



# **SHIRE OF KONDININ**

## **MINUTES OF ORDINARY MEETING OF COUNCIL**

**Held 18<sup>th</sup> August 2021**

# Order of Business

## 1. DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

The Shire President Cr Meeking read the Statement of Commitment to Indigenous Australians, welcomed those present and declared the meeting open at 3:19pm

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

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

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

## 4. PUBLIC QUESTION TIME

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

## 6. PETITIONS/DEPUTATIONS/PRESENTATIONS

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

### 7.1 MINUTES OF COUNCIL MEETING – 21<sup>st</sup> July, 2021

#### **RESOLUTION #3788**

Moved: Cr Mulcahy

Seconded: Cr Gangell

That the minutes of the Council Meeting held on the 21<sup>st</sup> July, 2021 be confirmed.

Carried 8/0

### 7.2 INFORMATION REPORT – August 2021

#### **RESOLUTION #3799**

Moved: Cr Lynch

Seconded: Cr Jones

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

Carried 8/0

## 8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

## 9. ITEMS

### 9.1 MANAGER OF PLANNING & ASSETS

9.1.1 Local Roads and Community Infrastructure Program (Round 2) - Variations

### 9.2 MANAGER OF CORPORATE SERVICES

9.2.1 List of Accounts

### 9.3 MANAGER OF WORKS

9.3.1 Drainage Tender

### 9.4 CHIEF EXECUTIVE OFFICER

9.4.1 RoerOC Meeting

9.4.2 Rubbish Charges

9.4.3 Chief Executive Officer – Key Performance Indicators

9.4.4 Request for 3 Dogs on a Property

9.4.5 Request for MOU for Centralized Register for Temporary /Mobile Food vendors

9.4.6 Request for Sponsorship

### 9.5 ENVIRONMENTAL HEALTH OFFICER

*Mr Mark Burgess left the meeting at 3:50pm returned at 3:52pm.*

*Mr Vince Bugna left the meeting at 3:57pm & did not return*

*Mrs Tory Young, Mr Mark Burgess, Ms Rachael Hendry & Mr David Burton left the meeting at 4:19pm*

*Mrs Tory Young & Mr Mark Burgess did not return.*

*Cr Gerard Lynch left meeting at 5:18pm*

*Ms Rachael Hendry & Mr David Burton returned to the meeting at 5:22pm*

*Cr Gerard Lynch returned to the meeting at 5:24pm*

## 9.1 MANAGER OF PLANNING & ASSETS

### 9.1.1 Local Roads and Community Infrastructure Program (Round 2) – Variations

**Applicant:** N/A  
**Author:** Tory Young, Manager Planning and Development  
**Date:** 10<sup>th</sup> August 2021  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### RESOLUTION #3800

**Moved: Cr Lynch**

**Seconded: Cr Mouritz**

That Council:

SUPPORT the following variations to Phase 2 of the Local Roads and Community Infrastructure Program;

1. Undertake the Hyden swimming pool change room upgrade and re-roof of the Hyden Tennis Club building during Phase 3 of the Local Roads and Community Infrastructure Program after the scope of the project is finalized and quotations received as a priority;
2. Allocate additional funding towards the footpaths in town centres to extend the area completed at Smiths Loop, Hyden.
3. Create a new project to upgrade the Kondinin Caravan Park and submit a Works Schedule to the Department of Infrastructure, Transport, Regional Development and Communications for endorsement accordingly.

**Carried 8/0**

#### SUMMARY

For Council to consider a relocation of funding and a new project for the Local Roads and Community Infrastructure Program Phase 2 Round.

#### BACKGROUND

At the Ordinary Meeting of Council held on the 17<sup>th</sup> December 2020, Council endorsed the following projects in order of priority to a maximum of \$384,684 for Phase 2 of the Local Roads and Community Infrastructure Project.

