



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 March, 2022 at
Hyden Community Recreation Centre

1:00pm Crisp Wireless Network Information Session

1:30pm Regional Drought Resilience Plan Workshop

2:00pm Informal Agenda Discussion

3:00pm Council Meeting

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

David Burton
10th March 2022
CHIEF EXECUTIVE OFFICER

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006
All communications 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 of Council Meetings. Any member of the public is welcome to do so. The following is a summary of Section 5.24 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996, the Shire's procedure and a guide to completion registering attendance and question/s.

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

h. The priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day immediately preceding the meeting) and secondly, 'questions from the floor'.

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

**SHIRE OF KONDININ
DISCLOSURE OF FINANCIAL/IMPARTIALITY & PROXIMITY INTEREST**

To: *Chief Executive Officer*

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

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

Item No	Details of Interest

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

Councillor’s Signature _____ 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 black ink, appearing to read 'David Burton', with a stylized flourish at the end.

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)	Rachael Hendry (Minute Taker)	
Apologies:			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

At the Annual Electors meeting Mr B. Young asked the question ‘What was spent on the Shire Logo?’
At the time the information was not available however information is now provided in Item# 9.4.1

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 – 16th February 2022

RECOMMENDATION

That the minutes of the Council Meeting held on the 16th February, 2022 be confirmed.

7.2 INFORMATION REPORT – March 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 Referral for Proposed Subdivision (Amalgamation) of Lot 23 Marshall St & Lot 24 McPherson St Hyden
- 9.1.2 Hyden Tennis Court Resurface

9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 List of Accounts
- 9.2.2 Financial Reports
- 9.2.3 Financial Management System Review

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 Annual Electors Meeting 2021/2022
- 9.4.2 Newsletter Fees & Charges

9.5 ENVIRONMENTAL HEALTH OFFICER

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 REFERRAL FOR PROPOSED SUBDIVISION (AMALGAMATION) OF LOT 23 MARSHALL STREET AND LOT 24 MCPHERSON STREET, HYDEN

REPORTING OFFICER:	Tory Young, Manager Planning and Assets
AUTHORISING OFFICER:	David Burton, Chief Executive Officer
DATE:	10th March 2022
ATTACHMENTS:	01 – Subdivision Application 02 – Certificate of Title Lot 24 03 – Certificate of Title Lot 23 04 – Cover Letter 05 – Information on the Proposal 06 – Display Plan 07 – Plan 08 - Document Caveat

OFFICER RECOMMENDATION

That Council has no objection to the proposed subdivision (Amalgamation) of Lot 23 Marshall Street and Lot 24 McPherson Street, Hyden received from the Western Australian Planning Commission (Application # 161976), subject to consideration of the following conditions:

- All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011, and National Construction Code Series/Building Code of Australia (as amended);*
- Uniform fencing or walls being constructed along the boundaries of lots abutting Lot 23 Marshall Street and 24 McPherson Street, Hyden;*
- Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) 23 Marshall Street & 23 McPherson Street, Hyden at the time of subdivision approval being demolished and materials removed from the lot(s).*
- This approval does not represent approval for any existing encroachments over the road reservation, private road or right-of- way. You are advised to contact the Department of Planning, Lands and Heritage regarding this matter.*
- The land being filled, stabilised, drained and/or graded as required to ensure that: a) lots can accommodate their intended development; and b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.*
- Suitable arrangements being made with the local government for the provision] of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision; and*

7. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: "A reticulated sewerage service is not available to the lot(s). As such, an on-site sewage system will be required. Clean fill will be required in order to achieve separation distances between sewage disposal system and groundwater.*

SUMMARY

The Shire's Administration seeks consideration from Council on the proposed subdivision (amalgamation) of Lot 23 Marshall Street and Lot 24 McPherson Street, Hyden and recommends to support the proposal subject to conditions.

