



# SHIRE OF KONDININ

## NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

### **KONDININ SHIRE COUNCIL**

Will be held on Wednesday 16<sup>th</sup> February, 2022 at  
Kondinin Council Chambers

**11:00am Audit Committee Meeting**  
**2:00pm Informal Agenda Discussion**  
**3:00pm Council Meeting**  
**6:00pm Annual Electors Meeting**

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

**David Burton**  
10<sup>th</sup> February 2022  
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](mailto: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](mailto: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 \_\_\_\_\_ Councillor's Name \_\_\_\_\_ 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*

A handwritten signature in dark ink, appearing to be 'David Burton', written over a light grey circular stamp.

**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 0.00pm

## 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 Brett Smith	Cr Bruce Browning	Cr Thomas Mulcahy
Staff:	David Burton (CEO)	Vince Bugna (MCS)	Mark Burgess (MoW)
	Tory Young (MPA)	Reka Neszvecsko (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 – 15<sup>th</sup> December, 2021

#### **RECOMMENDATION**

**That the minutes of the Council Meeting held on the 15<sup>th</sup> December, 2021 be confirmed.**

### 7.2 MINUTES OF SPECIAL COUNCIL MEETING – 23<sup>rd</sup> December, 2021

#### **RECOMMENDATION**

**That the minutes of the Special Council Meeting held on the 23rd December, 2021 be confirmed.**

### 7.3 INFORMATION REPORT – February 2022

#### **RECOMMENDATION**

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

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

**NIL**



## 9. ITEMS

### 9.1 MANAGER OF PLANNING & ASSETS

- 9.1.1 Local Roads and Community Infrastructure – ROUND 3 – Further Report
- 9.1.2 Request for Comment on Transfer of LOT 3111 on DP28461 in Freehold
- 9.1.3 Management of Bendering Hall
- 9.1.4 Hyden Norseman Road – Remote Roads Upgrade Pilot Program
- 9.1.5 Hyden Railway Barracks Relocation
- 9.1.6 Local Heritage Survey Review

### 9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 List of Accounts
- 9.2.2 Financial Reports
- 9.2.3 2021/22 Mid Year Budget Review

### 9.3 MANAGER OF WORKS

### 9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 Compliance Audit Return 2021
- 9.4.2 Sponsorship Hyden Hoggets
- 9.4.3 Change of Delegated Authority
- 9.4.4 Draft Bushfire Risk Management Plan
- 9.4.5 Hyden Visitors Centre / Recreation Centre Projects
- 9.4.6 Local Laws Statutory Review

### 9.5 ENVIRONMENTAL HEALTH OFFICER

## 9.1 MANAGER OF PLANNING & ASSETS

### 9.1.1 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE – ROUND 3 – FURTHER REPORT

**Applicant:** Shire of Kondinin  
**Reporting Officer:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date:** 8<sup>th</sup> February 2022  
**Attachments:** Car Park Drainage Quotation

#### OFFICER RECOMMENDATION

That Council;

1. RESCIND Resolution 3894 of the December 2021 Ordinary Meeting of Council due to additional costing, grant information and change in scope of some projects becoming available;
2. APPROVE the follow list of projects and associated scopes in order of priority to be considered as part of the Local Roads and Community Infrastructure Program (LRCI) Round 3;
  - a) Upgrades to Hyden Tennis Club Building Roof
  - b) Upgrades to Hyden Swimming Pool Building and Car Park
  - c) Ceiling Replacement to Hyden Golf Club
  - d) CCTV & associated IT Infrastructure
  - e) New Bin Enclosures in the town sites of Karlgarin, Hyden and Kondinin
  - f) Roadwork Upgrades in Hyden and Kondinin Town Sites
  - g) Sealing of Kondinin Air Strip;
3. AUTHORISES the Executive Officers to submit a Work Schedule to the Department of Infrastructure, Transport, Regional Development and Communications for Projects a) to e) and associated scope and project costs with projects f) and e) submitted if there is an underspend on projects a) to e);
4. NOTES that the Works Schedule submitted to the Department of Infrastructure, Transport, Regional Development and Communications is to a maximum of \$1,086,468, unless the Council opt to make a contribution to the projects;
5. AUTHORISES the Executive Officers to commence projects following approved Works Schedule; and
6. AUTHORISES drainage works to the Hyden Car Park to be allocated to the LRCI Round 2 and any overspend included in the Shire's 2021-2022 budget.

#### SUMMARY

For Council to again consider projects for the Roads and Community Infrastructure Program third round of funding so that the Shire's Administration can submit the Works Schedule to the Department of Infrastructure, Transport, Regional Development and Communications for approval.

All projects are required to be completed by June 2023. To guide what projects could be undertaken within the \$1,086,468 allocation, estimated costings are listed under the summary of each item in the background of this report and additional information that has become available since the matter was reported to Council in December 2021.

## BACKGROUND

Council at its Ordinary Meeting held on the December 2021 considered the list of LRCI Round 3 projects and resolved in order as follows:

### ***“RESOLUTION 3864***

***Moved: Cr B Browning***

***Seconded: Cr B Gangell***

***That Council;***

- 1. CONSIDER the list of projects below and list them in order of priority to be considered as part of the Local Roads and Community Infrastructure Program (LRCI) Round 3;***
  - a) Upgrades to Hyden Tennis Club Building;***
  - b) Upgrades to Hyden Swimming Pool Building / Carpark;***
  - c) Sealing of Kondinin Air Strip;***
  - d) Roadwork Upgrades in Hyden and Kondinin Town Sites.***
  - e) Ceiling Replacement to Hyden Golf Club;***
  - f) New Bin Enclosures in the town sites of Karlgarin, Hyden and Kondinin;***
  - g) CCTV & associated IT Infrastructure; and***
- 2. AUTHORISES the Executive Officers to submit Work Schedules to the Department of Infrastructure, Transport, Regional Development and Communications for the listed projects;***
- 3. NOTES that the Works Schedule submitted to the Department of Infrastructure, Transport, Regional Development and Communications is to a maximum of \$1,086,468, unless the Council opt to make a contribution to the projects.***
- 4. AUTHORISES the Executive Officers to commence projects from January 2022;”***

The Shire’s Administration have prepared a draft Work Schedule, however this has not been submitted, largely in relation to the ‘Car Park’ that was added to the Officer Recommendation and other further information detailed below.

***a) Upgrade to Hyden Tennis Club Building Roof Only***

At the Ordinary Meeting of Council in December 2021 the Officer presented two options for the Tennis Club building, one being for roof work only (\$150,000) and the second being for roof and toilet and shower cubicle (\$350,000). Council determined to proceed with roof only. The draftsman and engineer have been engaged to finalize drawings to seek request for quote.

### **Proposed Works Schedule Allocation - \$150,000**

***b) Upgrade to Hyden Swimming Pool Change Rooms and Swimming Pool Car Park.***

At the Ordinary Meeting of Council in December 2021 the Officer presented three options for the Swimming Club Building, one being to extend a roof over the existing open change room areas with wired louvre windows estimated at \$100,000, the second to remove all existing infrastructure within the existing change room space and move the vanity, showers and toilets to the northern side enabling the inclusion of a disability shower and toilet cubicle and assisting in addressing relevant requirements of a public building under the Building Codes of Australia and the third to install a standalone disabled toilet block and shower adjacent to the existing building estimated at around \$100,000, which would include a building permit, engineering drawings, a concrete pad, the structure and associated electrical and plumbing works. Council determined Option 2 (\$350,000). A draftsman and engineer have been engaged to finalize drawings to seek request for quote.