1. 3 x Standpipe Controllers and swipe cards at Aylmore Road, Hyden; Bending Hall Road, Kondinin and Kondinin Lake Road, Kondinin;
2. Additional Re-Roofing and Awnings at Hyden Swimming Pool;
3. Shelter and Associated Ramp and Steps over Kondinin Community Garden Deck;
4. Upgrades to Hyden Swimming Pool Car Park;
5. 3 x Electric BBQ's at the Kondinin Swimming Pool; Karlgarin Gazebo and Hyden Swimming Pool;
6. Upgrades to Footpaths around the Shire's Town Centers; and
7. Re-roofing of Hyden Tennis Club.

Work Schedules with associated funding allocations were then submitted and endorsed by the Department of Infrastructure, Transport, Regional Development and Communication.

Below is a summary of the current status of the projects:

PROJECT	STATUS	COMMENT
3 x Standpipe Controllers and swipe cards at Aylmore Road, Hyden; Bending Hall Road, Kondinin and Kondinin Lake Road, Kondinin	<i>Completed</i>	All three (3) new standpipes have been installed and now in operation. Estimated underspend of \$18,000.
Additional Re-Roofing and Awnings at Hyden Swimming Pool;	<i>Contractor Engaged and Materials Ordered</i>	Quote for the new roofing and associated lighting for the change rooms has come under the \$100,000 allocated for this project. Estimated underspend of \$80,000.

Shelter and Associated Ramp and Steps over Kondinin Community Garden Deck;	<i>Contractor Engaged and Materials Ordered</i>	Quote for the new shelter has come under the \$40,000 allocated for this project. Estimated underspend of around \$10,000.
Upgrades to Hyden Swimming Pool Car Park	<i>In Progress. Cross overs entering the car park have been completed. When area dries out works can commence on grading and re-sheeting the surface and the installation of entry and exit signage.</i>	Anticipate that works will come under the \$40,000 allocated for this project. In order to achieve lasting result with re-surface need to address stormwater run-off from adjacent property owner north of the car park. Seek Council direction on this matter.
3 x Electric BBQ's at the Kondinin Swimming Pool; Karlgarin Gazebo and Hyden Swimming Pool;	<i>Completed (Apart from installation of BBQ at Karlgarin)</i>	Project costs have aligned with allocation.
Upgrades to Footpaths around the Shire's Town Centers;	<i>Awaiting quotes from contractor. Proposal is for footpaths to be completed on Melba Street, Karlgarin; Lynch Street, Hyden; and Smith's Loop, Hyden.</i>	Project costs are anticipated to align with the allocation. \$89,684 currently allocated.
Re-roofing of Hyden Tennis Club	<i>Scope of works still be determined and no formal quotes received. Meeting held on the 2<sup>nd</sup> August 2021 with Hyden Tennis Club Building Committee and Draftsperson to finalise scope for the works. Draftsperson has been engaged to prepare plans for: Replacement of Existing Roof; and Construction of New Club Room.</i>	Works unable to be completed by December 2021. Recommend that this project be included in Phase 3 of the Local Roads and Community Infrastructure Program which is available from 1 January 2022 with construction to be completed by June 2023.

## COMMENT

The projects selected in this program are to involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public. Projects need to deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits. Phase 2 projects are required to be completed by 31<sup>st</sup> December 2021 and acquitted by 31<sup>st</sup> January 2022.

As outlined the table above, apart from the re-roofing of the Hyden Tennis Club, all projects have been costed and commenced and/or completed. Allocations for each project were estimates only, and in several cases there will be significant underspends totaling around \$118,000. In order for the Shire of Kondinin to utilize its full Round 2 funding allocation and complete projects by December 2021 the following variations are proposed.