BACKGROUND

The Shire have received a referral from the Western Australian Planning Commission for the proposed subdivision (amalgamation) of Lot 23 Marshall Street and Lot 24 McPherson Street, Hyden.

The subject lots are vacant and located on the corner of McPherson and Marshall Street, Hyden with exception of several outbuildings which as per the subdivision plan attached are to be retained. The subject lots are currently zoned 'commercial' under the Shire's Local Planning Scheme No.1. Development of a 'Tourism / Community Centre' under this zoning will either be a 'P' Use, meaning that the use is permitted if it complies with any relevant development standards and requirements of under the Scheme or an 'A' Use, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 the deemed provisions.

A Caveat 0420071 lodged on 5th June 2020 is on the titles for both Lot 23 Marshall Street and Lot 24 McPherson Street, Hyden as shown in the attachments to this Agenda Report. This Caveat is associated with the Contract of Sale dated 16th January 2020 between the Shire of Kondinin and the Hyden Progress Association. The contract of sale document stipulates that both parties have agreed that the transfer of land shall be conditional on the Buyer obtaining finance for the development of a tourism / community centre on the land by the sunset date set at 30th April 2023.

The Shire's Administration have assessed the subdivision against the Western Australian Planning Commission's Model Subdivision Conditions Schedule and are in support of the application, subject to consideration of the following conditions;

1. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011, and National Construction Code Series/Building Code of Australia (as amended);*
2. *Uniform fencing or walls being constructed along the boundaries of lots abutting Lot 23 Marshall Street and 24 McPherson Street, Hyden;*
3. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) 23 Marshall Street & 23 McPherson Street, Hyden at the time of subdivision approval being demolished and materials removed from the lot(s).*
4. *This approval does not represent approval for any existing encroachments over the road reservation, private road or right-of- way. You are advised to contact the Department of Planning, Lands and Heritage regarding this matter.*

5. *The land being filled, stabilised, drained and/or graded as required to ensure that: a) lots can accommodate their intended development; and b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and c) Stormwater is contained on-site, or appropriately treated and connected to the local drainage system.*
6. *Suitable arrangements being made with the local government for the provision] of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision; and*
7. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: "A reticulated sewerage service is not available to the lot(s). As such, an on-site sewage system will be required. Clean fill will be required in order to achieve separation distances between sewage disposal system and groundwater.*

STATUTORY ENVIRONMENT

- Shire of Kondinin Town Planning Scheme No.1
- WAPC Model Subdivision Conditions Schedule
- Planning and Development Act 2005

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

- *To ensure that town centres remain the principal place for business and administration in the district;*
- *To encourage a high standard of development including buildings, landscaping and car parking; and*
- *To make town centres an attractive place to work and to conduct business through the implementation of a townscape improvement plan.*

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

The referral to the Shire of Kondinin is pursuant to section 142 (Freehold) of the *Planning and Development Act 2005*. Comments are to be referred to the Western Australian Planning Commission by the 24th March 2022.

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

9.1.2 HYDEN TENNIS COURTS RE-SURFACE

REPORTING OFFICER:	Tory Young, Manager Planning and Assets
AUTHORISING OFFICER:	David Burton, Chief Executive Officer
DATE:	10th March 2022
ATTACHMENTS:	01 – Quote # 1 (to be supplied to Council prior to meeting) 02 – Quote # 2 (to be supplied to Council prior to meeting) 03 – Quote # 3 (to be supplied to Council prior to meeting)

OFFICER RECOMMENDATION

TO BE TABLED AT THE ORDINARY MEETING OF COUNCIL ON RECEIPT OF AMENDED QUOTATIONS FROM THE HYDEN TENNIS CLUB

Summary

This report is to present to Council consideration of a grant application and associated financial allocation towards the re-surfacing of the Hyden Tennis Courts.

