Officer: David Burton, Chief Executive Officer  
Date: 15<sup>th</sup> April 2025  
Disclosure of Interest: Nil  
Attachments: Nil

**RESOLUTION: #4531**

**Moved: Cr Bruce Browning**

**Seconded: Cr Paul Green**

That Council make the following minor administrative amendments to resolution # 4497 to replace the word 'SUPPORT' with 'APPROVES' as shown below;

1. **SUPPORTS-APPROVES** the request received by the Applicant dated 3<sup>rd</sup> February 2025 to amend the development approval granted on the 9<sup>th</sup> 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-APPROVES** 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 9<sup>th</sup> November 2027.

**Carried: 8/0**

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

**Against: Nil.**

**Summary**

This report is for Council to make minor administrative changes to the wording of the resolution considered by Council at its Ordinary Meeting on the 19<sup>th</sup> March 2025 relating to Item 9.1.1 – Amendment to Development Approval – Renewable Energy Facility, Kondinin to replace the word 'SUPPORTS' with the word 'APPROVES'.

## Background

At the Ordinary Meeting of Council held on the 19<sup>th</sup> March 2025 the Council considered the matter relating to an amendment to the Development Approval – Renewable Energy Facility and resolved as follows:

*That Council;*

1. **SUPPORTS** the request received by the Applicant dated 3<sup>rd</sup> February 2025 to amend the development approval granted on the 9<sup>th</sup> 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.

The Shire's administration has been approached by the applicant to seek consideration from Council to replace the word 'SUPPORT' with 'APPROVE' to provide greater statutory weighting to the decision by Council relating to a Development Approval.

The Shire's Administration support the proposed amended and recommend for Council to approve accordingly.

## Statutory Environment

*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

UNCONFIRMED

## 9.2 MANAGER OF CORPORATE SERVICES

### 9.2.1 LIST OF ACCOUNTS – March 2025

Applicant: Shire of Kondinin  
 Author: Vince Bugna, Manager Corporate Services  
 Disclosure of Interest: Nil  
 Date: 9<sup>th</sup> April 2025  
 Attachment(s): List of Accounts 01/03/2025 to 31/03/2025

#### RESOLUTION: #4532

**Moved: Cr Brett Smith**

**Seconded: Cr Beverley Gangell**

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

• Municipal Fund payment cheque numbers 19482 to 19490	= \$ 65,753.01
• Municipal EFT20151 to 20290	= \$ 817,898.53
• Direct Debits – Transport – Hyden Office	= \$ 27,435.05
• Direct Debits – Transport – Kondinin Office	= \$ 9,226.75
• Direct Debits – Credit Cards DD22348.1	= \$ 2,928.91
• Direct Debits – Other	= \$ 52,545.95
• EFTPOS Merchant Fees & Tyro	= \$ 1,046.47
• Bank Fees – NAB Connect	= \$ 127.98
• Payroll EFTs	= \$ 146,995.36
• Trust EFT20150 & EFT20291	= \$ 400.00
<b>TOTAL</b>	<b>= \$ 1,124,358.01</b>

**Carried: 8/0**

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

- the payee's name;*
- the amount of the payment;*
- the date of the payment;*
- sufficient information to identify the transaction*

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

- presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- 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 – March 2025**

Applicant: Shire of Kondinin  
Author: Vince Bugna, Manager Corporate Services  
Disclosure of Interest: Nil  
Date: 9<sup>th</sup> April 2025  
Attachment(s): Monthly Financial Report for the period ended 31<sup>st</sup> March 2025

#### **RESOLUTION: #4533**

**Moved: Cr Bruce Browning**

**Seconded: Cr Murray James**

That Council receive the attached reports entitled Monthly Financial Report (Containing the required Statement of Financial Activity and Statement of Financial Position) for the period ended 31 March 2025.