1. Undertake the re-roof of the Hyden Tennis Club building during Phase 3 of the Local Roads and Community Infrastructure Program after the scope of the project is finalized and quotations received;
2. Allocate additional funding towards the footpaths in town centers to extend the area that can be completed at Smiths Loop, Hyden.
3. Create a new project to upgrade the Kondinin Caravan Park to follow on from the works undertaken at the Information Bay adjacent to the Caravan Park as part of the Phase 1 of the funding. This proposes to include: landscaping where old ablution block was demolished; concrete cross covers, concrete kerbing along Gordon Street; directional and information signage; retaining wall and dedicated chalet parking; new lighting; and associated earthworks and bollards to mark out drive-thru bays, unhitch bays and tent camping.

The following indicative costs have been estimated:

Caravan Park Upgrade

230m of Kerbing @ \$30 per metre:	\$7,000
Two 5m x 8m concrete cross-overs @ \$95 per sqm:	\$7,600
Signage:	\$5,000
Retaining and Parking	\$5,000
Lighting / Bollards	\$5,000
Landscaping	\$30,000
TOTAL:	\$59,600

Footpaths in Hyden

Extend scope of works at Smiths Loop, Hyden.

TOTAL: \$58,400

**CONCLUSION**

In light of the above it is recommended that Council endorse the proposed variations to Phase 2 of the Local Roads and Community Infrastructure Projects so that the Shire's Administration can submit a variation request to the Department of Infrastructure, Transport, Regional Development and Communications to enable the Shire to expend its allocation within the prescribed timeframe.

**STATUTORY ENVIRONMENT**

Grant agreement between the Shire of Kondinin and the Department of Infrastructure, Transport, Regional Development and Communications.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

\$384,684 of Federal Grant money to be incorporated into the 2020/2021 with carry over to 2021/2022 budget. All money must be spent by December 2021.

**STRATEGIC IMPLICATIONS**

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

***1.2 A growing, diverse and dynamic community***

*1.2.1 Facilitate equitable access for residents to services and facilities across the Shire*

*1.2.3 Increase land supply for residential, commercial and industrial opportunities that can be released quickly to the market*

*1.2.3 Create aesthetically attractive and vibrant towns within the Shire*

## 9.2 MANAGER OF CORPORATE SERVICES

### 9.2.1 LIST OF ACCOUNTS

**Applicant:** Shire of Kondinin  
**Author:** Vince Bugna – Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date:** 4<sup>th</sup> August 2021  
**Attachment(s):** List of Accounts

#### RESOLUTION #3801

Moved: Cr Mulcahy

Seconded: Cr Jones

That Council:

- 1) That Muni Cheques 19047 - 19060, Muni EFTs 13798 – 13915, Transport Direct Debits, Other Direct Debits, Payroll and Bank Fees (for the month July 2021) totalling \$798,662.30 be endorsed.

Carried 8/0

#### Summary/Comment

A list of accounts is attached.

Mr Mark Burgess left the meeting at 3:50pm returned at 3:52pm.

### 9.2.2 LIST OF ACCOUNTS REPORTED IN FEBRUARY 2021

**Applicant:** Shire of Kondinin  
**Author:** Vince Bugna – Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date:** 16<sup>th</sup> August 2021  
**Attachment(s):**

1. List of Accounts 01-12-2020 to 31-12-2020
2. List of Accounts 01-01-2021 to 31-01-2021
3. Item 9.2.1 List of Accounts Council Resolution 9707
4. Butler Settineri – Auditor email – Shire of Kondinin’s Payment (W.15) & Minutes (2-126) listing July 2020 to April 2021

#### RESOLUTION # 3802

Moved Cr Lynch

Seconded Cr Mouritz

Third Cr Gangell

That rescind Council Resolution 9707 in February 2021 OCM.

Carried 8/0

#### RESOLUTION #3803

Moved Cr Mulcahy

Seconded Cr James

That Muni Cheques 18940-18969, Muni & Trust EFTs 12911-13160, Transport Direct Debits, Other Direct Debits, Payroll and Bank Fees (for the month of December 2020 = \$1,030, 955.91 and for January 2021 = \$596,957.55) totalling \$1,627,913.46 be endorsed.

