



SHIRE OF KONDININ

NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

KONDININ SHIRE COUNCIL

Will be held on Wednesday 16th August 2023 at the
Hyden CRC

1:00PM- 1:30PM Lunch with OIC
2:00PM-3:00PM Informal Agenda Discussion
3:00PM Ordinary Council Meeting

David Burton
11th August 2023
CHIEF EXECUTIVE OFFICER

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006
All communications are to be addressed to the CHIEF EXECUTIVE OFFICER
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 at 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 the completion of registering attendance and question/s.

- Members of the public should ideally register their attendance and question with the Council before the meeting before the closing of business the day before the scheduled meeting. This can be done;
 - a. In person at the Shire of Kondinin Office (11 Graham St, Kondinin).
 - b. By emailing the Executive Support Officer at 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 before the commencement of the meeting. If you have not registered in advance it can be completed at this time. However, public members will still be able to attend the meeting and provide the required details meeting if they have not been able to register in advance.
- The Presiding Member will open Public Question Time and, if necessary, provide a summary of the rules, regulations and procedures of Public Question Time:
 - a. The person asking the question must state their name before asking it.
 - 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. 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 on 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 comprehensive.
 - h. The priority for asking questions shall be 'first 'questions on which written notice has been given before the meeting' (that is, before 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 with 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 (by 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

The 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 _____ Councillor's Name _____ Date _____

NB:

- 1 This notice must be given to the Chief Executive Officer before 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 the 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 Councillor's 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 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 seeking legal opinion, or, to be sure, simply declare in any case.
Penalties for not disclosing an interest apply.

Office Use Only:	Date/Initial
1. Particulars of the 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 the Shire of Kondinin for any act, omission or statement or intimation occurring during Council/Committee meetings or 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 entity's 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 license, 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 the Shire of Kondinin must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Kondinin in respect of the application.*

Signed on behalf of Council



David Burton

Chief Executive Officer

Order of Business

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

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

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

Councillors:	Cr Kent Mouritz (President)	Cr Paul Green	Cr Kerrie Green
	Cr Darren Pool	Cr Beverley Gangell	Cr Murray James
	Cr Thomas Mulcahy	Cr Bruce Browning	Cr Brett Smith
Staff:	David Burton (CEO)	Vince Bugna (MCS)	Tory Young (MPA)
	Mark Burgess (MoW)	Leandré Genis (ESO)	
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- 19th July 2023

RECOMMENDATION:

That the minutes of the Council Meeting held on the 19th July 2023, be confirmed.

7.2 INFORMATION REPORT- August 2023

RECOMMENDATION:

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

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

- 9.1.1 REALIGNMENT OF LOT BOUNDARIES AND CONSOLIDATION OF RESERVES WITHIN THE KONDININ SPORTING PRECINCT
- 9.1.2 DETERMINATION OF TENDER 3/2023-24- CLEANING SERVICES
- 9.1.3 SURRENDER OF FREEHOLD LOTS 19 & 21 FEDERAL STREET, KARLGARIN TO THE CROWN TO AMALGAMATE WITH CROWN RESERVE 31640 AT THE KARLGARIN BOWLING GREEN
- 9.1.4 RENT INCREASE FOR 76 GRAHAM STREET, KONDININ
- 9.1.5 CONSOLIDATION OF RESERVES 29301 (LOT 231 ON DP 210625) & 29302 (LOT 232 ON DP 210625) GRAHAM STREET, KONDININ
- 9.1.6 PROPOSED PUBLIC EASEMENT ON LOTS 15 & 16 DP 5661 LYNCH STREET, HYDEN

9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 LIST OF ACCOUNTS

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 DISCOVERY CENTRE
- 9.4.2 TOURISM MASTER PLAN
- 9.4.3 BUSH FIRE BRIGADE FIRE CONTROL OFFICERS
- 9.4.4 PROHIBITED BURNING PERIOD

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 REALIGNMENT OF LOT BOUNDARIES AND CONSOLIDATION OF RESERVES WITHIN THE KONDININ SPORTING PRECINCT

Applicant:	N/A
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	4 th August 2023
Disclosure of Interest:	Nil
Attachments:	IOFD Deposited Plan 404100; Reserve Map

OFFICER RECOMMENDATION

That Council:

1. SUPPORTS the realignment of lot boundaries in the Kondinin Sporting Precinct to reduce the total number of reserves from 6 to 4 as shown in the IOFD 404100 Deposited Plan attached, with the balance of UCL 331 included with Lot 262 on DP2111790;
2. SUPPORTS the proposed newly created four (4) reserves as shown in the Reserve Map attached to be managed by the Shire for the purposes listed as follows:
 - (a) The area shown in red to be for the purpose of Recreation;
 - (b) The area shown in blue to be for the purpose of Caravan Park and Tourism;
 - (c) The area shown in green for the purpose of Municipal Depot;
 - (d) The area shown in orange for the purpose of Local Government Requirements;
3. SUPPORTS the proposed newly created four (4) reserves to include Management Orders with the power afforded to the Shire to lease or licence; and
4. AUTHORISES the Chief Executive Officer to complete a Crown Enquiry Form and submit to the Department of Planning, Lands and Heritage to progress the matter.

Summary

The purpose of this report is to seek approval from Council to resolve the various anomalies that exist with the current lot boundaries and reduce the total number of reserves at the Kondinin Recreation Precinct to better reflect the current and projected land use and to align with the zonings in the Shire's Local Planning Scheme No.1.

Background

This matter was first presented to Council back in July 2013 in which Council resolved as follows:

1. *Formally request the Hon. Minister for Lands to consolidate and re-vest various Crown reserves and Unallocated Crown Land within the 'Kondinin Recreation Precinct' in the Kondinin townsite in accordance with the details shown on the attached Plan 5; and*
2. *Indemnify the Minister for Lands and the State of Western Australia against any possible costs and/or claims arising from the proposed consolidation and re-vesting of the various Crown reserves and Unallocated Crown Land within the 'Kondinin Recreation Precinct'.*

The matter was receipted by the then Department of Lands on the 25th July 2013 and the IOFD Deposited Plan 404100 was created. No further correspondence between the Shire and the Department of Planning, Lands and Heritage was recorded and the matter was not progressed.

During the preparation of the documentation for the separate crown lot to enable DFES to operate independent of the Shire's depot operations, the historic information was revealed by the Department of Lands, Planning and Heritage and forwarded to the Shire's Administration for consideration.

Through discussions with the Department of Lands, Planning and Heritage it has been recommended that the matter be progressed similar to where it left off, with some slight amendments being the balance of UCL 331 that is not being utilized by the Department of Fire and Emergency Services (DFES) being incorporated into Lot 262 on DP211179 and reducing the current six (6) reserves down to four (4).

A council resolution is required to progress the matter back through the Department of Planning, Lands and Heritage.

In light of the above it is considered that the consolidation of the crown land holdings in the Kondinin Recreation Precinct will lead to improvements in the management of this land with long term benefits to the community, and therefore recommended to be supported by Council.

Statutory Environment

- Land Administration Act 1997
- Land Administration Regulations 1998

Policy Implications

Nil

Financial Implications

Most of the costs relating to this proposal were covered in the preparation of the IOFD Plan back in 2013. Some minor administrative costs maybe incurred to complete the process which can be covered in the Shire's 2023/2024 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

9.1.2 DETERMINATION OF TENDER 3/2023-24 – CLEANING SERVICES

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 3rd August 2023
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

That Council:

1. ACCEPTS the Tender submitted by We Will Do Cleaning and a Cleaning Services Contract be entered into for the Cleaning Services in the Hyden and Karlgarin Town Sites, Wave Rock, The Humps and McCann's Rock; and
2. ACCEPTS the Tender submitted by Patricia Barrett and a Cleaning Services Contract be entered into for the Cleaning Services in the Kondinin Town Site.

Summary

This report recommends that Council accepts the tenders received for two separate cleaning contracts one for Hyden / Karlgarin and one for Kondinin.

Background

With the Shire's current cleaning services contracts both completing their terms on the 24th August 2023 and the 8th September 2023 respectively the Shire's Administration were required to advertise the tender for Cleaning Services.

An information session and site visit were offered to allow prospective tenderers to ask questions and obtain a better understanding of the requirements.

The tender was advertised in The West Australian on the 15th July 2023 and in the Narrogin Observer on the 20th July 2023 closing at 4.00pm on the 31st July 2023. During this period two (2) formal tenders were received as per listed below:

We Will Do Cleaning

Hyden, WA
ABN: 77 658 622 560

Patricia Barrett

Kondinin, WA
ABN: 66 426 304 266

The evaluation was carried out using the following criteria with each being given a rating from 1 to 10 with 1 being poor and 10 being excellent. A weighting was then calculated for each of the criteria.