In addition to the above, the Council at its Ordinary Meeting in December 2021 added to the Officer Recommendation ‘Car Park’ to this item of funding. The following information on ‘Car Park’ is provided as follows:

Under the Local Roads and Community Infrastructure Program #2, \$40,000 has been allocated (\$740 spent) to the Hyden Swimming Pool Car Park. The scope endorsed by Council in December 2020 was as follows and approved in the current Work Schedule.

*'The scope of the upgrade is to entail a re-sheeting with a polycom and gravel mix surface, dedicated crossovers and associated signage.'*

Feedback from Council to the Shire's Chief Executive Officer has indicated that Council would prefer to look at alternative options for the Hyden Swimming Pool Car Park. This is also consistent with the Hyden Town Site Revitalization Plan. The Shire's Administration have looked into the matter further and sought costings as follows:

Drainage Works = \$55,471 (LRCI#2 and Shire 2021/2022 budget funds)

Earthworks = \$45,000 (LRCI #3)

Asphalt Works = \$120,000 (LRCI#3)

TOTAL = \$220,471.

Officer Recommendation is:

- Undertake the drainage works (using \$39,260 of the remaining LRCI#2 allocation with the shortfall topped up from the Shire's 2021-2022 budget (\$16,211) in the 2021/2022 financial year.
- Undertake the earthworks in the 2021/2022 financial year (\$45,000 of the LRCI#3 funding allocation)
- Undertake the asphalt in the 2022/2023 financial year (\$120,000 of the LRCI#3 funding)

**Proposed Works Schedule Allocation \$530,468 (pool building) \$165,468 (pool car park)**

*\*Additional funds allocated to this project to allow for tender outcomes*

c) Ceiling Replacement of Hyden Golf Club

The Hyden Golf Club have been in contact with the Shire's Administration over the last several years concerning the condition of the Hyden Golf Club House ceiling. Recent conversations have indicated that the ceiling is now unsafe and is need of urgent replacement. Two quotations to replace the ceiling in the Hyden Golf Club Building have now been obtained. The scope includes: removal and disposal of existing panel ceiling and grid; supply and install of new ceiling to function and kitchen area of clubhouse building - suspended exposed grid and acoustic panels to function area; and a flush jointed gyprock on a suspended concealed grid; painting of new ceiling over kitchen area. Quotes range from \$25,000 to \$36,000.

**Proposed Works Schedule Allocation: \$40,000**

d) CCTV - Security Camera Systems in Public Places

Over the last 12 months the Shire has experienced vandalism at several key public areas both in Hyden and Kondinin. As a means to deter this, an option is to install additional security cameras that are linked to a centralized system has been investigated and one quote has been prepared and other one in progress. The scope of this would be dependent on which locations are the priorities but estimated at \$110,000 based on first quotation received.

**Proposed Works Schedule Allocation: \$110,000**

e) New Bin Enclosures

With visual amenity a key criteria in this grant funding, and a common theme of the community workshops undertake for the Community Strategic Plans, it is considered a good opportunity to replace the old green bin enclosures in each of the three town sites with a combination of those with historic / contemporary photograph wraps in key strategic locations to be complemented with similar style bins without the photographs.

An audit of the three town sites has been undertaken and the total amount of bin enclosures to be installed and associated costings based on the average costings received is summarized as follows:

Total of photo bins = 16 @ \$2,830 each = \$45,280  
Total of standard bins = 19 @ \$2,100 each = \$39,000  
TOTAL 35 bins = \$85,180

The costings do not include the installation labor and concrete pad estimated at \$150 per 1xm x 1m pad = \$5,250 for 35 bins.

**Proposed Works Schedule Allocation: \$91,000**

f) Upgrade to Roads and Intersections in the Shire Town Sites

Opportunity exists to upgrade the verges and intersections of Repacholi Parade and Graham Street (2), Kondinin and Radbourne Drive and Smith Loop, Hyden (1). Opportunity also exists to undertake a reconstruction and two coat seal and a new verge for Repacholi Parade, Kondinin.

**Estimated Cost: \$180,000 (Intersections in Hyden and Kondinin)**

**Estimated Cost; \$128,000 (Repacholi Parade Upgrade)**

The Shire's Administration have recommended that this project not be included a priority for the Local Roads and Community Infrastructure Program as alternative sources of funding can be sought such as Roads to Recovery which can be looked into as part of the 2022/2023 budget and beyond.

g) Sealing of Kondinin Air Strip

Kondinin is fortunate to house a Hospital, Medical Centre and Resident Doctor servicing the towns of Kulin, Hyden, Karlgarin and Kondinin and the outlying farming areas. Ensuring high quality health care in the regions is paramount for our communities, both in the case of an emergency and also providing localized care that is accessible to all community members. Kondinin also has an Airstrip managed by the Shire which is located within its town site and regularly used by the Royal Flying Doctors Service (see statistics below). The importance of maintaining high standard accessible health services and infrastructure was given a high priority during the Community Strategic Planning workshops held recently.

Shire is tasked with upholding appropriate standards to ensure safe landing and takeoff of air craft. Currently the air strip is gravel which is graded on a regular basis to ensure that it is safe. However, in times of wet weather the surface is unsafe to land. In July 2021 a patient in emergency at the Kondinin Hospital was unable to be transferred by RFDS to Perth as the airstrip was unsafe to land and was required to be first transferred by Ambulance to the closest sealed airstrip at Bruce Rock. By sealing the Kondinin Air Strip this will ensure less maintenance of the surface by the Shire and provide a safe landing and takeoff all year round offering greater certainty to pilots and a higher level of emergency care for patients across the district.

The Shire's Administration have recommended that this project not be included a priority for the Local Roads and Community Infrastructure Program Round 3 and instead the Shire look to apply for funding through the State Government's Regional Airports Development Scheme (RAD's) of which the next 2023 – 2025 funding is planned to be advertised in the last quarter of 2022 or the Federal Government's Remote Airstrip Funding which Round 9 closes on the 17<sup>th</sup> March 2022. Due to the timing of these grant rounds this LCRI funding cannot be used as leveraged funding, so Council will be required to allocate a 50 percent contribution to these projects before applications are made.

An indicative costing has been prepared for a 5 – 10mm chip seal over 15m width and 1.2m length air strip.

**Estimated Cost \$395,000**

## **STATUTORY ENVIRONMENT**

Compliance with the Grant Agreement between the Shire and the Department of Infrastructure, Transport, Regional Development and Communications.

## **POLICY IMPLICATIONS**

Any policy implications will be dependent upon projects and whether any relate to the specific project.

## **FINANCIAL IMPLICATIONS**

Council have been awarded \$1,086,468 of Grant Funding through the Local Roads and Community Infrastructure Program. 50 percent of the funding shall be received subject to the Work Schedule being submitted and approved by the Department of Infrastructure, Transport, Regional Development and Communications. Payments will be then made in instalments thereafter in accordance with the Grant Agreement.

## **STRATEGIC IMPLICATIONS**

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

### ***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*

### ***1.2 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*

## **VOTING REQUIREMENTS**

Simple majority

## 9.1 MANAGER OF PLANNING & ASSETS

### 9.1.2 REQUEST FOR COMMENT ON TRANSFER OF LOT 3111 ON DP28461 IN FREEHOLD

**Applicant:** Shire of Kondinin  
**Reporting Officer:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date:** 5<sup>th</sup> February 2022  
**Attachments:** 01 – Aerial Plan  
 02 – Tenure Plan  
 03 – Adjacent Land Holding Plan

#### OFFICER RECOMMENDATION

1. That Council APPROVES the transfer referred from the Department of Planning, Lands and Heritage of Lot 3111 on DP 28461 in Freehold subject to formal public access being created to the Lot 3111 prior to transfer.