Carried 8/0

#### Summary

For Council to rescind/cancel Council Resolution 9707 and accept a new resolution correcting the error picked up by the auditor – Butler Settineri during their Interim Audit in June 2021.

#### Background

During their Interim Audit, the auditor prepared a monthly listing comparing the monthly Payment of the Shire of Kondinin and those entered in the agenda that were minuted. Total payments as per minutes in December 2020 did not match up with the total payment listing.

**Comment**

Obviously the MCS made an inadvertent error and typed an amount into the agenda different from the actual list of accounts paid in December 2020. Trying to recall as to how it did happen, I came up with a solution that I had a mixed up of numbers as two months of financial reports, two months of list of accounts and mid-year budget review were prepared and reported all at the same time.

The list of accounts monthly payments are extracted from the Shire's accounting system fully supported by vouchers and invoices, checked and authorised for payments and they can be verified anytime. The amount/s entered in the agenda had originated from the list of accounts.

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Voting Requirement**

Simple Majority



## 9.3 MANAGER OF WORKS

### 9.3.1 Kondinin Narembeen Road Drainage Tender

**Applicant:** Shire of Kondinin  
**Author:** Mark Burgess, Manager of Works  
**Date:** 8<sup>th</sup> August  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **RESOLUTION #3804**

**Moved: Cr Mouritz**

**Seconded: Cr Jones**

That Council:

**ACCEPT** the Tender 02/2021-22 from Proform Civil to supply and install RCP and RCB as per tendered price of \$316,813.00 including GST

**Carried. 8/0**

#### **Summary/Background**

Tenders were called for the supply and install RCP and RCB along the Kondinin Narembeen Road from SLK 0.3 – 24.00 approximately 91m of pipes and 40m of Box Culverts.

The quality of Tenderers are all exceptional and it makes it very difficult to pick only one, however in this particular case the recommendation is that we go with Proform Civil.

Proform Civil have a history with us as they have done design works for the Shire of Kondinin in the past and have also completed some design works on the Kondinin Narembeen Road just recently.

<b>Email</b>	<b>Phone</b>		<b>Price incl GST</b>
<u>Key Civil</u>	0437 488 759	3 Fielder Street Bunbury	530,763.90
<u>Leschenault Excavations</u>	08 9707 1660	8 Wakefield Crescent Australind	306,570.00
<u>O'Brien Civil</u>	0455 251 462	28A Winchelsea Road Nollamara 6061	475,336.00
<u>Avon Concrete</u>	08 9574 4069	Lot 42 Folewood Road, Toodyay 6556	412,560.50
<u>Proform Civil</u>	0424 630 251	95 Pendula Loop Brigadoon	316,813.20

#### **Statutory Environment**

Local Government Act 1995

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Ensuring Council Roads Program is kept to the highest efficiency levels

#### **Voting Requirement**

Simple Majority

*Mr Vince Bugna left the meeting at 3:57pm & did not return*

9.4.1 ROEROC MEETING

**Applicant:** Shire of Kondinin  
**Author:** CEO – David Burton  
**Date:** 11<sup>th</sup> August 2021  
**Disclosure of Interest:** Nil  
**Attachments:** RoeROC Minutes

**RESOLUTION #3805**

**Moved: Cr Lynch**

**Seconded: Cr James**

That Council notes and endorses the recommendations of the RoeROC meeting at Kondinin on 22<sup>nd</sup> July 2021

**Carried 8/0**

**Summary**

This report is for Council to note actions and recommendations from the RoeROC Meeting held in Kondinin on 22<sup>nd</sup> July 2021.

**Background**

RoeROC is the participation of the Shires of Corrigin, Kondinin, Kulin and Narembeen working jointly for service provision, efficiencies and economies of scale where possible for the betterment of all Shires.

**Comment**

Items raised at the meeting included:

- Item 7.1 Financial Reports
- Item 7.2 Bending Tip Report – including the report from Talis.
- Item 7.3 Bending Farm Licence Agreement
- Item 7.4 RoeROC Strategic Considerations.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Consultation**

RoeROC Shires.