Background

In 2002 the Hyden Tennis Club organized the initial laying of a synthetic surface over all eight (8) courts. The project cost was \$130,000 funded by the then Department of Sport Recreation through the CSRFF grant (1/3), the Hyden Tennis Club (1/3) and a Treasury self-supporting loan from Shire of Kondinin (1/3) that was paid back over 10 years by the Hyden Tennis Club.

The surface has held up well over the last 20 years, however in recent years there has been a steady decline in the surface, which after some attempts at ‘patching up’ has been to no avail, with the only option now being replacement. The front four (4) courts are noticeably in a poorer condition, however it is evident that the back four (4) courts are now also showing signs of tearing away at the seams which is predicted to worsen in a short space of time, as has been the case with the front four courts. The manufacturer has advised that the courts have well exceeded the estimated expiration.

The Hyden Tennis Club has arranged three (3) quotations which have ranged from \$230,000 to \$260,000 ex GST. On site visits by the turf companies it was recommended that the tennis club look to incorporate a spoon drain between the two courts to alleviate the current drainage issues, which will in turn extend the longevity of the proposed re-surface. At the time of writing this report the amended quotes are anticipated to be received by the 14th March 2022.

The Hyden Tennis Club is an active club in the Hyden community with a strong membership base. This is illustrated through the club hosting a range of successful events which are well organized and well attended from tennis players across the Wheatbelt, South East and Perth regions. These events include the popular McGrath Foundation Open Ladies Tennis Day with an average of over 80 women at the event each year; the Open Men’s Tournament raising money and awareness for Regional Men’s Health attracting in excess of 50 people at the event each year and the Open Junior tournament with entries of almost 100 children each year.

At a local level the Hyden Tennis Club have hosted the Tennis West Eastern Districts Academy Plate (EDTA Tennis in Schools Classic), it has consistently entered strong teams in the EDTA pennant competition, holds tennis coaching during and after school with a locally qualified Tennis Australia Coach and hosts a number of social events and tournaments at a club level throughout the season.

Discussions and meetings have been held between the Shire of Kondinin Administration, the Hyden Tennis Club and the Department of Local Government, Sport and Cultural Industries with the view of submitting a CSRFF grant application for this project by the 31st March 2022, subject to Council approval. It is to be noted that re-surfacing whilst eligible is a low priority under the CSRFF grant program. The Hyden Tennis Club have indicated that their preferred time for installation of the new surface is April 2023.

Consistent with the Shire’s Community Strategic Plan 2016 – 2026 and highlighted in the recent preparation of the Shire’s Recreation Facilities Plan 2021 – 2031, sport plays a central role in community health, wellbeing and social cohesion in rural communities. Adhering to these principles, the Shire in conjunction with community sporting bodies play a key role in providing quality playing surfaces that promote physical activity and inclusivity within the community.

Whilst the re-surfacing of the Hyden Tennis is consistent with the objectives of the both the Shire’s Community Strategic Plan 2016 – 2026 and the Shire’s Recreation Facilities Plan 2021-2031, it must be noted that the Shire’s Sport and Recreation Facilities Plan 2021 – 2031 in its current version only lists the re-surface of 4 courts and for this to be undertaken in the 2023/2024 financial year. This document would likely need to be amended to have any weighting in a grant application.

Statutory Environment

Local Government Act 1995

Policy Implications

Shire Policy Manual - Section 5.3.1 Capital Works Programs (former)

Shire Policy FACS-003 – Sporting Clubs and Amenities (current)

Financial Implications

Whilst the final quotations with inclusion of the spoon drains have yet to be obtained, it is proposed that funding for the project based on an estimated figure of \$250,000 is as follows:

Department of Local Government, Sport and Cultural Industries - \$41,667 (1/6 of project as per CSRFF Guidelines for repeat re-surface)

Hyden Tennis Club - \$ 83,333 (1/3 of project as per Shire Policy and written commitment from Club)

Shire of Kondinin - \$125,000 (1/2 of project subject to Council endorsement)

Strategic Implications

The project supports the following sections of the Shire’s Strategic Community Plan 2016 – 2026

“1.1 A vibrant and attractive place to live that offers choice and a liveable environment

1.1.1 Promote the Shire of Kondinin as a great place to live, work, visit and invest

1.3 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.”