#### BACKGROUND

A referral has been received from the Department of Planning, Lands and Heritage requesting comment on the transfer of Lot 3111 on DP 28471 from crown title lot (Lease N273767 which expired 31 December 2019) to freehold.

Currently Location 3111 on Deposited Plan 28461, CLT 3089-239 is allocated for the purpose of "Grazing", within the Shire of Kondinin. The Lot comprises a salt land and medium density vegetation.

The subject lot is zoned 'Rural' under the Shire's Local Planning Scheme No.1 and the current allocation of 'grazing' under the current lease is consistent with this zoning.

The subject lot is bounded to the north, east and south by freehold lots with Unallocated Crown Land to the west. Whilst it is understood that the adjacent freehold lots are owned by the current lease holder of Lot 3111 and informal access ways from these are apparent, the subject Lot 3111 is landlocked with no formal public access. It is considered that formal access should be a condition of this transfer proposal.

#### CONCLUSION

Given that the subject Lot 3111 has been previously leased for grazing consistent with the current 'Rural' Zoning under the Shire's Local Planning Scheme No.1, it is recommended that Council support the proposed transfer, subject to ensuring formal public access to the Lot.

#### STATUTORY ENVIRONMENT

- Shire of Kondinin Town Planning Scheme No.1
- Land Administration Act 1997

Under the Shire's Local Planning Scheme No.1, the objectives of a 'Rural' zone are:

- *To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities;*

#### POLICY IMPLICATIONS

Nil

#### PUBLIC CONSULTATION

The referral to the Shire of Kondinin is pursuant to section 74 (Freehold) of the *Land Administration Act 1997*.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Supports the following section of the Shire's Strategic Community 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*

**CULTURAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple majority required



## 9.1 MANAGER OF PLANNING & ASSETS

### 9.1.3 MANAGEMENT OF BENDERING HALL

**Applicant:** Shire of Kondinin  
**Reporting Officer:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date:** 5<sup>th</sup> February 2022  
**Attachments:** Nil

#### OFFICER RECOMMENDATION

That Council APPROVES the following way forward for the future management of Bendering Hall;

1. Undertake remedial works to address recent vandalism;
2. Installation of Security Camera;
3. Installation of interpretive signage detailing history of Hall; and
4. Consider Hall in proposed review of the Shire's Local Heritage Survey through community consultation with Bendering residents.

#### BACKGROUND

The Bendering Hall was constructed in 1933 from cement blocks made by the local community. The Hall became the social, community, recreational and sporting hub of the Bendering community up until the late 1960's early 1970's when local sporting clubs gradually disbanded. The Hall continued to be used for social events up until around the early 1990's. Since the 1970's the Hall has been subject to various bouts of vandalism, which have largely been patched up by the local community.

In 2021 the Hall has been subject to two significant bouts of vandalism resulting in the windows and doors being damaged and the front verandah roof and posts being partially removed. A site visit was undertaken by Council in September 2021 to show the extent of the damage.

A quotation has been received to undertake remedial works to the building comprising the following works:

- Removing damaged window sashes and replacing with 6mm polycarbonate sheeting and timber beads;
- Repairing and Reinstating existing timber doors and hardware as required;
- Re-bricking (using existing concrete blocks) verandah posts;
- Reinstating timber posts and verandah beams as required

The Shire's Insurance Company, LGIS has accepted a quotation for the above works for the claim and authorized the commencement of works.

As part of the insurance claim, given the Hall is determined as 'unoccupied' the Shire was required to provide information on risk mitigation. Whilst local farmers do drive past the Hall on a regular basis, and the police have been asked to undertake regular monitoring of the site, a quotation has been received for a security camera to be installed at the site as a greater deterrent to future vandalism. The Shire's Manager Planning and Assets met with the CCTV provider on site and a quotation for a solar operated camera has been received and detailed in the Financial Implications below. It is strongly recommended that the security camera is installed prior to the remedial works been undertaken.

Recognizing the heritage value of the Hall it is suggested that as part of the proposed review of the Shire's Local Heritage Survey, the Hall is recommended for entry onto the Shire's Local Heritage List affording statutory protection from demolition under the Shire's Local Planning Scheme No.1. This will also provide the opportunity for local Bendering residents to meet with the consultant as part of the community consultation process to provide further information on the heritage and future management suggestions for the property.

It might also be a good opportunity to provide some interpretive signage at the site to encourage tourists to visit the

site, in turn creating further passive surveillance of the Hall. Other potential tourism activities, such as camping could be later explored.

## **CONCLUSION**

In light of the information detailed above, it is recommended that Council support the proposed way forward for the future management of the Bendering Hall.

## **STATUTORY ENVIRONMENT**

- Heritage Act 2018

## **POLICY IMPLICATIONS**

Guidelines for Local Heritage Survey (2019)

LGIS Insurance Policy

## **PUBLIC CONSULTATION**

*The local community will be consulted as part of the proposed review of the Shire's Local Heritage Survey.*

## **FINANCIAL IMPLICATIONS**

Estimated remedial works is costed at \$12,730 (ex GST). Most of this will be covered by insurance, however as the building is declared on indemnity cover only a 20% depreciation will be applied on the final repair cost and 2 excess (\$1,000) each as there were two incidents reported.

The CCTV has been quoted at \$10,058.23 (ex GST), plus pole to be provided and installed by the Shire.

Interpretive Signage estimated at \$2,000 (ex GST) including research, design and fabrication.

## **STRATEGIC IMPLICATIONS**

Supports the following section of the Shire's Strategic Community Plan 2016 – 2026

### ***"2.4 Encourage, promote and support tourism experiences and businesses in the Shire of Kondinin***

- *Investigate opportunities to place a greater emphasis on our indigenous and pioneer heritage by incorporating into our public places through story boards, pioneer walls, machinery displays, upgrades to pioneer cemetery and interpretive signage and include in media and print publications.*

## **CULTURAL IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple majority required

## 9.1 MANAGER OF PLANNING & ASSETS

### 9.1.4 HYDEN NORSEMAN ROAD – REMOTE ROADS UPGRADE PILOT PROGRAM

**Applicant:** Shire of Kondinin  
**Reporting Officer:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date:** 11<sup>th</sup> February 2022  
**Attachments:** Nil

#### OFFICER RECOMMENDATION

That Council APPROVES:

1. A submission to the Australian Government Remote Roads Upgrade Pilot (RRUP) Program seeking 80% funding towards the sealing of 20km of the Hyden Norseman Road; and
2. An allocation of \$1,000,000 (20% of the total estimated project cost) in the Shire's Budget over two financial years (2023-2024 and 2024-2025) for the undertaking of the project.

#### BACKGROUND

The Australian Government Remote Roads Upgrade Pilot (RRUP) Program is designed to provide funding to State, Territory and Local Governments for projects which will address significant deficiencies on key regional and rural roads that limit community access, pose safety risks and impact the economic development of the surrounding area.

The RRUP is consistent with Infrastructure Australia's 2021 Australian Infrastructure Plan to improve the quality of life in regional and remote areas by increasing accessibility to our regional communities and delivering essential infrastructure. Proposed projects can also support tourism in these areas.