**Strategic Implications**

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

*Goal 2: Economic*

*2.3 Encourage and promote a culture of education, career development, job creation and employment*

*2.3.1 Work with the local Community Resource Centre's and government, industry, education, employment and community groups to develop sub regional partnerships and investment in education and training*

*Goal 4: Civic*

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

*4.2 Manage the organisation in a responsible and accountable manner*

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

**Voting Requirement**

Simple Majority

9.4.2 RUBBISH CHARGES.

Applicant: Shire of Kondinin
Author: CEO – David Burton
Date: 11th August 2021
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION #3806

Moved: Cr Mulcahy

Seconded: Cr Lynch

That Council:

That, by Absolute Majority, Council adopt the amended Rubbish Charges for 2021/2022 to be implemented from 1st October 2021

Carried 8/0

Summary

This report is for Council to consider a review of the Rubbish Fees and Charges for 2021/22 financial year.

Background

The 2021/22 Rubbish fees and Charges were adopted by Council at the Ordinary Council Meeting held on 21st July 2021.

Since then, a further review of the Rubbish Fees and Charges has been considered to increase the revenue of the Rubbish Services Charged in order to reduce the loss currently being experienced by the Shire for this service.

At the July Meeting, Council was also requested to consider a service fee for opening the Rubbish Transfer Stations on public holidays. This fee was voted down at the time with Council wanting more information on options available for residents and businesses.

Comment

Concern was recently raised with regards to the cost of the rubbish services and the amount of revenue received by the Shire for services. For the last two financial years, the Shire has received significantly less revenue for services that what the Shire has been charged. This means that the rubbish services are currently being subsidized from general revenue and creating an impact on the rates for the Shire.

Table with 3 columns: Financial Year, Expenditure, Income. Rows for 2019/2021, 2020/2021, and Bending Tip.

The raising of fees and charges is to ensure that the Shire is receiving income which should cover the cost of the facilities and services provided. At this time, the income is significantly short of that goal.

If the Shire is to increase the costs of rubbish services significantly to cover the expenditure, then it is highly likely that this would attract a negative response from the general public, even if we engaged in an educational campaign for residents and user. As such, Council may prefer to soften the impact by increasing the charges over several years. This will allow time to inform the public of the shortfall and Councils action to improve the situation gradually.

The changes to the fees and charges are listed in the following table:

Current Rubbish Charges 21/22	cost per	cost
Commercial waste disposal fee	per tonne	\$45.00
Disposal of Liquid Waste	Per 1000 litres	\$50.00
Disposal of Brick and rubble	trailer	\$35.00
	per tonne	\$50.00
Skip Bins	per use	\$15.00
Asbestos removal	per tonne	\$255.00
Asbestos Removal	per cubic metre	\$612.00
Asbestos Removal	minimum charge	\$100.00
Waste Transfer Station entry out of hours		\$80.00
Recommended Rubbish Charges 21/22	cost per	cost
Commercial waste disposal fee	per tonne/skip/trailer load	\$55.00
Disposal of Liquid Waste	Per 1000 litres	\$60.00
Disposal of Brick and rubble including building waste	trailer	\$50.00
Disposal of Brick and rubble including building waste	per tonne	\$70.00
Skip Bins (Domestic Use)	per use	\$20.00
Asbestos removal	per tonne	\$255.00
Asbestos Removal	per cubic metre	\$612.00
Asbestos Removal	minimum charge	\$100.00
Waste Transfer Station entry out of hours (during Shire working hours)	during normal work hours	\$100.00
Waste Transfer Station entry out of hours (public holidays or call out - maximum 3 hrs)	public holidays	\$350.00

All units of measure should be considered as a minimum e.g. half a trailer load would still be counted as a trailer load.