The project was identified as a medium term priority in the 2023/2024 financial year in the Shire’s Sport and Recreation Facilities Plan 2021 – 2031;

Medium term	E	Hyden Tennis Resurface	4 x tennis court re-surface	Shire of Kondinin Hyden Tennis Club
--------------------	---	------------------------	-----------------------------	--

Voting Requirement

Absolute Majority

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: 8th March 2022
Attachment(s): List of Accounts 01/02/2022 to 28/02/2022

OFFICER RECOMMENDATION

That Council receive the attached report – List of Accounts Due & Submitted to Council for the month of February 2022:

• Municipal Fund payment cheque numbers 19135 to 19147	= \$ 44,309.28
• Municipal EFT14737 to 14863	= \$676,632.00
• Trust EFT14736	= \$ 780.00
• Direct Debits – Transport – Kondinin Office	= \$ 24,818.45
• Direct Debits – Transport – Hyden Office	= \$ 45,167.90
• Direct Debits – Other	= \$ 22,986.54
• Bank Fees	= \$ 1,041.75
• Payroll	= \$178,598.09
TOTALS :	= \$994,334.01

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:	10th March 2022
Attachment(s):	Monthly Financial Report for the period ended 28 February 2022

OFFICER RECOMMENDATION

That Council receive the attached reports entitled Monthly Financial Report (Containing the Statement of Financial Activity) for the period ended 28 February 2022.

SUMMARY

To present to Council the Monthly Financial Report for the period ended 28 February 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 February 2022 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> • Rates levied – actual is 99.5% - 1% lower compared from previous month due to recent revaluation provided by Landgate. 	Page 2 – Monthly Summary Information Page 17 – Note 9 Rating Revenue
<ul style="list-style-type: none"> • Receivables – Rates and Rubbish Collection – reached 95% - 4 months prior to 30th June which was the ending of last financial year's. • Receivables – Sundry Debtors – current balance down to \$60,063 as tax invoice sent to Main Roads as progress billing for Wheatbelt Secondary Freight Network project stage 2 at Kondinin Narembeen Road had been fully paid. 	Page 14 – Note 6 Receivables
<ul style="list-style-type: none"> • Cash Backed Reserves – actual transfers-in per 2021/22 amended budget is \$1,046,892. Actual year to date balance including earned interest is currently at \$2,795,849. 	Page 15 – Note 7 Cash Backed Reserve
<ul style="list-style-type: none"> • Cash at Bank – the Shire's total cash as at 28th February 2022 was \$6,807,793 which includes \$2,795,849 in cash backed reserves (restricted), \$12,760 in Trust account (restricted), \$47,095 LCDC funds and \$2,005,633 term deposit investments. 	Page 11 – Note 3 Cash and Financial Assets
<ul style="list-style-type: none"> • Closing Funding Surplus (Deficit) – YTD actual is \$3,193,302. Reconciliation Statement has been updated to conform with the format of the annual financial report and to present a more detailed explanation of difference in net current assets and surplus (deficit). 	Page 10 – Note 2 Net Current Funding Position Page 6 – Statement of Financial Activity (Statutory Reporting Programs) Page 8 – Statement of Financial Activity (By Nature or Type)
<ul style="list-style-type: none"> • Material Variances – 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. 	Page 9 – Note 1 Explanation of Material Variances

VOTING REQUIREMENTS

Simple Majority

9.2 MANAGER OF CORPORATE SERVICES

9.2.3 Financial Management System Review

Applicant: Shire of Kondinin
Author: Manager Corporate Services - Vince Bugna
Reviewed: Chief Executive Officer – David Burton
Disclosure of Interest: Nil
Date: 10th March 2022
Attachment(s): 2021 Financial Management System Review

OFFICER RECOMMENDATION

That Council receive the 2021 Financial Management System Review Report prepared by AMD Chartered Accountants and where appropriate, the Shire's administration adopt/implement the recommendations contained in the report.