**Carried: 8/0**

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

**Against: Nil**

#### **Summary**

To present to Council the Monthly Financial Report for the period ended 31 March 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 March 2025 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> <li><b>Cash at Bank</b> The Shire's total cash as at 31 March 2025 was <b>\$6,561,663</b> – composed of \$4,356,541 reserve accounts (restricted), \$51,911 LCDC fund, \$240,722 term deposit investments and \$1,912,490 general fund (Muni, OCDF &amp; Petty cash).</li> </ul>	<p>Page 9 – Note 6 Cash and Financial Assets</p> <p>Page 10 – Note 7 Reserve Accounts</p>
<ul style="list-style-type: none"> <li><b>Receivables</b> <b>Rates and Rubbish</b> – \$323,698 or 93% Net collectable as at 31<sup>st</sup> March 2025 in contrast to \$444,897 or 89% as at 30<sup>th</sup> June 2024. <b>Other receivables</b> of \$159,101 – composed of \$81,518 sundry debtors, \$52,228 gst receivable and \$25,355 ESL and pensioner related receivables.</li> </ul>	<p>Page 16 – Note 10 Receivables</p>
<ul style="list-style-type: none"> <li><b>Current Liabilities</b> YTD balance is \$1,164,711 which includes \$501,221 of employees' annual and long service leave provision, \$102,174 Current portion of borrowings (payable within 12 months), \$345,342 unearned Capital Grants/Contributions and \$215,974 gst and other payables.</li> </ul>	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity</p>
<ul style="list-style-type: none"> <li><b>Closing Funding Surplus(Deficit)</b> YTD actual is \$1,597,414 – composed of \$7,219,020 Current Assets less \$1,164,711 Current Liabilities and \$(4,456,895) Net Adjustments to Net Current Assets.</li> </ul>	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity</p>
<ul style="list-style-type: none"> <li><b>Significant Capital Projects:</b> <ul style="list-style-type: none"> <li>✓ Roadworks budgeted for \$3.7m (amended) this financial year is 90% completed of which \$1.51m spent son Hyden Norseman Road.</li> <li>✓ Plant and equipment have a budget of \$1.093m are 88% completed.</li> <li>✓ Land and buildings have a total budget of \$3.04m for WACHS housing, Kondinin Pavilion upgrade and staff housing are 26% completed.</li> </ul> </li> </ul>	<p>Page 7 – Key Information</p> <p>Page 11 to 14 – Note 8 Capital Acquisitions</p>
<ul style="list-style-type: none"> <li><b>Grants, Subsidies and Contributions</b> <ul style="list-style-type: none"> <li>✓ Operating grants total received = \$626,018 from three quarter FAGS payment, Main Roads WA for Road Maintenance and few minor ones.</li> <li>✓ Capital grants total to date = \$993,248 from MRWA full payment for RRG Lovering Road, R2R expenditure recouped and DVA grants for Kondinin and Hyden War Memorial Garden improvements. Remote Road Upgrade Pilot Program (RRUPP) grant for Hyden Norseman Road is expected to be received in April 2025.</li> </ul> </li> </ul>	<p>Pages 21 – Note 15 Grants, Subsidies and Contributions</p> <p>Page 22 – Note 16 Capital Grants, Subsidies and Contributions.</p>

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 REQUIREMENTS**

Simple Majority

UNCONFIRMED

**9.2.3 RECOVERY OF UNPAID RATES – SALE OF PROPERTY (3 YEAR Rule)**

Applicant: Shire of Kondinin  
Author: Leandré Genis, Rates Officer  
Vince Bugna, Manager of Corporate Services  
Authorising Officer: David Burton, Chief Executive Officer  
Date: 4<sup>th</sup> April 2025  
Attachments: Certificates of Title and Aerial Photos

Cr Gangell declared an interest

**RESOLUTION: #4534**

**Moved: Cr Beverley Gangell**

**Seconded: Cr Paul Green**

That Council, in accordance with the provisions of Section 6.64 of the *Local Government Act 1995* approve administrative action to recover unpaid rates outstanding by the sale of the following properties:

- 1. Assessment 616 – Lot 23776, Tolland Road, Karlgarin**
- 2. Assessment 144 – 8 Browning Street, Kondinin**
- 3. Assessment 39 – 21 Jones Street, Kondinin**

If at Public Auction there is no successful bidders, the land can be & will be transferred in title to the Shire of Kondinin.

**Carried: 8/0**

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

**Against: Nil**

**Summary**

It is proposed that Council utilise CLOUD PAYMENT GROUP services to sell the parcels of land listed above due to non-payment of rates and services for a period of more than three years under Section 6.64 of the *Local Government Act 1995*.

**Background**

**1. Assessment 616 – Lot 23776, Tolland Road, Karlgarin**

The property being LOT 23776 TOLLAND RD KARLGARIN 6358 by ESTATE OF CHARLES RAY CUNNINGHAM has rates outstanding by three or more years \$8,064.68.

Council records show that the property ownership (established via Title Search) was confirmed on 04/04/2025, to reflect CHARLES RAY CUNNINGHAM as the property owner.

The owner of the property passed away and his wife, Mrs Maureen Cunningham, became the Executor of his estate. On 11/05/2011 Mrs Maureen Cunningham donated Lot 23776 back to the Shire and confirmed that she will preserve it as the North Karlgarin School Site. The property was made non-rateable in 2014. On 02/03/2011 this property was sold to LR & JS Marsh, who has since indicated that this specific lot was not included in the sale and that they aren't the owners.

Title Details:

Property:	
Assessment	616
Title Details:	1238/785
Property Address	Lot 23776 Tolland Rd, Karlgarin
Zoning/Use/Area	Rural
Period Outstanding	18/08/2011- Present
Amount Outstanding	\$8,064.68
Payment/s	15/03/2011
Recovery Action:	This account was handed over to Cloud Payment Group in 2024 for the first time. This was when we were made aware of the current situation on this lot and that no one wants to admit/ obtain ownership of the property.

**2. Assessment 144 – 8 Browning Street, Kondinin**

The property being 8 BROWNING STREET, KONDININ, 6367 by MATHEW JAMES HUNN has rates outstanding by three or more years \$9,977.53.

Council records show that the property ownership (established via Title Search) was confirmed on 08/04/2025, to reflect MATHEW JAMES HUNN as the property owner.

Every possible effort has been made to have the owner arrange payment, go onto payment arrangements or discuss the matter with both the Shire and Cloud Payment Group. All mail gets returned and Cloud Payment Group have not been able to successfully trace this owner.