As a pilot program, the RRUP is designed to assess the social and economic benefits to communities of undertaking these projects and highlight the significant gaps under the current arrangements to fund roads for regional communities using existing programs.

Applications received and evaluation of the outcomes from funded projects may be used to advise the Australian Government regarding the benefits of extending the program beyond the pilot phase.

The Australian Government will contribute up to 80% of the cost of projects located in regional and rural areas, in line with other projects under the Infrastructure Investment Program. Completion of Construction must be completed within two years of the funding agreement being offered.

It is proposed that the Shire of Kondinin apply for this Grant for an initial 20km of work to seal the Hyden-Norseman Road east from the end of the bitumen. The works would comprise a 7.4m width two coat bitumen chip seal and associated delineation, reflective poles and shoulder work estimated at \$5,000,000. Under the requirements of the grant, the Federal Government contributes 80 per cent of funding, with 20 per cent being required from the Applicant or an alternative source committed to the Applicant. In this case the Shire would need to commit to contribute \$1,000,000 towards the project over two financial years.

#### CONCLUSION

It is considered that the RRUP Program presents the Council with a good opportunity to seek funding for the sealing of a portion of the Hyden-Norseman Road, with the view of extending in the future if other funding opportunities arise. The proposal closely aligns with the intent of this RRUP Program by addressing significant deficiencies on a key rural road including limited community access, safety risks and impacts on the economic development of the surrounding area. The scope of the project requires a minimum 20km road length, which is anticipated as a manageable length undertaken by Council when requiring a 20 per cent fund contribution.

## **STATUTORY ENVIRONMENT**

National Land Transport Act 2014

## **POLICY IMPLICATIONS**

Nil

## **PUBLIC CONSULTATION**

Consultation with key users groups of the Hyden Norseman Road is been undertaken as part of the grant application process.

## **FINANCIAL IMPLICATIONS**

A total of \$1,000,000 is required for the proposed \$1,000,000 project to be allocated across the 2023-2024 and 2024-2025 financial years.

Over the last three (3) financial years the Shire have averaged a \$150,000 spend per year on maintenance work on the Hyden-Norseman Road.

## **STRATEGIC IMPLICATIONS**

Supports the following section of the Shire's Strategic Community Plan 2016 – 2026

### ***"2.4 Encourage, promote and support tourism experiences and businesses in the Shire of Kondinin***

*2.4.1 Collaborate with key stakeholders and local networks to develop and promote our tourism experiences across the entire Shire*

*2.4.2 Add value to current tourism experiences and facilities as well as creating additional tourism experiences and facilities*

#### ***Our Actions***

- *Continue to maintain and upgrade the surface and quality of the Hyden – Norseman Rd to attract an increase in tourists, visitors and the transport industry to extend the tourism season"*

### ***"2.4 Encourage, promote and support tourism experiences and businesses in the Shire of Kondinin***

*2.4.1 Collaborate with key stakeholders and local networks to develop and promote our tourism experiences across the entire Shire*

*2.4.2 Add value to current tourism experiences and facilities as well as creating additional tourism experiences and facilities.*

### ***2.2 Provide sustainable infrastructure and services that support current and future needs of the community***

*2.2.1 Support and maintain safe, connected, critical transport infrastructure including rail and roads, public transport*

*2.2.2 Advocate for equitable telecommunication services across the Shire for improved mobile phone coverage*

*2.2.3 With stakeholders develop and maintain suitable utility services including water, power, sewerage and waste*

#### ***Our Actions***

- *Review Shire roads and determine their suitability yearly (maintenance, construction, preservation, road train access and parking, materials, safety) with future plans to upgrade identified dirt roads to bitumen*
- *Work with Main Roads WA to ensure appropriate upgrade the Hyden Norseman Rd and Brookton Highway, particularly the 6km section from Kondinin town site eastwards, and the section at Karlgarin Hills."*

**CULTURAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple majority required

## 9.1 MANAGER OF PLANNING & ASSETS

### 9.1.5 HYDEN RAILWAY BARRACKS RELOCATION

**Applicant:** Shire of Kondinin  
**Reporting Officer:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date:** 8<sup>th</sup> February 2022  
**Attachments:** Nil

#### OFFICER RECOMMENDATION

That Council:

APPROVES the Shire to engage a suitable qualified person to undertake a structural engineer report on the proposed demolition and relocation of the Hyden Railway Barracks from PTA Licensed Area L7363 to PTA Licensed Area L3553;

APPROVES an allocation of funding from the Shire's 2021-2022 Consultancy Services Account # 1042300 to cover the expenses of the structural engineer report estimated at \$5,000; and

1. REQUESTS the Shire's Administration report the findings of the Structural Engineering Report back to Council accordingly.

#### BACKGROUND

The matter of the Railway Barracks has been presented to Council on a number of occasions to date, including Ordinary Meetings in December 2019, July 2021 and September 2021 with a view to reach a way forward with the future management and preferred location of the building that addresses the wishes of the Hyden Progress Association and remains consistent with the requirements of the land owners, being the PTA and the lease holders, being the Shire of Kondinin.

During this time, the Shire's Administration have been in regular contact with the PTA Property Managers (Burgess Rawson) to try and establish a way forward that is amenable to all parties.

Since the matter was last presented to Council in September 2021, the Shire have been advised in an email from the Property Managers (Burgess Rawson) that the PTA have re-considered their position and have advised that they now support the relocation of the Railway Barracks to another location subject to the proper approval process, in particular the submission of a structural engineer report and the removal of all asbestos from the building.

In terms of the asbestos removal, PTA engaged ERC Consultancy to remove the asbestos, which was undertaken during the week beginning the 31<sup>st</sup> January 2022.

In terms of the structural engineering report, the Shire have been in liaison with the Hyden Progress Association who have provided a contact and an estimate for the structural engineering report being \$5,000.

Once the outcome of the structural engineer report is received, the matter can be reported back to Council with a view of confirming a way forward on this matter.

It is to be noted that the Hyden Progress Association have provided the Shire with contractor details to undertake the demolition and reconstruction of the Railway Barracks building, however the Shire cannot take action on this until receiving the structural engineer report.

#### CONCLUSION

In light of the above, it is recommended that the Council support the Officer's Recommendation to proceed with the engagement of a consultant to undertake a structural engineer report on the Hyden Railway Barracks. On receipt of this report the Shire's Administration can present the findings back to Council which will determine a way forward on this matter.

**STATUTORY ENVIRONMENT**

*Lease L7363 (expires June 2023)*

**POLICY IMPLICATIONS**

Nil

**PUBLIC CONSULTATION**

The Shire's Administration have been in regular contact with the Hyden Progress Association on this matter.

**FINANCIAL IMPLICATIONS**

\$5,000 - Consultancy Services Account # 1042300

**STRATEGIC IMPLICATIONS**

Supports the following section of the Shire's Strategic Community Plan 2016 – 2026

***"2.4 Encourage, promote and support tourism experiences and businesses in the Shire of Kondinin***

*2.4.1 Collaborate with key stakeholders and local networks to develop and promote our tourism experiences across the entire Shire*

*2.4.2 Add value to current tourism experiences and facilities as well as creating additional tourism experiences and facilities."*

**CULTURAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple majority required

## 9.1 MANAGER OF PLANNING & ASSETS

### 9.1.6 LOCAL HERITAGE SURVEY REVIEW

**Applicant:** Shire of Kondinin  
**Reporting Officer:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date:** 5<sup>th</sup> February 2022  
**Attachments:** Nil

#### OFFICER RECOMMENDATION

That Council SUPPORTS;

2. The grant submission to the Department of Planning, Lands and Heritage Local Government Heritage Consultancy Program for a review of the Shire's Local Heritage Survey (formally Municipal Heritage Inventory), including the preparation of a draft Local Planning Policy relating to Heritage Management and a list of properties recommended to be included on the Shire's Heritage List pursuant to the Shire's Local Planning Scheme No.1; and
3. An allocation of funding estimated at \$5,000 from the Shire's 2021-2022 Consultancy Services Account # 1042300 to match the 50 per cent required of the Local Government Heritage Consultancy Program, subject to the outcome of the grant application.