Criteria	Weighting
Financial Offer/Fee Proposal <ul style="list-style-type: none"> This contract is offered on an hourly rate basis. Include in the hourly rate all fees, costs, disbursements and the appropriate level of the Goods and Services Tax (GST) Represents the "best value" for money Inclusion in the hourly rate of any consumables that would otherwise be provided in Schedule 2 	30%
Relevant experience or qualifications Demonstrate: <ul style="list-style-type: none"> Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) <ul style="list-style-type: none"> Understanding of the required level of service associated with delivering the services to the Shire 	40%
History and Viability of Organisation <ul style="list-style-type: none"> Include any comments received from referees or references Demonstrate your capacity to deliver e.g. ABN, Insurance, equipment Examples of similar work 	30%
TOTAL	100%

A summary statement and confidential assessment of each tender is tabled for Council's information.

Statutory Environment

- Local Government Act 1995

Policy Implications

Nil

Public Consultation

Undertaken in accordance with Regulations

Financial Implications

Cleaning Services are an essential Council service that are adequately accounted for in the Council's 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 SURRENDER OF FREEHOLD LOTS 19 & 21 FEDERAL STREET, KARLGARIN TO THE CROWN TO AMALGAMATE WITH CROWN RESERVE 31640 AT THE KARLGARIN BOWLING GREEN

Applicant:	N/A
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	4 th August 2023
Disclosure of Interest:	Nil
Attachments:	Plans, Reserve Title

OFFICER RECOMMENDATION

That Council:

1. SUPPORTS the surrender of freehold lots 19 and 21 Federal Street, Karlgarin and have these amalgamated into Reserve 31640 (Lot 20 on DP 205103) incorporated into one Lot pursuant to section 51 of the Land Administration Act 1997.
2. SUPPORTS the proposed enlarged Reserve 31640 to include the same provisions as the existing Reserve 31640 including a Management Order with the power afforded to the Shire to lease or licence the Lot;
3. SUPPORTS the proposed enlarged Reserve 31640 to include the same provisions as the existing Reserve 31640 including for the purpose of the reserve to remain for Recreation Bowling Green; and
4. AUTHORISES the Chief Executive Officer to complete a Crown Enquiry Form and submit to the Department of Planning, Lands and Heritage to progress the matter.

Summary

The purpose of this report is to seek approval from Council to surrender freehold lots 19 and 21 Federal Street, Karlgarin and have these amalgamated with Reserve 31640 (Lot 20 on DP 205013) Federal Street, Karlgarin to better reflect the current land use and management of these three lots. The enlarged Reserve would have the same provisions as the existing Reserves including a Management Order with the power afforded to the Shire to lease or licence the Lot and for the purpose of the Reserve to remain the same being Recreation Bowling Green.

Background

This matter was last presented to Council in October 2021 in which Council resolved as follows:

RESOLUTION #3837

Moved: Cr B Browning

Seconded: Cr B Smith

That Council

1. **ACCEPTS** the offer from the Karlgarin Country Club dated 14th September 2021 to gift Lots 19 & 21 Federal Street, Karlgarin to the Shire of Kondinin for the sum of \$200 per lot;
2. **AUTHORISES** the Chief Executive Officer to then gift Lots 19 & 21 to the State for the purpose of Bowling Green to be vested and managed by the Shire;
3. **APPROVES** that all administrative fees associated with the transfer of the Lots is borne by the Shire of Kondinin

The settlement of the two freehold properties took effect on the 23rd July 2023 with the two freehold titles of Lots 19 and 21 Federal Street, Karlgarin being transferred as freehold to the Shire of Kondinin.

With this now completed, the matter is being presented back to Council to formalise the surrender of the newly transferred freehold lots to the Crown in line with point 2 of the above resolution.

Consideration to also include Unallocated Crown Lot 18 on DP 205013 in this proposed amalgamation with Reserve 31640 has been raised by the Karlgarin Bowling Club. Initial feedback from the Department of Planning, Lands and Heritage has indicated that the lot is under consideration for inclusion in the Noongar Land Estate as part of the South West Settlement compensation package. Given this, it cannot be supported inclusion into Reserve 31640 for Recreation and Bowling Green and therefore not recommended to be pursued by the Shire at this point in time.