This property is also in breach of the Fire Break Regulations every year and pose a risk to surrounding areas.

Title Details:

Property:	
Assessment	144
Title Details:	1318/181
Property Address	8 Browning Street, Kondinin
Zoning/Use/Area	Residential
Period Outstanding	02/09/2021- Present
Amount Outstanding	\$9,977.53
Payment/s	17/11/2020
Recovery Action:	<p>GPC claim issued on 22/08/2023. The debtor is no longer residing at 50 Sandakan Crescent, Lethbridge.</p> <ul style="list-style-type: none"> <li>• Contact was made with the debtor on 05/11/2024, who provided a new address: 25 James Meehan Street, Windsor NSW 2756.</li> <li>• No judgment has been entered. Matthew has advised he is unable to pay the balance or enter into a payment arrangement.</li> <li>• Further demands have been issued, along with GPC copies sent via registered post; however, no response has been received from Matthew.</li> </ul>

**3. Assessment 39 – 21 Jones Street, Kondinin**

The property being 21 JONES STREET, KONDININ, 6367 by WAYNE ANTHONY DITFORT has rates outstanding by three or more years \$3,669.09.

Council records show that the property ownership (established via Title Search) was confirmed on 08/04/2025, to reflect WAYNE ANTHONY DITFORT as the property owner.

Every possible effort has been made to have the owner arrange payment, go onto payment arrangements or discuss the matter with both the Shire and Cloud Payment Group.

This property is also in breach of the Fire Break Regulations every year and pose a risk to surrounding areas.

## Title Details:

Property:	
Assessment	39
Title Details:	1971/333
Property Address	21 Jones Street, Kondinin
Zoning/Use/Area	Residential
Period Outstanding	25/08/2022- Present
Amount Outstanding	\$3,669.09
Payment/s	30/11/2022
Recovery Action:	<p>Claim issued in May 2024. The debtor was not located at the address provided. A skip trace was conducted.</p> <ul style="list-style-type: none"> <li>• On 06/08/2024, we received a call confirming his new address as 20 Talbot Road, Guildford NSW 2161. He refused to discuss the outstanding council rates.</li> <li>• Our agent attended the address, where a female occupant advised she has lived there for four years and has no knowledge of Wayne.</li> </ul>

**Comment**

Recovery of these properties' debts have been unsuccessful using all available resources and information at hand by Cloud Payment Group and the Shire.

Every effort has been made to contact the owners of each of the properties listed above without success. Given the high level of debt on each property and the minimum value of the land, and the amount of time that has been afforded in searching for ratepayer family to either clear or reduce the debt, it is appropriate to apply Section 6.68 (2) or (3) of the Local Government Act 1995 empowering the sale of land provision in relation to unpaid rates and charges.

**Statutory Environment**

Section 6.64 of the *Local Government Act 1995* states:

## 6.64

1. *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provision of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –*
  - a. from time to time lease the land;*
  - b. sell the land;*
  - c. cause the land to be transferred to the Crown; or*
  - d. cause the land to be transferred to itself.*
2. *On taking possession of any land under this section, the local government is to give the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
3. *Where payment of rates or service charged imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land and may withdraw caveats so lodged by it.*



**Policy Implications**

Outstanding Rate Debtors FIN-003.

**Financial Implications**

Reduction in rates sundry debtors and cost of proceedings in the amount of \$21,711.30.

**Strategic Implication**

Strategic Community Plan 2022-2032:

*"4. CIVIC LEADERSHIP*

*We are a compliant and resourced Local Government."*

**Voting Requirement**

Absolute Majority Required

**Site Inspection**

Yes, by the Ranger and EHO on 8 Browning Street and 21 Jones Street, Kondinin.

**Economic Implications**

Council must be seen to be proactive in debt recovery action as the ultimate burden rests with the ratepayers. Unrecoverable debts need to be cleared as early as possible to lessen the financial implication on ratepayers.

**Social Implications**

Nil

**Environmental Implications**

8 Browning Street: A Health Notice has been issued with a compliance timeframe of 1 April 2026.

21 Jones Street: The EHO plans on doing another property inspection at the end of April 2025 and is of the opinion that it is very likely to get issued a Health Notice with a 12 months compliance timeframe.

### 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: 8<sup>th</sup> April 2025  
Disclosure of Interest: Nil  
Attachments: Minutes of Working Group

**RESOLUTION: #4535**

**Moved: Cr Brett Smith**

**Seconded: Cr Kerrie Green**

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

The Shire of Kondinin **LODGE** an application for full funding for the Discovery Centre project through the Regional Precincts Partnership Program, with a preference for Juliet Grist as consultant for the application.

**Carried: 8/0**

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

At the recent meeting of the Working Group, it was discussed about the possibility of lodging an application for the full amount through the Regional Precincts and Partnership Program. A previous application had been approved based on concept drawings similar to ours. Staff are currently working on the application process. This led to the motion from the working group.

There is still a possibility that with the election, that funding may be altered and applications dismissed for future funding with some alterations.

During the working group session, the Chair, Mr Brian Mayfield raised about his position and did the working group want to hold elections. It was felt that as we are still seeking funding through political means, the chair should remain with Mr Mayfield as his assistance with political connections would be valuable.