In general, all fees have been increased to reduce the financial impact of rubbish services for the Shire. Some changes of note include:

*Commercial waste disposal fee* – This fee has previously only been charged for specific services, but greater emphasis should be placed on ensuring that all commercial waste disposal should be charged this fee to ensure that the Shire is recovering waste management costs.

*Skip Bins (Domestic use)* – the increase to the domestic skip bin use has been kept minimal as this was originally low to be used as an incentive to encourage people to clean up their yards. To retain this incentive, the cost has been kept low.

*Waste Transfer Station entry out of hours* – This fee has been split for requests that are received while staff are working and also for consideration of the fees while staff are not working or for public holidays. While working, staff can open the station for a short period of time and then return to work. The fee of \$100 is to allow for travel if staff are not in town. The fee for opening of the facility outside of hours or during public holidays has been designed to recover the cost for Shire staff who would be required to attend the site as this would be a call out and a minimum of 3 hours employment at penalty rates. While this cost is high, it should be noted that alternatives are available.

#### Alternatives available special events

It should be noted that Avon Waste (current contractor) still do a rubbish collection on public holiday Mondays as part of its standard service. The only time that is likely to change is if the Monday is Christmas Day, in which the pick-up is normally on Tuesday.

Additional Bins are always available as an option. This is generally done for an annual services and not done on a short term or event basis as the cost of administering this would be high. This will be further investigated by staff to examine options and potential difficulties.

Avon Waste do provide additional rubbish services including front lift bins of varying sizes that equate to 6, 12 or 19 wheelie bins. These are ordered direct from Avon Waste.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Consultation**

RoeROC Shires.

**Strategic Implications**

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

*Goal 4: Civic*

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

*4.2 Manage the organisation in a responsible and accountable manner*

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

**Voting Requirement**

Absolute Majority

*Mrs Tory Young, Mr Mark Burgess, Ms Rachael Hendry & Mr David Burton left the meeting at 4:19pm  
Mrs Tory Young & Mr Mark Burgess did not return.*

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.3 CHIEF EXECUTIVE OFFICER – KEY PERFORMANCE INDICATORS

**Applicant:** Shire of Kondinin  
**Author:** CEO – David Burton  
**Date:** 12<sup>th</sup> August 2021  
**Disclosure of Interest:** Impartiality Interest by CEO as employee  
**Attachments:** CONFIDENTIAL KPI's to be handed out at meeting

#### RESOLUTION #3807

Moved: Cr James

Seconded: Cr Lynch

That the meeting be closed in accordance with Section 5.23(2)(a) and (3) of the Local Government Act 1995

Carried 8/0

#### RESOLUTION #3808

Moved: Cr Jones

Seconded: Cr Pool

That Council approve the Key Performance Indicators for the Chief Executive Officer for the 2021/2022 Financial Year.

Carried 8/0

### CONFIDENTIAL ITEM

#### 5.23. Meetings generally open to public

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –
  - (a) A matter affecting an employee or employees; and
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

#### Summary

To consider the Key Performance Indicators (KPI's) for the Chief Executive Officer (CEO) for 2021/2022 Financial Year

#### Background

As part of the employment contract for the CEO, it is recommended that KPI's be developed with the Council and CEO to be used as a guide for performance. In developing KPI's it is recommended that they be achievable and in line with the requirements of the Strategic Community Plan and forward direction of the Shire.

#### Comment

The Current KPI's have been taken from legislative requirements for the Shire including reviews of the Strategic Community Plan and associated Corporate Business Plan and other Plans that form the overall strategic direction of the Shire. Also included is the Review of the Local Laws which is required every eight (8) years which will see several of our outdated local laws brought up to standard.

The KPI's have included the construction of the Visitors Centre as an initial project, however this is pending funding. If funding is not received for the Visitors Centre, then this project will be altered to reflect the change as construction will not be proceeding.