The progression towards the installation of a new club house building for the Karlgarin Bowling Club is in its preliminary design and costing stage and will be presented to Council for consideration in due course.

The change in land tenure does not change or compromise the current liquor licence area of the Karlgarin Country Club that extends to the current bowling club shelter. This matter was discussed at a meeting held on the 13th July 2020 with Clubs WA and representatives of the Karlgarin Country Club and the Karlgarin Bowling Club. On further development of the proposed new club house building, this matter will be again discussed with relevant parties to work through any changes to the licenced area if required.

This proposed surrender of the two freehold lots and amalgamation into one Crown Reserve for the purpose of Recreation Bowling Green will ensure that tenure is reflective of the current land use and will enable the Shire of Kondinin in collaboration with the Karlgarin Bowling Club to lawfully undertake upgrades to the bowling green and associated infrastructure, the latter being progression towards the installation of a new club house, which is included in the Shire's Recreation and Facilities Plan 2021 – 2031. It is therefore recommended that Council continue to progress the matter to surrender freehold Lots 19 and 21 Federal Street, Karlgarin to the crown and amalgamate with Reserve 31640.

Statutory Environment

- Land Administration Act 1997

Policy Implications

Nil

Financial Implications

As per the Council resolution of the October 2021 resolution of Council the Shire of Kondinin were to cover the costs of the settlement and amalgamation process. To date this has cost \$3,380.64 which included the purchase price of the two properties. There is not expected to be any significant fees associated with the proposed amalgamation as it will be undertaken as an Administration Amalgamation meaning that it would be undertaken by the State and would not impose the Shire with any amalgamation fees as it would if all three lots were to be amalgamated as freehold.

Strategic Implications

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

“COMMUNITY

1.4 Recreational and social spaces encourage active and healthy lifestyles Achievement of the Sport and Recreation Facilities Plan

Parks, nature reserves and community spaces are green, tidy, accessible and activated”

“CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government.”

Voting Requirement

Simple majority

9.1.4 RENT INCREASE FOR 76 GRAHAM STREET, KONDININ

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 4th August 2023
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

That Council:

AUTHORISE delegation to the Chief Executive Officer to increase the rental rate applied to 76 Graham Street, Kondinin from \$170 per week to \$480 per week and advise the tenants being the Western Australia Country Health Services (WACHS) accordingly.

Summary

The purpose of this report is for Council to authorise delegation to the Chief Executive Officer to increase the rental rate applied to 76 Graham Street, Kondinin from \$170 per week as per the Shire's Fees and Charges to \$480 per week in line with the Government Regional Officer Housing (GROH) rent calculator published by the Department of Communities.

Background

In response to a request from the Kondinin Hospital to assist in staff housing the Shire of Kondinin have been leasing 76 Graham Street, Kondinin to the Western Australia Country Health Services (WACHS) since the 15th November 2021, first as a 12-month fixed lease, and since the 1st December 2023 as a periodic lease. This arrangement has been working well and has served to attract nurses to stay for longer periods of time.

The current rental rate received is consistent with the Shire's Fees and Charges which is \$170 per week for private rentals. At the last Housing and Building Committee held on the 28th June 2023 it was asked that the Shire's Administration investigate the increase to this rental rate of 76 Graham Street, Kondinin. Discussions have been held with the property managers at the Western Australian Country Health (WACHS) who directed Shire staff to the GROH tenant rent calculator as a guide. Under this calculator, the median rent for a 3-bedroom house in Kondinin constructed post 1986 is \$480 per week. It is considered reasonable to increase the rent to this median rate.

For this to take effect, the Shire's Administration need to advise the Western Australian Country Health Services (WAHCS) of this proposed increase to the rental rate, which would take effect 60 days following the notification.

Statutory Environment

- Residential Tenancy Act 1987 (WA)
- Local Government Act 1995

Policy Implications

Nil

Public Consultation

No formal public consultation is required however the Shire's Administration have held discussions with the WACHS property managers and the Kondinin Hospital on the matter.

Financial Implications

Increasing the rental rate of 76 Graham Street, Kondinin from \$170 per week (\$8,840 per annum) to \$480 per week (\$24,960) will result in a \$16,120 increase of income from this property to the Shire over a 12-month period.