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 30<sup>th</sup> 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 political 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

Funding for an application will need to be considered once quotes are received. Funding should be available through the Consulting Account.

### **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 managed appropriately
- 2.1 Support the diverse industry across the Shire  
Townsite entrances, Shire verges and aesthetics are tidy, green and welcoming
- 4.1 Skilled, capable and transparent team

*We are inclusive and our communities feel heard*

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

**Voting Requirement**

Simple Majority

UNCONFIRMED

#### 9.4.2 **KONDININ COMMUNITY RESOURCE CENTRE SPONSORSHIP**

Author:	CEO - David Burton
Authorised Officer:	CEO - David Burton
Date:	7 <sup>th</sup> April 2025
Disclosure of Interest:	Nil
Attachments:	Letters

##### **RESOLUTION: #4536**

**Moved: Cr Bruce Browning**

**Seconded: Cr Brett Smith**

That Council **APPROVES** Sponsorship for the following items of the Kondinin Community Resource Centre:

Kondinin CRC 30th birthday	\$500
Kondinin Quiz Night.	\$500 for prizes, plus accommodation
Whalebone Showing	\$1,000 shortfall plus accommodation/hall hire
Paint the Town Read.	\$350
Total	\$2,350, plus accommodation/hall hire

**Carried: 4/4**

**The President used a casting vote for the item as allowed in the event of a tied vote  
Item carried 5/4**

**For: Cr K Mouritz, Cr B Gangell, Cr B Browning & Cr B Smith.**

**Against: Cr P Green, Cr K Green, Cr M James & Cr D Pool.**

##### **Summary**

For Council to consider sponsorship support for the Kondinin Community Resource Centre (Kondinin CRC) for some up and coming events.

##### **Background**

The Kondinin CRC has sent 3 letters requesting assistance with some coming community events. These include:

- Kondinin CRC 30<sup>th</sup> birthday – initially discussed with CEO, \$500 as per delegation
- Kondinin Quiz Night.
- Whalebone Showing
- Paint the Town Read.

##### **Comment**

As per delegation, the CEO can authorise small contribution of \$500 to various project to a total of \$1,500 to community groups per financial year.

The request from the Kondinin CRC is in excess of the CEO's delegation and therefore has come to Council for consideration.

The community events will be open to the public and will increase the vibrancy of the town. Therefore, the consideration of support for these events is justifiable as a community benefit. Consideration of support for the events can be as follows:

Kondinin CRC 30 <sup>th</sup> birthday	\$500
Kondinin Quiz Night.	\$500 for prizes, plus accommodation
Whalebone Showing	\$1,000 shortfall plus accommodation/hall hire
Paint the Town Read.	<u>\$350</u>
Total	\$2,350, plus accommodation/hall hire

The Paint the Town Read is an early literacy charity promotes the importance of reading with children from birth to ensure they start school ready to learn.

**Policy Implications**

Nil

**Financial Implications**

Funding through various programs can be used to assist with the sponsorship.

**Strategic Implications**

Strategic Community Plan 2022-2023

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

*We collaborate with CRCs and local organisations to deliver community programs and activities*

**Voting Requirement**

Simple Majority

#### **9.4.3 ANNUAL SPONSORSHIP GRANTS**

Applicant: Shire of Kondinin  
Author: Chief Executive Officer – David Burton  
Authorising Officer: Chief Executive Officer – David Burton  
Date: 7<sup>th</sup> April 2025  
Disclosure of Interest: Nil  
Attachments: Emails

##### **RESOLUTION: #4537**

**Moved: Cr Paul Green**

**Seconded: Cr Bruce Browning**

That Council **AUTHORISES** the following grants to be included in the Annual Budgets going forward, with 12 months notification should the sponsorship no longer be supported:

Kondinin Arts Festival – Acquisition Prize (\$7,500)

Hyden Senior Citizens Luncheons (\$7,500)

**Carried: 8/0**

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

**Against: Nil.**

#### **Summary**

To consider the inclusion of several grants as part of the annual Community Grant program, rather than them having to be applied for each year.

#### **Background**

Since 2018, the Shire of Kondinin has provided an Art Acquisition Prize to the Kondinin Art Exhibition to help the exhibition grow and ensure the quality of entries. Throughout the year, this event has flourished and become a major event for Kondinin and an opportunity for local artist to present items.

Funding if the Art Acquisition Prize has seen many works being spread across various offices and buildings of the Shire to display the works.

Last year, the Shire also started sponsoring the Hyden Seniors Luncheon Group, which is designed to have a luncheon once per month, with visiting guest speakers or activities being planned to provide entertainment for our senior citizens and also getting them active in a social environment.

#### **Comment**

The Shire support of the Art Acquisition Prize allows the Kondinin event to attract works of arts from all over the states and also encourages local artists to prepare items and showcase local talent in the arts fields. This creates an interest for our community and encourages other to participate.

The Hyden Seniors Luncheons provides a welcomed social atmosphere for our senior citizens to gather in a social atmosphere and interact with other locals. This gathering supports the mental health and wellbeing of our seniors and is a great opportunity for them to 'keep check' of each other.

