



SHIRE OF KONDININ

NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

KONDININ SHIRE COUNCIL

Will be held on Wednesday 18th August, 2021 at
Hyden Community Resource Centre

2pm Informal Agenda Discussion

3pm Council Meeting

A handwritten signature in black ink, appearing to read 'David Burton'.

David Burton
12th August 2021
CHIEF EXECUTIVE OFFICER

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

STATEMENT OF COMMITMENT TO INDIGENOUS AUSTRALIANS

“The Shire of Kondinin acknowledges that, as we proceed with the development & management of facilities & services within the Shire we give recognition of the distinctive relationship that indigenous people have within the community and encourage a broader understanding & appreciation of indigenous heritage & culture.

The Shire of Kondinin is committed to consultation across all communities in our Shire & we aim for mutual respect to achieve recognition of all cultures.”

**SHIRE OF KONDININ
QUESTIONS FROM THE PUBLIC**

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

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

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

SHIRE OF KONDININ DISCLOSURE OF FINANCIAL/IMPARTIALITY & PROXIMITY INTEREST

To: *Chief Executive Officer*

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

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

Item No	Details of Interest

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

Councillor’s Signature _____ Date _____

NB:

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

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

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

SHIRE OF KONDININ

DISCLAIMER

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

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

Signed on behalf of Council



David Burton
Chief Executive Officer

Order of Business

1. DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

Enter text here

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillors:	Cr S Meeking	Cr B Browning	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)	
Apologies:			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/INFORMATION REPORT

7.1 MINUTES OF COUNCIL MEETING – 21st July, 2021

RECOMMENDATION

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

7.2 INFORMATION REPORT – JULY 2021

RECOMMENDATION

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

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

9.5 ENVIRONMENTAL HEALTH OFFICER

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: 10th August 2021
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

That Council:

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

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 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.

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 17th 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 2nd 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 31st December 2021 and acquitted by 31st 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 totalling around \$118,000. In order for the Shire of Kondinin to utilise 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 - MCS
Disclosure of Interest: Nil
Date: 4th August 2021
Attachment(s): List of Accounts

OFFICER RECOMMENDATION

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.**

Summary/Comment

A list of accounts is attached.

9.3 MANAGER OF WORKS

9.3.1 Kondinin Narembreen Road Drainage Tender

Applicant: Shire of Kondinin
Author: Mark Burgess, Manager of Works
Date: 8th August
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

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.

Summary/Background

Tenders were called for the supply and install RCP and RCB along the Kondinin Narembreen 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 Narembreen Road just recently.

Email	Phone		Price incl GST
<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

9.4.1 ROEROC MEETING

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

OFFICER RECOMMENDATION

That Council:

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

Summary

This report is for Council to note actions and recommendations from the RoeROC Meeting held in Kondinin on 22nd 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 Centres 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: RoeROC Minutes

OFFICER RECOMMENDATION

That Council:

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

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.

Financial Year	Expenditure	Income
2019/2021	\$383,685	\$101,240
2020/2021	\$367,242	\$126,181 (including \$18,688 from 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

9.4 CHIEF EXECUTIVE OFFICER

9.4.3 CHIEF EXECUTIVE OFFICER – KEY PERFORMANCE INDICATORS

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

Officer RECOMMENDATION

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

Officer RECOMMENDATION

That the meeting proceeds with Open Doors.

9.4 CHIEF EXECUTIVE OFFICER

9.4.4 Application to House Three Dogs

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

OFFICER RECOMMENDATION

That Council:

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**

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

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

9.5 ENVIRONMENTAL HEALTH OFFICER

Nil

10. BUSINESS OF AN URGENT NATURE

11. CLOSURE