Strategic Implications

Shire's Strategic Community Plan 2022-2032

"1. COMMUNITY

1.2 Facilitate and advocate for quality health services, health facilities and programs in the Shire

Local health facilities, visiting allied health and volunteer health services are retained

2. ECONOMY

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

Shire housing stock is well maintained and expanded upon

We advocate for improved State Government and Public Housing stock"

Voting Requirement

Simple Majority

9.1.5 CONSOLIDATION OF RESERVES 29301 (LOT 231 ON DP 210625) & 29302 (LOT 232 ON DP 210625) GRAHAM STREET, KONDININ

Applicant:	N/A
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	4 th August 2023
Disclosure of Interest:	Nil
Attachments:	Aerial Map

OFFICER RECOMMENDATION

That Council:

1. SUPPORTS Reserve 29301 (Lot 231 on DP 210625) to be amalgamated with Reserve 29302 (Lot 232 on DP 210625) to be managed by the Shire for the purpose of Recreation as shown on the attached plan;
2. SUPPORTS the amalgamated reserve to include Management Orders with the power afforded to the Shire to lease or licence; and
3. AUTHORISES the Chief Executive Officer to complete a Crown Enquiry Form and submit to the Department of Planning, Lands and Heritage to progress the matter.

Summary

The purpose of this report is to seek approval from Council to resolve the anomalies that exist with the current lot boundaries and land use purposes of Reserve 29301 (the former site of the Kondinin Swimming Pool and now Community Garden) and Reserve 29302 (parts of the Community Garden, Skate Park and Parkland) to be amalgamated as one to better reflect the current and projected land use.

Background

This matter was presented to Council back in July 2013 in which Council resolved as follows:

1. *Formally request the Hon. Minister for Lands to consolidate and re-vest various Crown reserves and Unallocated Crown Land within the 'Kondinin Recreation Precinct' in the Kondinin townsite in accordance with the details shown on the attached Plan 5; and*
2. *Indemnify the Minister for Lands and the State of Western Australia against any possible costs and/or claims arising from the proposed consolidation and re-vesting of the various Crown reserves and Unallocated Crown Land within the 'Kondinin Recreation Precinct'.*

Since the matter was receipted by the then Department of Lands on the 25th July 2013 and the IOFD Deposited Plan 404100 was created. The IOFD plan prepared excluded these two reserves due to the Unallocated Crown Land located along the southern boundary of Repacholi Parade being subject to Native Title which separated Reserves 29301 & 29302 being part of the broader Kondinin Recreation Precinct.

Through recent discussions with the Department of Lands, Planning and Heritage it has been confirmed that the Unallocated Crown Lot along the southern boundary of Repacholi Parade adjacent to Reserve 29302 remains under consideration for inclusion in the Noongar Land Estate as part of the South West Settlement compensation package.

Given the uncertainty and timing on the outcome of this it is recommended that two Crown Reserves 29301 and 29302 be amalgamated as one for the purpose of Recreation. Consideration to include the Unallocated Crown Lot currently subject to Native Title is recommended to be addressed once an outcome of the claim is confirmed.

A council resolution is required to progress the matter back through the Department of Planning, Lands and Heritage.

In light of the above it is considered that the consolidation of these two crown lot holdings and amendments to their purpose will lead to improvements in the management of this land with long term benefits to the community, and therefore recommended to be supported by Council.

Statutory Environment

- Land Administration Act 1997
- Land Administration Regulations 1998

Policy Implications

Nil

Public Consultation

Nil.

Financial Implications

Some minor administrative costs maybe incurred to complete this process which can be covered in the Shire's 2023/2024 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

9.1.6 PROPOSED PUBLIC EASEMENT ON LOTS 15 & 16 DP 5661 LYNCH STREET, HYDEN

Applicant:	N/A
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	7 th August 2023
Disclosure of Interest:	Nil
Attachments:	Engineering Plan, Aerial Plan, Certificate of Titles

OFFICER RECOMMENDATION

That Council:

1. SUPPORTS the engagement of a surveyor to prepare a formal easement to create a public laneway through freehold Lots 15 & 16 on DP 5661 Lynch Street, Hyden to connect to Coronation Park as per the plans attached;
2. SUPPORTS that the Shire of Kondinin benefit and will be fully responsible for the management of the proposed easement on Lots 15 & 16 on DP 5661 Lynch Street, 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;
4. NOTES that information and costings relating to the construction of the proposed accessway, final design, drainage and associated car parking will be presented back to Council on finalization of the easement for budget considerations.