Both of these events have significant benefits to the community and are sponsored every year. Rather than making an application each year and taking staff time, it is recommended that these contributions for part of the Community Grants Annual contributions, with 12 months' notice being required to the groups should Council decided to stop or suspend the allocations. This would give the groups peace of mind that the contribution will continue and will not be pulled at the last-minute causing issues to events that have been organised.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

The amounts of the sponsorship will be included in the Annual Budget for the Shire

**Strategic Implications**

Strategic Community Plan 2022-2023

**1. Community**

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

**Voting Requirement**

Simple Majority



#### 9.4.4 **NOTICE OF MOTION – SENIOR STAFF**

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Authorising Officer:	Chief Executive Officer – David Burton
Date:	7 <sup>th</sup> April 2025
Disclosure of Interest:	Nil
Attachments:	Nil

**RESOLUTION: #4538****Moved: Cr Paul Green****Seconded: Cr Kerrie Green**

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

**Carried: 5/3****For: Cr K Mouritz, Cr P Green, Cr M James, Cr B Smith & Cr K Green.****Against: Cr Browning, Cr Pool & Cr Gangell****Summary**

To consider requesting staff to draft a new policy listing senior staff as per Section 5.37 of the Local Government Act 1995.

**Background**

Section 5.37 of the Local Government Act 1995 (the Act)

**5.37. Senior employees**

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for it doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

**Section 5.39, 1(a)**

- (1a) *Despite subsection (1) —*
- (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which the employee is acting; and*
  - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2-year period, without a written contract.*

The Shire of Kondinin pre-2021 did consider the employment of senior staff with the following Policy in place:

**1.4.2 STAFF APPOINTMENTS**

The Chief Executive Officer is authorised to appoint the following permanent staff members:

- Administration staff
- Outside Staff
- Gardener
- Pool Managers

The following permanent senior employee staff appointments are to be done in consultation with Council.

- Deputy Chief Executive Officer, Finance Manager and Works Manager.

Loosely based, this listed staff as per Section 5.37 as it did require the employment of Senior Officers to have consultation with Council.

This Policy was removed with the changes to the Policy Manual in January 2021 by the recommendations of the CEO at the time.

**Comment**

Section 5.37 has been debated by Councils for several reasons, it does give Council some control of the employment of Senior Staff, but was also seen as Council getting into the administrative functions of the Shire which should be for the CEO.

As part of the discussion in the current round of Local Government Reforms, it was mentioned about the possibility of removing Section 5.37 of the Act, however it was requested to remain.

Current Shires in the area that have Senior Staff listed for consideration under Section 5.37 include the Shires of:

Lake Grace  
Narembeen  
Narrogin  
Kellerberrin  
Beverley  
Pingelly  
Merredin  
Dumbleyung  
Yilgarn  
Corrigin – DCEO only  
Wickepin – Works Manager only.  
Dundas  
Ravensthorpe

The Shires that currently do not list Senior Employees are the Shire of:

Kulin  
Kondinin

As per the Act, any staff member appointed or dismissed as a Senior Employee, Council is to be informed and can accept or reject the CEO's recommendation. If the recommendation is rejected, a reason must be given to the CEO.

There are several concerns with listing staff under section 5.37 of the Act. These include:

- additional steps are required to engage staff for these positions. The appointment of staff into these roles must be ratified by Council before the position can be official.
- If staff are dismissed, it must be ratified by Council before finalized. This also offers the staff some protection.
- Staff may see it as a deterrent in that they are also employed by the Council, therefore they have multiple bosses instead of just the CEO.
- Staff can attempt to develop relationships with members for protection of their position.
- Staff may be intimidated by Members as a controller of their position.
- It can be seen as Council being involved in an administrative function.
- It can be seen as Council trying to assert authority and override the CEO.
- Council need to ensure they are following employment legislation when deciding against the CEO.

There are also several benefits that can be gained with the listing in place:

- CEO's must get Council approval to employ or dismiss staff, giving Council some control in the process.

It should be noted that current Executive Staff are already under contract for their employment and as such, this change in policy would impact their positions until the renewal of their contracts as this would be a significant change to their current employment conditions.

In discussion with Senior Staff about the change and the implementation of a Policy, concern was raised by all the senior staff for the following:

- why it was needed?
- It was seen as an attack on staff and the jobs that they do.
- If Council is wanting to control their positions, what have they done wrong for this?

As seen by the reaction of staff, this change to Policy can cause concern for staff. The general concern is why Council feels it needs to change the current arrangements, have staff done something wrong?

Staff have been advised that this policy would only apply from contract renewal.

### **Statutory Environment**

Local Government Act 1995

### **Policy Implications**

Nil until new Policy is adopted.

### **Financial Implications**

Nil

### **Strategic Implications**

Strategic Community Plan 2022-2023

### **Voting Requirement**

Simple Majority

#### **9.4.5 SHIRE CENTENARY CELEBRATION**

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Authorising Officer:	Chief Executive Officer – David Burton
Date:	8 <sup>th</sup> April 2025
Disclosure of Interest:	Nil
Attachments:	Nil

##### **RESOLUTION: #4539**

**Moved: Cr Beverley Gangell**

**Seconded: Cr Bruce Browning**

That Council:

**APPROVES** holding a Centenary of Local Government for the Shire of Kondinin event on the Sunday 6<sup>th</sup> July, 2025, with invitations to be sent to previous Council Members, Presidents, Chief Executive Officer's and Freeman of the Shire; and

**APPROVES** the purchase of promotional items to mark the event, including cups, glasses and pens.

**Carried: 6/2**

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

**Against: Cr P Green & Cr K Green**

##### **Summary**

To consider the Celebration of 100 years of Local government for the Kondinin Road Board and Shire of Kondinin with a special event.