#### BACKGROUND

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

This grant funding presented a good opportunity to undertake this long overdue review and ensure that the Shire had supporting documentation to offer protection to heritage places. Three quotations were obtained, and the preferred consultant being one that provided the best value for money and has undertaken similar projects across the Wheatbelt. The grant outcome is anticipated to be announced by late February / early March 2022. Following which if successful, Council and community input will be undertaken as a starting point.

The Shire's Manager Planning and Assets has undertaken like projects and can assist in the project management and provide administrative assistance to ensure that the documents are prepared and adopted according to relevant legislation.

#### CONCLUSION

In light of the information above, it is recommended that Council endorse the Officer's Recommendation to undertake this project subject to a successful outcome of grant funding.

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

Nil

#### PUBLIC CONSULTATION

Community Consultation will be undertaken as part of the project in accordance with relevant legislation, including community consultation and Shire Councillor briefing sessions.



**FINANCIAL IMPLICATIONS**

- \$4630.25 - Consultancy Services Account # 1042300
- \$4630.25 – Department of Planning, Lands and Heritage (pending grant funding)
- In-kind contribution for project management and administrative support

**STRATEGIC IMPLICATIONS**

Supports the following section of the Shire’s Strategic Community Plan 2016 – 2026

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

*4.1 Develop leadership skills and behaviours that enhance the knowledge, skills and experience of the Shire staff and Council*

*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.”*

**CULTURAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple majority required

## 9.2 MANAGER OF CORPORATE SERVICES

### 9.2.1 LIST OF ACCOUNTS

**Applicant:** Shire of Kondinin  
**Author:** Manager Corporate Services - Vince Bugna  
**Disclosure of Interest:** Nil  
**Date:** 7<sup>th</sup> February 2022  
**Attachment(s):** List of Accounts 01/12/2021 to 31/12/2021  
 List of Accounts 01/01/2022 to 31/01/2022

#### OFFICER RECOMMENDATION

That Council receive the attached report – List of Accounts Due & Submitted to Council for the months of December 2021 and January 2022:

	<u>December 2021</u>	<u>January 2022</u>
• Municipal Fund payment cheque numbers 19112 to 19134	= \$ 26,720.10	= \$ 26,916.29
• Municipal EFT14493 to 14570, 14580 to 14735	= \$1,066,369.96	= \$ 493,681.09
• Trust EFT14571 to 14579	= \$ 23,230.00	= \$ 0.00
• Direct Debits – Transport – Kondinin Office	= \$ 13,164.95	= \$ 31,362.50
• Direct Debits – Transport – Hyden Office	= \$ 30,427.30	= \$ 14,973.95
• Direct Debits – Other	= \$ 22,082.11	= \$ 80,556.58
• Bank Fees	= \$ 1,458.85	= \$ 1,037.17
• Payroll	= \$ 114,265.03	= \$ 106,997.53
<b>TOTALS :</b>	<b>= \$1,297,718.30</b>	<b>= \$ 755,525.11</b>

#### SUMMARY

To present to Council a list of accounts paid from Municipal and Trust Funds 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 2021/22 Adopted Budget.

**STRATEGIC IMPLICATIONS**

Shire's Strategic Community Plan 2016 – 2026

- 4. Provide good strategic decision making, governance, leadership and professional management
- 4.2 Manage the organisation in a responsible and accountable manner

**VOTING REQUIREMENTS**

Simple Majority

## 9.2 MANAGER OF CORPORATE SERVICES

### 9.2.2 FINANCIAL REPORTS

**Applicant:** Shire of Kondinin  
**Author:** Manager Corporate Services - Vince Bugna  
**Disclosure of Interest:** Nil  
**Date:** 9<sup>th</sup> February 2022  
**Attachment(s):** Monthly Financial Report for the period ended 31 December 2021  
 Monthly Financial Report for the period ended 31 January 2022

#### **OFFICER RECOMMENDATION**

That Council receive the attached reports entitled Monthly Financial Report (Containing the Statement of Financial Activity) for the period ended 31 December 2021 and 31 January 2022.

#### **SUMMARY**

To present to Council the Monthly Financial Report for the period ended 31 December 2021 and 31 January 2022.

#### **BACKGROUND**

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

Regulation 4(4) states that, *a statement of financial activity, and the accompanying documents (notes) referred to in sub regulation (2), are to be –*

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) recorded in the minutes of the meeting at which it is presented.*

The Statement of Financial Activity summarizes the Shire's financial activities for the period at which it relates.

#### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulation 1996*

#### **POLICY IMPLICATIONS**

Nil

#### **PUBLIC CONSULTATION**

Nil

#### **FINANCIAL IMPLICATIONS**

In accordance with the approved material variances of 10% or \$10,000 whichever is the greater within the monthly Statement of Financial Activity during the 2021/22 financial year.

#### **STRATEGIC IMPLICATIONS**

Shire's Strategic Community 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.*

**REPORTING OFFICER'S COMMENT**

The highlights of the latest month's financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> <li><b>Rates levied</b> – actual – is 101% or \$42,312 more than the budget. The amount of variance varies slightly as interim rates being raised for property affected.</li> </ul>	Page 2 – Monthly Summary Information Page 17 – Note 9 Rating Revenue
<ul style="list-style-type: none"> <li><b>Sundry Debtors</b> – the current balance of \$734,313 includes \$665,280 tax invoice sent to Main Roads as progress billing for Wheatbelt Secondary Freight Network project stage 2 at Kondinin Narembeen Road.</li> </ul>	Page 14 – Note 6 Receivables
<ul style="list-style-type: none"> <li><b>Cash Backed Reserves</b> – actual transfers in per 2021/22 budget of \$796,892. Actual year to date balance including earned interest is currently at \$2,545,849.</li> </ul>	Page 15 – Note 7 Cash Backed Reserve
<ul style="list-style-type: none"> <li><b>Cash at Bank</b> – the Shire's total cash as at 31 January 2022 was \$6,380,725 which includes \$2,545,849 in cash backed reserves (restricted), \$11,040 in Trust account (restricted), \$47,035 LCDC funds and \$2,005,633 term deposit investments.</li> </ul>	Page 11 – Note 3 Cash and Financial Assets
<ul style="list-style-type: none"> <li><b>Material Variances</b> – in relation to the material variances, "timing" differences are due to the monthly spread of the budget not matching/in comparison to the actual spread of revenue or expenditure. Timing differences will not result in a forecast adjustment. Where the material variance is flagged as "permanent", this indicates that a forecast adjustment to the annual budget is required or has been made.</li> </ul>	Page 9 – Note 1 Explanation of Material Variances

**VOTING REQUIREMENTS**

Simple Majority

## 9.2 MANAGER OF CORPORATE SERVICES

### 9.2.3 2021/22 MID YEAR BUDGET REVIEW

**Applicant:** Shire of Kondinin  
**Author:** Manager Corporate Services - Vince Bugna  
**Disclosure of Interest:** Nil  
**Date:** 9<sup>th</sup> February 2022  
**Attachment(s):** Budget Review Report – 31<sup>st</sup> December 2021

#### OFFICER RECOMMENDATION

That Council:

1. Adopt the 2021/22 budget review conducted for the six (6) months period ended 31 December 2021 as reviewed by the Council's Audit Committee for submission to the Department.
2. Authorise the CEO to amend the 2021/22 budget in accordance with the attached "Review of Budget Report" for the period ended 31<sup>st</sup> December 2021.