Summary

The purpose of this report is to seek approval from Council to endorse the engagement of a surveyor to prepare a public easement benefiting the Shire of Kondinin on Lots 15 & 16 on DP 5661 Lynch Street, Hyden that creates a public access way through the two (2) freehold lots from Lynch Street to Coronation Park.

Background

The Shire's Administration have been asked by Council to investigate the possibility of creating a public laneway that extends through the freehold Lots 15 & 16 on DP 5661 from Lynch Street to Coronation Park. Both lots are freehold owned by the Shire of Kondinin. The easiest and most cost-effective approach to create the access way is to establish a public easement on the two (2) lots. To establish a formal road or right of way would require a much more lengthy and costly process involving subdivision and the creation of a dedicated road reserve.

This matter was first considered and included in section 4.5 of the Hyden Town Revitalisation Plan (2017) relating to Coronation Park Upgrades and Hall Parking, and was then advertised in the Shire's Echo in August 2022 for public comment which was specifically on a laneway through Lot 15 Lynch Street, Hyden.

The progression of the matter was put on hold during discussions around the location of the proposed Electric Vehicle Charging Station being positioned on Lot 15 Lynch Street, Hyden. With the confirmed location of the Electric Vehicle Charging Station now at the Hyden Information Bay, this matter can now be progressed.

As this is an easement, the tenure will remain the same for Lots 15 & 16 Lynch Street, Hyden however the deed of easement placed on the title will stipulate that the Shire of Kondinin are responsible for the management of the easement. This is viewed as a much more efficient and cost-effective process than a full subdivision creating a dedicated road reserve across the two lots.

With the proposal being highlighted at a strategic level in the Hyden Town Site Revitalisation Plan back in 2017 as a way to better connect and activate Coronation Park, it is recommended that Council progress the matter to the formal easement stage.

Statutory Environment

- Land Administration Act 1997

Policy Implications

Nil

Public Consultation

Completed in August 2022 and as part of preparation of Hyden Town Site Revitalisation Plan in 2017.

Financial Implications

There will be fees associated in the preparation of the survey plans and the lodgement at Landgate, estimated around \$3,000 which can be covered in the Shire's 2023/2024 consultancy budget allocation.

Costings relating to the construction of the proposed accessway, final design, drainage and associated car parking will be presented back to Council on finalization of the easement for budget considerations

Strategic Implications

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

"1. COMMUNITY

1.4 Recreational and social spaces encourage active and healthy lifestyles

Parks, nature reserves and community spaces are green, tidy, accessible and activated

Supports the following section of the Hyden Town Site Revitalisation Plan 2017

"4.5 Coronation Park Upgrades and Hall Parking

- *To encourage visitors and locals to use the park in a variety of ways.*
- *To promote safety and surveillance of the park.*
- *Improve presentation and legibility of existing parking area. "*

Voting Requirement

Simple majority

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: 7th August, 2023
Attachment(s): List of Accounts 01/07/2023 to 31/07/2023

OFFICER RECOMMENDATION

That Council:

RECEIVES the attached report – List of Accounts Due & Submitted to Council for the month of July 2023:

• Municipal Fund payment cheque numbers 19332 to 19339	= \$ 33,390.13
• Municipal EFT17178 – 17343 (excl EFT17236)	= \$ 908,832.06
• Direct Debits – Transport – Hyden Office	= \$ 24,825.95
• Direct Debits – Transport – Kondinin Office	= \$ 30,738.85
• Direct Debits – Credit Cards DD20164.2	= \$ 3,882.80
• Direct Debits – Other	= \$ 51,888.21
• Trust Fund EF17236	= \$ 1,500.00
• EFTPOS Merchant Fees	= \$ 989.59
• Bank Fees – NAB Connect & Tyro	= \$ 170.00
• Payroll	= \$ 131,991.33
TOTAL	= \$ 1,188,208.92

Summary

To present to Council a list of accounts paid from Municipal and Trust Funds (when applicable) under the delegated authority to the CEO.