##### **Background**

The Kondinin Road District was gazetted on 15 May 1925, separating the district from the Roe Road District with effect from 1 July in that year. The first election was held on 5 September 1925, with the first meeting taking place seven days later (Wikipedia).

In 1961, The Kondinin Road Board became the Shire of Kondinin with the changes to the Local Government Act 1960 and has continue to current day.

##### **Comment**

For the date of the event, staff initially looked at the 18<sup>th</sup> of May being the closest weekend to the Gazettal date, but as the Kondinin Road Board did not start until 1<sup>st</sup> July 1925, it would be more appropriate to celebrate the Centenary around this date. The 1<sup>st</sup> July is a Tuesday, with the nearest weekend being 29<sup>th</sup> June or 6<sup>th</sup> July (Sunday).

In discussion with the Shire President, it was felt that to make this event a large event and a full day could be difficult to ensure we can cover the full area and the 3 towns of the Shire. Given that it would clash with sports, it would also make it difficult to fit in with the movements of the local residents as support of the sports would likely be a priority.

It was therefore considered that a smaller event to mark the occasion would be more appropriate, with the event being held midday to allow former Presidents and Council Members to attend from other areas and return in the same day.

For promotional items for the event, it was considered for the following:

- 250 Kondinin Road Board / Shire of Kondinin mugs
- 250 Kondinin Road Board / Shire of Kondinin glasses
- 1000 Kondinin Road Board / Shire of Kondinin pens.

The mugs and glasses could be used for the event and also in the Shire offices and the pens used in the wider area. If Council considers appropriate, a pen can be sent out with the 2025/2026 Rates notice so that all ratepayers will receive a pen to mark the occasion.

Promotional items will also have the logos of the time with the following:



1925 – 1961



1961 – 2025

Pending on the date of the event, if this financial year, funding for the functions with promotional items would be approximately \$15,000. This funding could be taken from other accounts that have surplus funds.

If the event is held after 1<sup>st</sup> July, it would be added as part of the 2025/26 Annual Budget. Promotional items would still need to be purchased in the current financial year and can be made with surplus funds from other accounts.

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

If the event is held in the current financial year, it can be funded from other accounts that have not been expended as no budget allocation was made for the Centenary.

If the event is to be held after 1<sup>st</sup> July 2025, it would be included in the 2025/26 financial year and Annual Budget. Promotional items would need to be purchased this financial year and can be taken from accounts that are currently in surplus.

### **Strategic Implications**

Strategic Community Plan 2022-2023

#### *1. Community*

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

### **Voting Requirement**

Simple Majority

#### **9.4.6 COMPUTER SYSTEMS UPGRADES**

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Authorising Officer:	Chief Executive Officer – David Burton
Date:	9 <sup>th</sup> April 2025
Disclosure of Interest:	Nil
Attachments:	Nil

##### **RECOMMENDATION: #4540**

**Moved: Cr Darren Pool**

**Seconded: Cr Murray James**

That Council **APPROVES** the transfer of \$20,000 from the IT Reserve to allow for the upgrade of the main services for the Shire Administration.

**Carried: 8/0**

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

**Against: Nil.**

##### **Summary**

To consider the allocation of \$20,000 from the Shire IT Reserve account to allow for the upgrade of the Office Software and Main Server.

##### **Background**

The Shire of Kondinin currently uses Microsoft Office for most of the normal administration actions of documents (Word) spreadsheet (Excel) and Notices (Publisher). The current version in use of Microsoft Office 2019, which is quickly becoming obsolete and will no longer be supported by Microsoft. This was the last Office Software system that had a single license purchase per copy required.

The Shire of Kondinin Main Server is also aging and the current software for the service will again, not be supported by Microsoft. As the Server is the holder of the Shires main data, it is critical to ensure the server is maintained and able to meet the demands of the Shire. At this time, the Server needs upgrades as more space is required for data services for the Shire. The Server currently only has 16.3Gb of free data space. The changes to the software will allow more data to be cloud based.

##### **Comment**

The change on software from Office 2019 to Office 365 will enable staff access to updated software and also use other items such as Teams (with an account) and also One Note. Access to Office 365 will also give access to One Drive and allow staff to transfer large folders of information by allowing access rather than trying to reduce the size of the documents.

The change in software will as change the operational costs as Office 365 comes with an annual license fee whereas the old version of Office had a once off license fee. This annual fee will need to be considered as part of the operational charges for the Shire.

The changes to the Main Server will ensure smooth operations with the main data storage and processing unit and is critical for day to day operations of the Shire. The current software will no longer be supported by Microsoft, which means that the Shires risk if having IT issues or attacks are significantly increased if the server is not updated.

Together, the changes will improve access for staff to the server and also for day to day operations for the Shire.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Funding for the change to Office 365 is included in the budget. This will also require an annual license fee to be included in operational charges.