Included in the KPI's is also a look at the longer term financial matters for the Shire, this is including Road Programs, Building Programs (maintenance and Capital) and longer term financial impacts. This will give the Shire a better idea of longer term costs rather than just a generalised increase each year. This project will take time and will involve all senior staff.

It should be noted that KPI's need to have a level of flexibility as a significant event can change individual items or the KPI's in total. A recent example of this has been with limitations due to the COVID 19 Pandemic. If these type of events occur, than Council and the CEO can agree to change the KPI's to reflect the needs of the Shire and the Community.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

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

*Goal 4: Civic*

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

*4.2 Manage the organisation in a responsible and accountable manner*

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

**Voting Requirement**

Simple Majority

**RESOLUTION #3809**

**Moved: Cr Mouritz**

**That the meeting proceeds with Open Doors.**

**Seconded: Cr Jones**

**Carried 8/0**

*Cr Gerard Lynch left meeting at 5:18pm*

*Ms Rachael Hendry & Mr David Burton returned to the meeting at 5:22pm*

*Cr Gerard Lynch returned to the meeting at 5:24pm*

9.4.4 Application to House Three Dogs

**Applicant:** Shire of Kondinin  
**Author:** ESO – Rachael Hendry  
CEO – David Burton  
**Date:** 6<sup>th</sup> August 2021  
**Disclosure of Interest:** Nil  
**Attachments:** Letter from Louise Henley & Lyndy Aggiss

**RESOLUTION #3810**

**Moved:** Cr James

**Seconded:** Cr Mulcahy

**APPROVE the keeping of three dogs at 1 Smith Loop Hyden under the conditions that;**

- a) The approval is only for the three dogs as described in the letter from the applicant;**
- b) The dogs do not cause a nuisance to the occupiers of adjoining properties; and**
- c) The dogs be registered within the Shire of Kondinin**

**Carried 8/0**

**Summary**

To consider a request for three dogs to be housed as a property in Hyden

**Background**

An email requesting permission to house three dogs has been received from Louise Henley and Lyndy Aggiss.

On the 10 January 1995 the Shire of Kondinin’s Dogs Local Law was gazetted and clause 8 states the following;

**8.0 Maximum Number of Dogs**

The owner or occupier of premises situated within the district shall not, unless the premises have been granted exemption pursuant to Section 26(3) of the Act, keep or permit to be kept on those premises more than two dogs over the age of three months excepting that the young of those dogs up to the age of three months of age also be kept.

As referenced above Section 26(3) of the Act states the following;

- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
  - (a) May be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; ...

**Comment**

The Shire has allowed properties to have more than two dogs in the past, especially when one of the dogs is aged (as in this case). It is normally prudent to also place a condition on the approval that the three dogs do not pose a nuisance for the neighbours. This places responsibility for the dogs back on the owner to ensure that they are trained and cared for.

**Statutory Environment**

Dog Act 1975  
Shire of Kondinin Dogs Local Law

**Policy Implications**

Nil

**Financial Implications**

Nil



## **Strategic Implications**

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

### *Goal 1: Social*

- 1.1 A vibrant and attractive place to live that offers choice and a livable environment*
  - 1.1.1 Promote the Shire of Kondinin as a great place to live, work, visit and invest.*
- 1.2 A growing diverse and dynamic community*
  - 1.2.3 Create aesthetically attractive and vibrant towns within the Shire.*

### *Goal 4: Civic*

- 4.1 Provide good strategic decision making, governance, leadership and professional management*
  - 4.2 Manage the organisation in a responsible and accountable manner*
  - 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance.*

## **Voting Requirement**

Simple Majority

## 9. CHIEF EXECUTIVE OFFICER

### 9.4.5 REQUEST FOR MOU FOR CENTRALIZED REGISTER FOR TEMPORARY /OR MOBILE FOOD VENDORS

**Applicant:** Shire of Kondinin  
**Author:** ROE EHO – Brendon Gerrard  
**Date:** 12<sup>th</sup> August 2021  
**Disclosure of Interest:** Nil  
**Attachments:** Draft MOU and information

#### **RESOLUTION #3811**

**Moved:** Cr Jones

**Seconded:** Cr Lynch

**That Council support the Chief Executive Officer to sign and return the Memorandum of Understanding for the Centralised Register with the Health Department.**

**Carried 8/0**

#### **Summary**

The need for the Shire of Kondinin to participate in a centralized register in relation to the storing of information of temporary and mobile food businesses operating within Western Australia (WA) by signing a Memorandum of Understanding (MOU).