Background

The Chief Executive of a local government has delegated authority to make payments from Municipal and Trust Fund accounts pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

As required by sub regulation (1), a list of accounts paid by the CEO each month should show –

- (a) the payee’s name;
- (b) the amount of the payment;
- (c) the date of the payment;
- (d) sufficient information to identify the transaction

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

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

Statutory Environment

- Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Public Consultation

Nil

Financial Implications

All payments made to the Shire creditors have been in accordance with the 2023/24 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

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 DISCOVERY CENTRE

Applicant:	Shire of Kondinin
Author:	David Burton – Chief Executive Officer
Authorising Officer:	David Burton – Chief Executive Officer
Date:	8 th August 2023
Disclosure of Interest:	Nil
Attachments:	Minutes from Meeting

OFFICER RECOMMENDATION

That Council:

1. AUTHORISES the Chief Executive Officer to work with the Working group towards a funding application towards the end of the year;
2. APPROVES Mr Brian Mayfield be appointed as the Chairperson for the Working Group
3. REQUESTS members of the working Group to assist the Chief Executive Officer with administrative functions at the discretion of the Chief Executive Officer;
4. CONFIRM and APPROVE the working name for the Discovery Centre.

Summary

This report is for Council to note actions and confirm the actions of the Discovery Centre Working Group.

Background

Since 2018, the Shire of Kondinin has been working with the Hyden CRC and the Hyden Progress Association for the project of 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 Growing Regions Funding will be available later this year 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 on the residents and ratepayers of the Shire of Kondinin.

Comment

For governance reasons, this report has been presented to confirm the actions of the working group including the Chairperson for the group, working name for the Centre and assistance for the CEO to ensure an application is prepared.

Previously, there was discussion about the Shire of the Hyden Progress Association taking the lead on this project. Each had benefits and difficulties, but the effort will be collaborative with the CRC and both these groups.

The Working Groups notes have been included to bring all members up to date with the current situation and direction the Group are taking to try and secure funding from other resources, including State Government.

The current round of Growing Regions funding has closed for expression of interest. Advice on the grant website indicates that the second round will be opening later this year. This will be the final round for this current funding stream. It is unknown what funding will be available after this. While it is likely that some form of funding will be available in the future, the details and timing are not available. The next round of funding will be a major consideration for this project and the working group is attempting to align all arrangements for the best possible application for the next round.

Due to the tight timeframes, the CEO is requesting that members of the Working Group be allowed to perform administrative functions (organising meetings, preparing information, etc.), to assist the CEO in the preparation of a submission for the next round of funding.

Statutory Environment

- Local Government Act 1995

Policy Implications

Nil

Financial Implications

The Project is listed in the Long-Term Financial Plans for the Shire, however was to be considered at a later date. Due to funding possibilities, this will be considered as a priority project to enable funding to be allocated in time for funding opportunities. The Long-Term Financial Plan will be updated when finance staff have completed the current budget and audit requirements.

The Shire currently has a Reserve for the project. It is anticipated that securing of funding will minimise the impact to the Shire and should keep the Shires financial contribution to the funds in the Reserve.

Running of the Centre will be a longer-term consideration and this is being considered as part of the project to reduce the financial burden of the Shire and the CRC with the longer-term operations of the Centre.

Strategic Implications

Strategic Community Plan 2022-2032

"2. ECONOMY

2.3 Coordinated planning and promotion of the visitor and tourist experience

Complete the Hyden Visitor Centre with additional funding."

Voting Requirement

Simple Majority

9.4.2 TOURISM MASTER PLAN

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 9th August 2023
Disclosure of Interest: Nil
Attachments: Draft Destination Development Plan

OFFICER RECOMMENDATION

That Council:

AUTHORISES the Chief Executive Officer to seek Expressions of Interest for participants who can assist in the drafting of the Tourism Master Plan for the Shire of Kondinin and form a working group to prepare the finalised Plan.

Summary

This report is for Council to authorise the formation of a working group for a Tourism Master Plan (TMP) for the Shire of Kondinin

Background

As part of the seeking of funding through State Government for the Discovery Centre, we have been seeking endorsement from Tourism WA and Australia's Golden Outback (AGO). Late last year staff participated in the workshops for the drafting of a destination plan for Tourism WA and AGO to encourage funding towards our region.

A draft Plan from Tourism WA and AGO was circulated to members previously, highlighting and action of a TMP for the Shire to consider items going forward.

Comment

The TMP will look at the entire area of the Shire and how we can promote tourism in our regional in the longer term. As such, the working group will be looking for representatives from all towns and strategize how we can best promote our tourism and capitalise on the additional income.