For the Server upgrade

**Strategic Implications**

Strategic Community Plan 2022-2023

*4. Civic Leadership*

*4.2 We are a compliant and resourced Local Government*

**Voting Requirement**

Simple Majority

#### **9.4.7 DELEGATED AUTHORITY – TEMPORARY ACCOMMODATION**

**Author:** CEO - David Burton  
**Authorised Officer:** CEO - David Burton  
**Date:** 16<sup>th</sup> April 2025  
**Disclosure of Interest:** Nil  
**Attachments:** Delegated Authority Register Note

##### **RESOLUTION: #4541**

**Moved:** Cr Brett Smith

**Seconded:** Cr Murray James

That Council **APPROVES** by Absolute Majority the changes to the Chief Executive Officer's Delegated Authority for Temporary Accommodation in the Shire of Kondinin.

**Carried: 8/0**

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

**Against:** Nil.

#### **Summary**

To consider delegating to the CEO authority to approve Temporary Accommodation for a restricted period.

#### **Background**

Changes have recently been made to the Caravan Parks and Camping Grounds Regulations 1997 to allow for local government to approved temporary accommodation for up to 12 months. This has been an initiative by State Government to allow people to camp on their own grounds while awaiting construction of a dwelling.

Local Government can approve camping for a period of not exceeding 24 months.

#### **Comment**

A State Government initiative has seen changes to the Caravan Parks and Camping Grounds Regulations 1997 to allow local government to approve camping on land for a period of up to 12 months. The relevant Regulation is Regulation 11A.

##### **11A. Camping on private land with local government approval**

- (1) A person may apply in writing to a local government for approval to camp on land the person owns or has a legal right to occupy if the land is in the local government's district.
- (2) The local government may approve the person camping on the land for a period specified in the approval not exceeding 24 consecutive months.
- (3) The approval is subject to the following conditions —
  - (a) that any caravan or camp in which the person is camping on the land is maintained in such a condition that it is not a hazard to safety or health;
  - (b) that the land is maintained in such a condition that it is suitable for camping, particularly in relation to —
    - (i) safety and health; and
    - (ii) access to services;
  - (c) any other conditions specified by the local government in the approval.



- (4) The local government is taken to have refused the application if the local government does not give the approval within 63 days of the application.
- (5) The local government may revoke an approval given by the local government, by written notice to the holder of the approval, if the local government is satisfied that a condition of the approval has been breached.
- (6) Before revoking the approval, the local government must —
  - (a) give written notice to the holder of the local government's intention to revoke the approval unless, within 35 days after the notice is given, the holder shows cause why the approval should not be revoked; and
  - (b) consider any written response to the notice received from the holder during that period.

*[Regulation 11A inserted: SL 2024/162 r. 7.]*

If the Local Government refuses to allow the temporary accommodation, the applicant can then apply to the Minister for approval under Regulation 11B

11B. Camping on private land with Ministerial approval

- (1) This regulation applies if a local government does any of the following under regulation 11A (each a **relevant decision**) —
  - (a) refuses to give an approval a person has applied for;
  - (b) gives a person an approval for a period or subject to conditions specified by the local government in the approval;
  - (c) revokes an approval given to a person by the local government.
- (2) The person may, within 35 days of the relevant decision, apply in writing to the Minister for approval to camp on the land the subject of the application or approval (as the case may be).
- (3) The Minister may approve the person camping on the land for a period specified in the approval not exceeding 24 consecutive months.
- (4) The approval is subject to the following conditions —
  - (a) that any caravan or camp in which the person is camping on the land is maintained in such a condition that it is not a hazard to safety or health;
  - (b) that the land is maintained in such a condition that it is suitable for camping, particularly in relation to —
    - (i) safety and health; and
    - (ii) access to services;
  - (c) any other conditions specified by the Minister in the approval.
- (5) If a person makes an application in relation to a relevant decision referred to in sub regulation (1)(b), the relevant decision continues in force until the sooner of —
  - (a) the day on which the Minister gives an approval on the application; or
  - (b) the day on which the relevant decision would otherwise cease to have effect.
- (6) The Minister may revoke an approval given by the Minister, by written notice to the holder of the approval, if the Minister is satisfied that a condition of the approval has been breached.
- (7) Before revoking the approval, the Minister must —

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- (a) give written notice to the holder of the Minister's intention to revoke the approval unless, within 35 days after the notice is given, the holder shows cause why the approval should not be revoked; and
- (b) consider any written response to the notice received from the holder during that period.

*[Regulation 11B inserted: SL 2024/162 r. 7.]*

The RoeROC EHO officers are currently developing a policy for all the RoeROC Shires to look at a process that can be adhered to by all the member Shires to ensure the policy is similar and does not create confusion for applicants. This policy is still being developed.

To reduce the number of applications going to Council, it is request to consider delegating the authority to the CEO to approve temporary accommodation for a period of 12 months (maximum as per Regulations is 24 months), to allow the person to start on their homes and make significant advances towards repairing a home or building a new home. If the applicant wants to extend the time, then the approval would be brought to Council where it can be justified from the amount of works done.