#### **Background**

Since 2012, the presence of temporary and mobile food businesses in the Western Australian (WA) community has increased by 55 percent. With the increasing prevalence across the industry comes increased public health risk.

Currently there is no central register available to consistently manage administrative and food safety compliance information across these food businesses, within WA.

Collectively, local governments, the Department of Health (DoH), and food businesses have a shared responsibility to ensure that the food the community consumes is safe. The DoH plays a vital role in supporting local governments to implement the Food Act 2008 (the Act).

Given the transient nature of temporary and mobile food businesses and the compliance and public health risks associated with them, the objects of the MOU are to:

- (a) Facilitate the sharing of information between the parties to enable the consistent, effective and efficient administration of the Act; and
- (b) To assist in ensuring that the Act is complied with by local governments and proprietors of temporary and mobile food businesses.

There is only has one mobile food vendor currently registered in the Shire of Kondinin. However, during events such as the Wave Rock Weekender and Kondinin Burnouts a number of external mobile food vendors undertake business in the Shire of Kondinin. The ability to check current registration information, as well as other relevant compliance information of mobile food vendors by accessing a central register would be invaluable in assessing the suitability of such food vendors in mitigating public health risk to the local community.

#### **Comment**

This MOU has been sent to other Shires in the RoeROC region, with all Shires participating.

#### **Statutory Environment**

Nil

#### **Consultation**

David Burton – Chief Executive Officer

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

**Strategic Implications**

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

*Goal 4: Civic*

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

*4.2 Manage the organisation in a responsible and accountable manner*

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

**Voting Requirement**

Simple Majority

## 9. CHIEF EXECUTIVE OFFICER

### 9.4.6 REQUEST FOR SPONSORSHIP

**Applicant:** Shire of Kondinin  
**Author:** CEO – David Burton  
**Date:** 17<sup>th</sup> August 2021  
**Disclosure of Interest:** Nil  
**Attachments:** Letter

#### RESOLUTION #3812

Moved: Cr Lynch

Seconded: Cr Mulcahy

That the Shire of Kondinin support the Hyden Tennis Club Men's Day with a sponsorship of \$500.

Carried 8/0

#### Summary

For the Shire to consider sponsorship of the Hyden Tennis Club Men's Day for the amount of \$500.00

#### Background

The Shire has sponsored this event previously (in 2019) for the amount of \$500.00 and also sponsorship for the Ladies Day of \$250.00.

#### Comment

Sponsorship of events like this can be a good promotion of the Shire giving back to the community for events that promote the health and wellbeing of our residents. Sponsorship of this event also fits within the Strategic Community Plan of promoting healthier living and being active.

It is also a good opportunity to disperse information as the Tennis Club are willing to include information for the Shire both printed and verbally.

#### Statutory Environment

Nil

#### Consultation

Nil

#### Policy Implications

Nil

#### Financial Implications

Nil

#### Strategic Implications

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

##### *Goal 1: Social*

##### *1.3 A safe, healthy and active Shire*

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

*1.3.4 Attract regular cultural events and activities to the Shire*

##### *Goal 4: Civic*

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

*4.2 Manage the organisation in a responsible and accountable manner*

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

#### Voting Requirement

Simple Majority

**9.5 ENVIRONMENTAL HEALTH OFFICER**

Nil

**10. BUSINESS OF AN URGENT NATURE**

Nil

**11. CLOSURE**

Meeting Closed 5.37pm