Some projects that are currently being worked on by the communities and Shire include:

- Discovery Centre in Hyden
- Sealing of the Hyden Norseman Road
- Creation of the 'Cappuccino Strip' in Kondinin
- Interpretive panels to tell our histories
- Possible formation of Historical Societies and museum
- Any other project the working group can consider.

In the Destination Development Plan, the TMP was to be a collaborative work with the Shire and AGO. In discussions with the CEO from AGO, they currently do not have any funding for the TMP, but some may be forthcoming in the future.

Being that the Discovery Centre is a priority action to apply for funding, the TMP will be used as a major document to assist with any applications.

As such, the sooner the Shire can get the document prepared, the sooner it can be used to assist with funding tourism projects in the future for all our towns. It is anticipated that the working group will be approximately 10 people excluding Shire staff and any Members who want to be on the Working Group. This is to ensure that a good representation of the communities is considered in the plan.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2022-2032

“2. ECONOMY

2.3 Coordinated planning and promotion of the visitor and tourist experience”

Voting Requirement

Simple Majority

9.4.3 BUSH FIRE BRIGADE FIRE CONTROL OFFICERS

Applicant: Shire of Kondinin
Author: CEO – David Burton
Authorising Officer: N/A
Date: 11 August 2023
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

That Council:
ENDORSES the Bush Fire Control Officers and Dual Bush Fire Control Officers as listed in the report.

Summary

This report is for Council to consider the appointment of Bush Fire Control Officers for 2023/2024.

Background

At the AGM of the Bush Fire Brigades, the Bush Fire Control Officers and Dual Bush Fire Control Officers were recommended as included in the report.

Comment

The Bush Fire Control Officers for the various brigades in the Shire of Kondinin are:

Chief Fire Control Officer & Fire Weather Officer

David Burton, CEO

Deputy Chief Fire Control Officer & Fire Weather Officer

Tom Mulcahy (East) FCO
Roger Northey (West) DF CO

Kondinin Town Brigade

Allan Nelson FCO

Kondinin Brigade (West)

Glen Browning FCO
Kurt Spurgeon DF CO

Kondinin Brigade (East)

Neil Whyte FCO
Geoff Whyte DF CO

Karlgarin Brigade (North)

Murray James FCO
Peter Richter DF CO

Karlgarin Brigade (South)

Andrew James FCO

Craig Soper DFCO

Hyden Town Brigade

Ashley Rogers FCO

Hyden Brigade (North)

Paul Green FCO

Jeremy James DFCO

Hyden Brigade (South)

Trevor Hinck FCO

Stephen James DFCO

East Hyden Brigade (North)

James Falconer FCO

Dennis Gittos DFCO

Forrestania Brigade

Forrestania Mine

General Manager (Duncan Sutherland)

The Dual Bush Fire Control Officers for the Shire of Kondinin and neighbouring Shires includes:

Shire of Corrigin

Glenn Browning

Roger Northey

Shire of Kulin

Trevor Hinck

Andrew James

Shire of Narembeen

Neil Whyte

Murray James

Paul Green

Shire of Yilgarn

James Falconer

Shire of Lake grace

Tom Mulcahy

Statutory Environment

- Bush Fires Act

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2022-2032:

"1. COMMUNITY

1.1 Support emergency services planning, risk mitigation, response and recovery

Resourced bush fire brigades and support to meet compliance and encourage participation."

Voting Requirement

Simple Majority

9.4.4 PROHIBITED BURNING PERIOD

Applicant: Shire of Kondinin
Author: CEO – David Burton
Authorising Officer: N/A
Date: 11 August 2023
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

That Council:
APPROVES the Prohibited Burning dates to be 1st November 2023 to 14 February 2024.

Summary

This report is for Council to approve the Prohibited Burning dates for the coming fire seasons.

Background

Each year the restricted period is reviewed by the Bush Fire Brigade for consideration of dangers for the season and the dates of control.

Comment

The Prohibited Period is to ensure that no fires are lit during this time as the dangers with dry fuel would create significant loss and damage for local residents.

The time can be extended beyond 14th February if required at the discretion of the Chief Bush Fire Control Officer.

Statutory Environment

- Bush Fires Act 1954

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2022-2032:

“1. COMMUNITY

1.2 Support emergency services planning, risk mitigation, response and recovery

Resourced bush fire brigades and support to meet compliance and encourage participation.”

Voting Requirement

Simple Majority

10 BUSINESS OF AN URGENT NATURE

11 CLOSURE