Currently the Shire has two land owners who are considering applying for temporary accommodation. One applicant is for Kondinin townsite to allow a person to restore an old home to be fit for habitation. The second applicant has submitted building plans for approval of a house in the Hyden townsite.

### **Statutory Environment**

Local Government Act 1995

Caravan Park and Camping Grounds Act 1995

### **Policy Implications**

Nil

### **Financial Implications**

Implementation of the Delegated Authority will have no financial impact to the Shire. There may be a fee imposed for the approval process.

### **Strategic Implications**

Strategic Community Plan 2022-2023

#### *4. Civic Leadership*

##### *4.2 We are a compliant and resourced Local Government*

### **Voting Requirement**

Absolute Majority

## 9.5. CONFIDENTIAL ITEMS

NIL

## 9.6 COMMITTEE ITEMS

### 9.6.1 2025/2026 ROAD WORKS PROGRAMS

Applicant: Shire of Kondinin  
Author: Chief Executive Officer – David Burton  
Manager of Works – Mark Burgess  
Disclosure of Interest: Nil  
Date: 14<sup>th</sup> March 2025  
Attachment(s): Nil

#### **RESOLUTION: #4542**

**Moved: Cr Murray James**

**Seconded: Cr Bruce Browning**

**That the update on the 2025/26 works Program be received and considered for the Budget 2025/26**

**Carried: 8/0**

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

**Against: Nil.**

#### **Summary**

To provide information on the current 2025/26 Road Works Program.

#### **Background**

Works have been approved through the Budget process and commenced. This report is to provide Members with information on the Works program.

#### **Reporting Officer's Comment**

The 2025/26 program will be included in the Budget considerations for full Council.

The Shire will be completing works on the Hyden-Norseman Road Pilot Project due to the new funding received for Safer Regional Roads.

Road works are broken into several different programs including Regional Road Group (RRG), Roads to Recover (RTR) and General Funds.

RRG – Funded on a 2/3 grant 1/3 Shire basis and does require an MCA score for the works

RTR – Can be used on any road providing it has not been funded previously. This funding also requires the Shire to maintain its level of normal expenditure on the roads or funding may be reduced.

RUP – Remote Upgrade Pilot funding – single project

RRC – General Funds – Can be used at the Shire's discretion.

Projects for consideration for 2025/26 are:

RRG:

Lowering Road (continuation)	Drainage/shoulders	3.13slk to 4.7slk
	Overlay/seal	15.99slk to 17.23slk

#### RTR:

Allen Rocks Road	Form and gravel	0.00slk to 3.00slk
Bendering East Road	Form and gravel	11.46slk to 14.00slk
Billericay East Road	Form and gravel	16.20slk to 20.20slk
Bushfire Rock Road	Form and gravel	9.93slk to 13.93slk
Mouritz Street	Reseal / kerbing	0.00slk to 0.17slk
North Lake Grace-Karlgarin Rd	Shoulder/pave repair	
	Reseal	0.00slk to 8.30slk
Pederah West Road	Shoulders / reseal	0.00slk to 1.36slk
Radbourne Street	Reseal	0.00slk to 0.43slk
Smith Loop	Reseal	0.00slk to 0.48slk
Unity-Federal Street	Reseal/kerbing	0.00slk to 0.26slk
Federal Funding		
Norseman – Hyden Road	Upgrade and seal	39.60slk to 56.60slk
Kondinin Airstrip	form/gravel/seal	
	Runway, asphalt taxi way	0.00slk to 1.20slk

#### RCC

Cashmore Road	Form and gravel	4.47slk to 7.55slk
Forbes Road	Form and gravel	0.05slk to 2.30slk
Karlgarin Lake Road	Form and grvl/floodway	20.57slk to 22.00slk
King Rocks West Road	Form and gravel	1.91slk to 3.64slk
King Rocks Road	Form and gravel	8.90slk to 9.77slk
Lake Carmody Road	Form and gravel	22.42slk to 25.00slk
Lake O'Connor Road	Form and gravel	11.75slk to 13.75slk
Medical Centre Carpark	change parking	
Pull Over Bay	construct and seal	
Reservoir East Road	Form and gravel	1.97slk to 4.10slk

#### Concrete Paths

Hyden \$50k general allocation  
Kondinin \$50k general allocation

#### Bus Trip

We have been trying to organise a bus trip for members to jointly look at roads. Unfortunately, dates have been an issue. The Committee may wish to consider a day for the bus trips that all can attend.

#### Statutory Environment

Local Government Act 1995

Adopted works program – budgetary constraints and potential cost increase implications.

#### Policy Implications

Nil

#### Public Consultation

Nil

#### Financial Implications

The proposed program is reliant on funding being made available and any reduction in grants would impact the proposed programs and the final actual program(s) scheduled.

### **Strategic Implications**

*Shire's Strategic Community Plan 2022-2032*

- 2 Economy
  - 2.2 Safe and efficient transport network enables economic growth
- 4 Civic Leadership
  - 4.1 Skilled, capable and transparent team
  - 4.2 We are a compliant and resourced Local Government

### **Voting Requirement**

Simple Majority

## **10. BUSINESS OF AN URGENT NATURE**

## **11. CLOSURE**

Being no further business, the meeting was closed at 5.54pm.