SUMMARY

To present to Council the 2021 Financial Management System Review Report prepared by AMD Chartered Accountants.

BACKGROUND

Each local government CEO is required to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government at least once every three years. The Shire of Kondinin had engaged the services of AMD Chartered Accountants to conduct a Financial Management Review of the Shire of Kondinin's financial management practices and compliance areas.

This report is to provide Council the auditor's Financial Management Review report (tabled) with managements' comments on each of the audit findings contained within the report.

OFFICER'S COMMENT:

The auditor raised a number of findings within the report that need to be addressed to ensure that best practices are being followed. On page 5 of the report – summary of findings, outline the focus areas contained in sections 2 to 8 included and detailed in the attachment.

The auditor's report provided recommendations to resolve the issues and management comments have been included. Of the 16 audit findings, the auditor considered the level of risk for 11 as moderate and 5 as minor.

The progress/compliance update on recommendations provided by the auditor will be reported to the audit committee on its next Audit and Risk Committee meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

Local Government (Financial Management) Regulation 1996, section 5(2) (c).

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL 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 REQUIREMENTS

Simple Majority

9.3 MANAGER OF WORKS

Nil

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Annual Electors Meeting 2021/2022

Applicant: Shire of Kondinin
Author: CEO – David Burton
Disclosure of Interest: Nil
Date: 8th March 2022
Attachment(s): Minutes of Annual Electors Meeting 2022

OFFICER RECOMMENDATION

That Council note and accept the Minutes of the 2022 Annual Electors Meeting held 16th February 2022.

SUMMARY

For Council to note and accept the Minutes of the Annual Electors Meeting held 16th February 2022 and consider any motions arising from the meeting.

COMMENT

The Annual Electors Meeting was attended by Members, staff and members of the public. All reports included in the Annual Report for 2020/2021 were accepted.

During General Business, several questions were raised by the Public. Most questions were able to be answered at the time, however there was a question from Mr Brian Young on the amount spent on the rebranding of the Shire logo. Current expenditure on this project is \$14,425.00.

A request for a review of fees and charges for “The Echo” Newsletter was raised and an item drafted for consideration.

All other matters were answered on the night or to be taken into consideration by Council when looking at the relevant matters.

Statutory Environment

Local Government Act 1995 – Section 5.33

- a) All decisions made in Electors Meetings are to be considered at the next Ordinary Meeting of Council, or; if that is not practicable;
 - a) At the first Ordinary Meeting after that meeting or;
 - b) Have a special meeting called for that purpose, whichever happens first.

- b) If at a meeting of the Council, the Local Government makes a decision in response to a decision made at an Electors Meeting, the reason for the decision is to be recorded in the minutes of the Council Meeting.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

9.4.2 Newsletter Fees & Charges

Applicant:	Shire of Kondinin
Author:	David Burton – Chief Executive Officer
Date:	9 th March 2022
Disclosure of Interest:	Nil
Attachments:	Extract from March 2022 Kondinin Calendar

RECOMMENDATION

That:

- a) **The Shire of Kondinin establish an option of a black and white ¼ page community notice for community groups and not for profit organisations within the Shire for the Echo newsletter for the remainder of the financial year; and**
- b) **The Chief Executive Officer advertise this option to be available from 1st April 2022.**

SUMMARY

For Council to consider an amendment to the fees and charges for advertising in “The Echo” newsletter.

COMMENT

At the Annual Electors Meeting it was requested that Council reconsider the fees and charges for the newsletter as it was deemed expensive for community groups to advertise.