#### SUMMARY

To present to Council the Mid-Year 2021/22 Budget Review Report for the period ended 31<sup>st</sup> December 2021.

#### BACKGROUND

Under the *Local Government (Financial Management) Regulations 1996* each local government has to carry out a budget review of its current year budget mid financial year and make necessary adjustments in the interest of achieving a surplus or balanced budget at the end of its financial year.

The Shire's Manager of Corporate Services conducted the review and discussed with the CEO, Manager of Works and Manager of Planning and Assets before finalising adjustments to the various budget account items. The attached Review of Budget Report notes 4 and 5 have the details of the accounts that require these adjustments.

The budget review process is essentially designed to ensure that the adopted budget is being adhered to and that there are no material variances that may cause deficiency in "cash" to occur at the end of financial year.

#### STATUTORY REQUIREMENTS

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
  - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
  - (b) *consider the local government's financial position as at the date of the review; and*
  - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

**POLICY IMPLICATION**

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

**BUDGET IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Shire's Strategic Community 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**

**9.3      MANAGER OF WORKS**

**NIL**



**9.4 CHIEF EXECUTIVE OFFICER**

<b>9.4.1</b>	<b><u>COMPLIANCE AUDIT RETURN 2021</u></b>
<b>Applicant:</b>	<b>Shire of Kondinin</b>
<b>Author:</b>	<b>CEO – David Burton</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Date:</b>	<b>9<sup>th</sup> February 2022</b>
<b>Attachment(s):</b>	<b>Compliance Audit Return 2021</b>

**OFFICER RECOMMENDATION**

That the Audit Committee recommends, that Council adopts the Shire of Kondinin's Compliance Audit Return for the period 1/1/2021 to 31/12/2021 pursuant to Regulation 14(3) of the Local Government (Audit) Regulations 1996.

**SUMMARY**

To present to Council the Compliance Audit Return (CAR) for the period 1/1/2021 to 31/12/2021 which report is an annual compliance requirement by the Department Of Local Government.

**BACKGROUND**

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

**STATUTORY REQUIREMENTS**

*Local Government (Audit) Regulations 1996 – Regulation 14*

*Local Government Act 1995 – Section 17.3(1)(i)*

**POLICY IMPLICATION**

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

**BUDGET IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Shire's Strategic Community 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

### 9.4.2 SPONSORSHIP HYDEN HOGGETS

**Applicant:** Shire of Kondinin  
**Author:** CEO – David Burton  
**Date:** 7<sup>th</sup> February 2022  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### RECOMMENDATION

THAT the Shire of Kondinin contribute \$500 retrospective sponsorship towards the Hyden Hoggets New Year Bathtub Regatta family event.

#### SUMMARY

To consider a request from the Hyden Hoggets for sponsorship for a “Bathtub Regatta”

#### BACKGROUND

In December, just before the shutdown of the Administration Office, a request was received from the Hyden Hoggets for \$500 for Sponsorship of a Bathtub Regatta to be held on 1<sup>st</sup> January.

The event was held and by all advice received, was a great success although the weather did cause some issues.

#### COMMENT

The request for funding sponsorship came after the Council Meeting and at the moment, the CEO only has delegated Authority to waive fees and charges for the Shire, but does not have any delegated authority to grant a sponsorship amount. This has been the second time in the last 12 months, that a request has been received late and has missed being included the Agenda for Council before the event is held.

The event was very successful, but was at a cost to the Hyden Hoggets, which are looking at more events to create some activity for Hyden and its residents. While it may be too late to sponsor the event before it occurs, advice from the Hoggets is that any assistance would be appreciated as it would allow them to put into other events and activities for the town.

Activities promoting social interaction are critical for our towns and should be supported for the health and wellbeing of our residents.

#### STATUTORY ENVIRONMENT

Nil

#### POLICY IMPLICATIONS

Current Delegations do not allow for the CEO to confirm sponsorship, so all requests for sponsorship must go to the Council.

#### FINANCIAL IMPLICATIONS

Funding is available for the event.

**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 to all like stages across the three communities.*

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

**VOTING REQUIREMENT**

Simple Majority

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.3 CHANGE OF DELEGATED AUTHORITY

**Applicant:** Shire of Kondinin  
**Author:** CEO – David Burton  
**Date:** 7<sup>th</sup> February 2022  
**Disclosure of Interest:** Nil  
**Attachments:** Copy of Delegated Authority

#### OFFICER RECOMMENDATION

That Council:

That the minor review of the Shire of Kondinin Corporate Business Plan be noted with ongoing items to be considered in the new Corporate Business Plan to be drafted after the Strategic Community Plan.

#### SUMMARY

To consider a change in the Delegated authority to the Chief Executive Officer to allow minor sponsorship requests to be processed without the need to Council approval.

#### BACKGROUND

Over the last 12 month, there have been two occasions where a request for sponsorship has been received after the preparation of the Agenda or after the Council meeting, meaning that there was no time to allow for an item to be presented to Council for approval. Both of these events have been community events for our towns.

The current Delegated Authority does not allow for the Chief Executive Officer to do minor sponsorship that is within budget limits and between meetings.

#### COMMENT

It is fairly common in Local Government to allow the Chief Executive Officer to complete simple sponsorships that fit within guidelines and budget of Council that would normally be approved by Council.

This delegation allows for simple community based sponsorship to be approved without the requirement of a Council meeting or between meetings. This also reduces the requirement of time in Council meetings to approve a simple sponsorship.

The delegations has been allocated giving a limit of \$500 per organization per financial year. This can either be taken in a single amount or by smaller amounts over the year for various items. Once the amount of \$500 is reached, then approvals must be referred to Council.

The change listed in the Delegation is as follows:

f. Sponsorship is to be granted where:

a local community group or school/hospital has approached the Shire for sponsorship for an event that will benefit members of the community. The amount of sponsorship per community group must only be up to \$500 per financial year. The maximum sponsorship can be done through multiple events for a lesser amount, but must be referred to Council for any amount that will be over the limit of \$500 per year.

Funds can only be allocated if there are sufficient funds in the budget.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**CONSULTATION**

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

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.4 DRAFT BUSHFIRE RISK MANAGEMENT PLAN

**Applicant:** Shire of Kondinin  
**Author:** CEO – David Burton  
**Date:** 8<sup>th</sup> February 2022  
**Disclosure of Interest:** Nil  
**Attachments:** Draft Bushfire Risk Management Plan

#### OFFICER RECOMMENDATION

That the Chief Executive Officer submit the Draft Bush Fire Risk Management Plan to the Office of Bushfire Risk Management.

#### SUMMARY

Foe Council to consider the submission of the draft Bushfire Risk Management Plan for submission to the Office of Bushfire Risk Management.

#### BACKGROUND

Over the last 12 months, the Shire of Kondinin has been working with the Department of Fire and Emergency Services (DFES) and other Shires to have draft Bushfire Risk Management Plans created so identify risk areas within the Shire and options for evaluating and treatment of bushfire risk within our Shire.