The initial fees were established to try and encourage groups to use the Community Newsletters as the main form of advertising and to try and keep the Shire newsletter to Shire information, but also allow for some general advertising between the other newsletters. The cost was also looked at as a way to ensure that preference was given for the Community Newsletters as well.

It should be noted that previously, the Shire did allow for community information to be published in colour and free of charge in The Echo, which was why it was heavily used by community groups. This led to the size of the publication growing and putting more cost back into the Shire for the production of the newsletter and also printing costs. In discussion with the other newsletters, it was suggested that the Shire does not do free advertising for two reasons:

- a) Other newsletters charge for advertising which puts the Shire newsletter in direct competition and takes away from the other newsletters; and
- b) Charging for advertising will reduce the number of notices and size of the publication.

It should be noted that according to the Kondinin Calendar fees and charges as listed on the newsletter, only black and white community notices are free and that if it is to be colour, then a fee of \$35 will apply no matter the size of the add. The Shire currently offers a ¼ page colour advert for \$25, which is less than the cost for a colour advert in the Calendar. Please see the extract from the March Kondinin Calendar included in the attachments.

It should also be noted that in the March 2022 Kondinin Calendar. There was a notice about the future of the Calendar. In the notice it indicates that *“We are in a difficult situation in that sales are declining, and we have insufficient people, with high proficiency computer skills, to assist with the production on a pre-set day.”* The future of the Calendar will be discussed at the AGM in May. In discussions with the newsletters, it was noted that if the Calendar was to cease in its current format, then this would go to the Kondinin CRC, however it is possible that the format may change. In any event, it would be recommended that the Shire work with the Calendar and Kondinin CRC to look towards a regular newsletter for the town of Kondinin.

Concern has been raised mostly in the Kondinin district with regards to the costs of advertising in the Echo. This is likely as a result of the information being published freely previously (in colour), which caused some of the concerns with the newsletter as raised in the November Ordinary Meeting Agenda.

It is recommended that to ensure an advertising service is available at a cheap rate to local community groups and not-for-profit organisation that an allocation of a black and white, ¼ page size, no editing required advert be allowed for free of charge. This would ensure that the Shire newsletter is supportive of community groups with no cost and also that the newsletter is not inundated with community advertising. It would also be less likely to compete with other newsletters as:

- a) The Calendar does not charge for black and white community information, but does for colour of any size;
- b) The Hyden Householder is an online publication, generally in colour, and more likely to be supported by the community in favour of a black and white notice;
- c) Would not compete with Waveline news as it is a bi-monthly newsletter.

By keeping the free notice restricted in size and colour, it will reduce the possibility of the newsletter returning to the issues which were raised previously about the number of pages, printing costs and staff time taken to prepare the Echo.

It is also suggested that this be put in place for the remainder of the current financial year as we are not sure what the outcome will be with the Calendar until after the AGM. It could be possible that a change to newsletters is required for the Kondinin residents. It would be recommended that the Shire Echo remain a newsletter for the whole district, rather than specifically for a single townsite. It may be possible that a shared arrangement can be done with the CRC's as they also have a requirement to produce a newsletter as part of their functions.

If the Shire was to offer a colour advertising option free of charge, then this would be competing against the other newsletters and may be in direct contravention to the National Competition Policy. As it is difficult for Newsletters to remain sustainable, this option is not recommended.

Statutory Environment

Local Government Act 1995

6.16 Imposition of Fees and Charges.

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

Policy Implications

Nil

Financial Implications

The reducing of fees for advertising will have two financial impacts for the Shire. The first is the loss of income, however this would be minimal as the information for community notices would not have been placed due to cost. The second financial impact will depend on how many notices are placed. By keeping the size restricted and also black and white, we are minimising the cost impact of the additional printing.

Strategic Implications

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

9.5 ENVIRONMENTAL HEALTH OFFICER

10. BUSINESS OF AN URGENT NATURE

11. CLOSURE