The intention of this report is to provide information which will then be used to obtain funding for reducing bushfire risk in our area.

#### COMMENT

The Report was drafted by a representative from DFEs to assist the Shire in preparation of Bushfire Risk in our area. This program was funded through DFES with several shire working together to obtain reports.

The draft report is now required to be considered by the Office of Bush Fire Risk Management for acceptance before the Shire can use it to leverage funding for evaluating and controlling bushfire risk in our Shire.

The report has not been checked in full by all Fire Control Officers for checking of all information, it will be able to be used to assist. Further reviews of the Plan may need to be made once it has been put to practical use.

#### STATUTORY ENVIRONMENT

Nil

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

The Report will not have a known financial impact on the Shire until it has been put into practical use, however this is anticipated to be minimal and mostly staff time as the process of Bushfire Risk is carried out. The use of the Report is likely to assist the Shire in obtaining funding to assist with Bushfire Risk mitigation for the Shire.

#### CONSULTATION

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

**9.4 CHIEF EXECUTIVE OFFICER****9.4.5 HYDEN VISITORS CENTRE / RECREATION CENTRE PROJECTS**

**Applicant:** Shire of Kondinin  
**Author:** CEO – David Burton  
**Date:** 8<sup>th</sup> February 2021  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

**OFFICER RECOMMENDATION**

That Council:

1. Notes the resolution from the Kondinin workshop;
2. Requests the Shire continues to work with working groups for both projects; and
3. Instructs the Chief Executive Officer to carry out the consultation as required under Section 3.59 of the Local Government Act 1995 and report back to Council for consideration before applying for funding for the projects.

**SUMMARY**

For Council to consider future actions with regards to the Construction of the Hyden Community / Visitors Centre facility in Hyden.

**BACKGROUND**

The Shire has been pursuing funding for the Hyden Community / Visitors Centre since March 2021, with an application being made for Building Better Regions Funding (BBRF) through the Federal Government.

Towards the end of last year, we were advised that our application was not successful and feedback was sought to prepare a further application. At the December Ordinary Meeting of Council, the follow resolution was made:

**RESOLUTION 3873**

**Moved: Cr B Smith**

**Seconded: Cr K Green**

**That:**

1. A public information session be held in January to give the general public an update on the project and also establish the priority of the Hyden projects.
2. Staff continue to work with the Working Group to follow up on the shortfalls of the application for a further submission;
3. The Shire establishes a Reserve for the Visitors Centre;
4. Funds for the Reserve be considered as part of the Budget Review;
5. Cost impacts of the project be considered by Council prior to lodging the funding application; and
6. Cr P Green and Cr K Green be added to the working group to represent the Shire.
7. The CEO and Members of the Working Group approach State Government for funding assistance for the project.

**Carried: 8/0**

Staff and the Working Group have been working throughout January to try and finalise an application for the February deadline of 10<sup>th</sup> February 2022.

As part of the Community consultation and information update sessions, it was raised that the Shire had not followed the Local Government Act 1995 Section 3.59 and therefore the Shire could not proceed with the application.

Section 3.59 of the Local Government Act 1995 is listed below for reference.

Confirmation was received from WALGA that the Shire does need to follow the process of Section 3.59 for the Community / Visitors Centre Project and also for the Hyden Recreation Centre upgrades.



As there was not enough time to conduct the consultancy before the application was due. As such, in discussion with members of Council, it was concluded that the application would not be completed for this round.

#### COMMENT

At the information sessions, it was requested that the general public indicate support for the project most preferred. Voting for the various areas was as follows:

Hyden Session	37 votes for both projects	no other votes received
Kondinin Session	27 votes for Recreation Centre	no other votes received.

At the information session at Hyden, strong support was given for looking at both projects at the same time. It was acknowledged that this would create additional costs for required project management, but it was also seen that there may be significant savings for the projects if they are completed at the same time. Information was also requested of a comparison of the Shires loan portfolio compared to our neighbors.

Based on information taken from the 2021/2022 Budget of our neighboring Shires, the comparison in loans principal outstanding as at 1<sup>st</sup> July 2021 (not including self-supporting loans) is as follows:

Shire of Corrigin	Rates \$2.621m	Loans \$1.496m
Shire of Kulin	Rates \$2.097m	Loans \$1.164m
Shire of Narembeen	Rates \$1.790m	Loans \$0.782m
Shire of Lake Grace	Rates \$3.969m	Loans \$1.735m
Shire of Dundas	Rates \$2.413m	Loans \$0.343m
Shire of Kondinin	Rates \$3.159m	Loans \$2.642m

At the Kondinin Session, the following motion was put by the residents at the meeting:

***Moved Brian Young Seconded Colin Hendra***

*Due to the severe financial impact on the Shires financial position and both projects proceeding concurrently, this meeting recommends Council prioritise the Hyden Recreation Centre, does not proceed with the Community/Visitors Centre until a comprehensive business plan is completed and the Shire can responsibly afford it.*

*Motion carried 27/0*

*Many at the meeting abstained from voting*

As with motions from Annual Electors Meetings, they are only recommendations for Council to consider. This motion does give a clear indication from the residents at the meeting for the priority indication to be the Recreation Centre and that due process is followed for the Community / Visitors Centre.

With regards to the requirement of Section 3.59, staff looked at the possibility of applying for the funding and then going through the consultation process as the project would not start until funding was received. If the feedback was negative, the application could be stopped. This was ruled out though as it would be seen by many members of the public that the Shire had already made a determination and were only consulting out of necessity, which would have caused significant reputation damage for the Shire and the process.

#### Financial Impacts:

Concern has been raised from the Shire finance staff with regards to the considerations of loans. Based on the Shire's current financial constraints, it is believed that a loan of up to \$1million could be achieved from State Treasury, however the more the loan goes over this amount, the more difficulty the Shire may have in obtaining the loan. As the loans would be processed through Treasury, staff can only estimate the outcomes.

Both projects will require the Shire to consider borrowing funds to complete as there are not enough funds in the current Reserve Account nor surplus funds from the budget to cover the Shire contributions. Considerations of the costs of the projects is listed in the table below. The details are based on the costings and contributions received

prior to the Information Sessions.

	Hyden Community / Visitors Centre	Hyden Recreation Centre	
		Original Quote	Possible increase
Total Cost of Project	\$7,091,687	\$2,457,677	\$3,457,677
		August 2021	
<b>Funding contributions</b>			
BBRF - up to 75%	\$5,288,765		
CSRFF - 1/3 State, 1/3 Shire, 1/3 Community/Shire		\$819,226	\$1,152,559
<b>Shire/Community Funds</b>			
Shire/Community contributions	\$1,802,922	\$1,638,451	\$2,305,118
HPA Land Contribution	land gifted as contribution		
Shire/Community/Reserve Funds	\$250,000	\$250,000	\$250,000
CRC	\$30,000		
<b>New Borrowings required</b>	<b>\$1,522,922</b>	<b>\$1,388,451</b>	<b>\$2,055,118</b>
Possible funding from State Govt	\$1-2 Million		
<b>*** ALL COSTINGS INCLUDE REGIONAL ALLOWANCES ***</b>			

Loans and repayments for the current projects based on the revised cost of the Community / Visitors Centre and estimated increases for the Recreation Centre are estimated in the table below.

	Loans (20 yrs@3%)	Repayments	Rate increase	Interest Paid	Total Paid
Visitors Centre	1,522,922	101,939	3.23%	513,415	2,036,337
Rec Centre original quote	1,388,451	92,887	2.94%		
Rec Centre increased	2,055,118	137,393	4.35%	692,748	2,747,866
<i>both projects - Rec Centre Original</i>	<i>2,911,373</i>	<i>194,826.29</i>	<i>6.17%</i>		
<i>both projects - Rec Centre Increase</i>	<i>3,628,040</i>	<i>239,332.20</i>	<i>7.57%</i>	<i>513,415</i>	<i>2,036,337</i>
Rates 21/22		3,159,684			

The loans required for the Community / Visitors Centre were based on the information prior to the public information sessions. Since then, the Shire has had confirmation of additional community funding for the project, which would have reduced this amount. To fund the projects without the use of loans would take several years to build enough funds in Reserve Accounts to cover the Shires contributions for either project.

As funding arrangements and pledges had not been finalized at the time of the information sessions, it was possible for additional contributions to be included which would have reduced the cost to the Shire and also reduced the loans required. It should also be noted that no contribution was allowed for from State Government as no agreement has been discussed at this time.

It should also be noted that at this stage, there has been no indication of Community funds for the Recreation Centre upgrades. If the Shire is to go ahead with this project

While the Recreation Centre was given strong support by all of the community, this is the project that is likely to cost the Shire more in funding. While it will have a very positive impact for the community from a social aspect, it is less likely to create additional economic benefits through jobs and businesses once it is completed.

Priority of Projects:

The main aim of the information sessions was to gauge which project was seen as the priority as it was noted in the December information that staff could not achieve both projects at the same time.

Indications from the Hyden group was to consider both projects with the additional assistance to run both projects. This was so that the Shire may be able to take advantage of trades persons being in the area for both projects if possible, reducing costs.

Indications from the Kondinin group was a preference for the Recreation Centre as this was seen as having a positive impact on the health and wellbeing of local residents of the Shire.

Recommendation:

When considering the current process required for the continuation of the Community / Visitors Centre and Recreation Centre requiring significant consultation with the local community, it may be preferable for the Shire to look at this requirement just prior to applying for funding for the project. This does not preclude the officers and working groups from working towards obtaining as much information as possible for the projects.

While loan funding is a requirement, consideration will need to be carefully considered when looking at the Shire's ability to borrow funding, as we do not want a situation where we receive grant funding, but cannot obtain loan funding for the Shire's portion of the project. This would need to be established as part of the business case for the projects as well.

Additional funding would need to be established or a commitment in writing so that the financial details can be fully explored. Given that there will not be time before the next application for both projects, additional funding (State Government for Community/Visitors Centre) may be able to be confirmed so that the public can make an informed decision.

**RISK ASSESSMENT**

As noted previously, loans of over \$1m become increasingly difficult for the Shire to obtain. This may be a consideration when looking at the projects and how to proceed. It also needs to be noted that the loans will be in place for multiple years which may impact future projects.

As there are concerns by members of the public with regards to the benefits of the Community / Visitors Centre, a full business case with supporting information will need to be completed to meet the requirements of the consultation for the project, which should address these concerns.

It should be noted that as concerns have been raised by this project, there is the increased possibility of reputational risk for the Shire if the information is not thoroughly researched.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

3.59. Commercial enterprises by local governments

(1) In this section —

*acquire* has a meaning that accords with the meaning of *dispose*;

*dispose* includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**land transaction** means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

**major land transaction** means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;

**major trading undertaking** means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

**trading undertaking** means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

- (2) Before it —
  - (a) commences a major trading undertaking; or
  - (b) enters into a major land transaction; or
  - (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
  - (a) its expected effect on the provision of facilities and services by the local government; and
  - (b) its expected effect on other persons providing facilities and services in the district; and
  - (c) its expected financial effect on the local government; and
  - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
  - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
  - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
  - (a) give Statewide public notice stating that —
    - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
    - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
  - (b) make a copy of the business plan available for public inspection in accordance with the notice; and
  - (c) publish a copy of the business plan on the local government's official website.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

\* *Absolute majority required.*

*[(5a) deleted]*

- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
  - (a) prescribe any land transaction to be an exempt land transaction;
  - (b) prescribe any trading undertaking to be an exempt trading undertaking.

*[Section 3.59 amended: No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2); No. 16 of 2019 s. 11.]*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

As listed previously, this project does represent a financial risk for the Shire going forwards. This needs to be taken into consideration when looking at submitting the funding application.

## **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*

### *Goal 2: Economic*

#### *2.1 Promote the Shire of Kondinin within the local community and beyond the Wheatbelt and state boundaries as a preferred location for business, tourism and lifestyle*

##### *2.1.1 Identify and attract industry to the Shire to contribute to a balanced and diverse economy*

### *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 CHIEF EXECUTIVE OFFICER

### 9.4.6 LOCAL LAWS STATUTORY REVIEW

**Applicant:** Shire of Kondinin  
**Author:** CEO – David Burton  
**Date:** 10<sup>th</sup> February 2021  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### OFFICER RECOMMENDATION

That Council, by Absolute Majority, approve the repeal of the following local laws, either collectively or as a new replacement local law is adopted –

- Kondinin Public Cemetery (1925) (as amended)
- Poundage Fees (1928)
- Buildings & General (1936) (as amended)
- Appointment of Employees (1942)
- Supply of Water (1944)
- Long Service Leave (1955)
- Building (1961)
- Kondinin Public Swimming Pool (1966) (as amended)
- Rubbish Clearing of Land and Removal of Refuse (1970) (as amended)
- Speed Of Vehicles Driven on Land Vested or Under Shire (1975)
- Brick Areas (1978) (as amended)
- Fences (1979)
- Pest Plants (1982) (as amended)
- Disposal of Obstructing Vehicles(1981)
- Prevention of Damage to Streets (1990)
- Street Trading (1992)
- Dog (1995)
- Reserves (1995).

#### SUMMARY

To finalise the periodic review local laws as required by the Local Government Act s.3.16.

#### BACKGROUND

At the Council meeting on 17 November 2021 it was resolved –

That Council approve the statutory review of all local laws in accordance with the Local Government Act 1995 section 3.16 excluding –

- Health Local Law 2016
- Animals, Environment and Nuisance Local Law 2017.

The Local Government Act section 3.16 requires a periodic review of local laws at least every 8 years, and no record of this occurring has been found.

Local public notice of the review was given and published in Kondinin Calendar Newsletter on 1st December 2021, and Hyden Householder Newsletter on 1st December. Closing date for public submissions was 28 January 2022. No public comments was received.

With the exception the Health Local Law and the Animals, Environment and Nuisance Local Law, other are very old, are no longer relevant and in one case permits the use of asbestos, which was phased out of use in any product during the 1980's (WA Health Dept website).

Accordingly, it is recommended that all local laws other than these two be repealed, either in bulk or at the time of adoption of a new local law.

**COMMENT**

As no comments were received, the next stage is to repeal the old Local Laws and create new Local Laws.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 section 3.16 requires and prescribes the process for periodic review of local laws.

**POLICY IMPLICATIONS**

None.

**FINANCIAL IMPLICATIONS**

No cost for consultant to conduct review.

Advertising of local laws, publication in Government Gazette etc. once completed.

**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*

**VOTING REQUIREMENT**

ABSOLUTE Majority

**9.5 ENVIRONMENTAL HEALTH OFFICER**

**10. BUSINESS OF AN URGENT NATURE**

**11. CLOSURE**