



SHIRE OF KONDININ

MINUTES OF MEETING KONDININ SHIRE COUNCIL

held on Wednesday 18th October 2023 at the
Kondinin Council Chambers

David Burton
12th October 2023
CHIEF EXECUTIVE OFFICER

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006
All communications are to be addressed to the CHIEF EXECUTIVE OFFICER
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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 3:21pm.

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

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

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

4. PUBLIC QUESTION TIME

NIL

5. APPLICATIONS FOR LEAVE OF ABSENCE

NIL

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

NIL

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/ INFORMATION REPORT

7.1 MINUTES OF COUNCIL MEETING- 20th September 2023

RESOLUTION #4217:

Moved: Cr Brett Smith

Seconded: Cr Tom Mulcahy

That the minutes of the Council Meeting held on the 20th September 2023, be confirmed.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

7.2 INFORMATION REPORT- October 2023

RESOLUTION #4218:

Moved: Cr Darren Pool

Seconded: Cr Bruce Browning

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

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Tory Young left at 3:23pm.

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

NIL

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 Upgrades to Kondinin North Grain Receival Site- Lot 1 on DP54237 Corrigin-Kondinin Road, Kondinin

9.1.2 Upgrades to Hyden CBH Grain Receival Site- Lot 31 on DP416005 Marshall Street, Hyden

9.1.3 Proposed Machinery Shed at Lot 802 Hyden-Lake King Road, Hyden

9.1.4 License Agreements between Shire of Kondinin and Co-Operative Bulk Handling (CBH) Limited for Kondinin North Receival Site and Hyden Receival Site

9.1.5 Purchase of Lot 151 on DP069081 (No. 43) Radbourne Drive, Hyden- **LATE ITEM**

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 List of Accounts

9.2.2 Financial Reports

9.2.3 Rates- Sale of Land

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Alteration to Policy FACS-003 Sporting Clubs and Amenities

9.4.2 Requested Items for Doctor

9.4.3 Discovery Centre Update

9.4.4 WALGA AGM 2023

9.4.5 Septic Pond- Wave Rock- **LATE ITEM**

9.5 WORKS COMMITTEE

9.5.1 Minutes

9.6 **HOUSING & BUILDING COMMITTEE**

9.6.1 Minutes

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 UPGRADES TO KONDININ NORTH CBH GRAIN RECEIVAL SITE – LOT 1 ON DP54237 CORRIGIN-KONDININ ROAD, KONDININ

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

Tory Young returned at 3:24pm.

RESOLUTION #4219:

Moved: Cr Bruce Browning

Seconded: Cr Paul Green

That Council **APPROVE** the application for development approval submitted by Co-Operative Bulk Handling to install two open storage bulkhead and associated vehicular access at its existing grain handling and storage facility on Lot 1 Corrigin-Kondinin Road, Kondinin subject to compliance with the following conditions and advice notes;

CONDITIONS

1. The development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council; and
2. CBH shall implement appropriate dust management measures to minimize dust nuisance with particular emphasis on ensuring that the operational efficiency and safety of the nearby Kondinin airport is not compromised.

ADVICE NOTES

1. The development shall be substantially commenced within two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect;
2. This is a development approval only and not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws;
3. The noise generated by any activities on-site, including machinery motors or vehicles, shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
4. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005 Part 14*. An application must be submitted within 28 days of the determination.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green
Against: NIL
Absent: Cr Beverley Gangell

Summary

This report recommends that Development Application submitted by Co-operative Bulk Handling (CBH) for permanent approval of two (2) Open Storage Bulkheads and associated vehicular access and drainage works at its existing grain handling and storage facility on Lot 1 Corrigin-Kondinin Road, Kondinin be approved subject to conditions.

Background

In response to back-to-back records harvests over the last two years, the Shire of Kondinin, pursuant to Schedule 2, Part 7, Clause 61 (1) (f) of the *Planning and Development (Local Planning Schemes) Regulations 2015* provided Co-operative Bulk Handling (CBH) temporary works approvals for the installation for two Open Storage Bulkheads.

The continued use of these two bulkheads has proved integral to the CBH's operations and long-term strategic plan. As such, CBH have sought permanent development approval for these works at its existing grain handling and storage facility on Lot 1 Corrigin-Kondinin Road, Kondinin to meet future and current demands for handling grain at the Kondinin North Site.

Development Assessment

Lot 1 is located just north of the Kondinin townsite immediately east of Corrigin-Kondinin Road, south of Notting-Karlgarin Road and west of the Kondinin-Bendering railway line and Kondinin Airport beyond. The subject land is rectangular in shape and comprises a total area of approximately 34.315 hectares. Currently CBH have permanent approval for storage in four (4) existing bulkheads to a total of 95,000 ton. Permanent approval of the additional two (2) Open Storage Bulkheads will result in a total of 163,775-ton storage capacity at the site. Lot 1 has been extensively cleared and is used for purposes associated with CBH's existing grain handling and storage facilities (i.e. sheds, open grain storage bulkheads, conveyors, weighbridge, surface water drainage management, ablution and other staff facility buildings and numerous internal access roads). Vehicle access is facilitated via an existing sealed, kerbed and drained crossover along the land's Corrigin-Kondinin road frontage.

The Traffic Impact Assessment submitted with the Development Application assessed the traffic movement within the site and on the surrounding network concluding that the bulkheads installed permanently on the site will not result in any particular site-specific issues on the surrounding road network and that the retention of the emergency bulkheads will in fact result in approximately 1,147 fewer truck movements on the surrounding network during the harvest period when compared with a situation where the emergency open bulkheads are not retained. This is due to the greater storage capacity meaning the truck movements can be distributed more evenly over a 12-month period.

A Stormwater Management Plan submitted with the Development Application has indicated that even with the additional pavement and impervious surfaces, the existing drainage basin on the north-west of the site remains greater than the minimum storage required of 2,575m³ for a 20-year storm event.

The Shire have recently installed a new submersible pump and generator set at the drainage basin providing a more efficient system to move the water to the Shire's town dams for storage and watering of the Shire's sports precinct, reducing the likelihood of stormwater overflow.

Under the terms of the information and plans submitted in support of the application the following is proposed:

- i) Two (2) permanent Open Storage Bulkheads approximately 300m x 35m in dimension with a storage capacity of 37,335 ton and 31,400 ton respectively located to the north of the existing four (4) Open Storage Bulkheads at the site;
- ii) The proposed structures will have a setback of approximately 185 metres from the land's western boundary (i.e. the land's Corrigin-Kondinin Road frontage), a setback of approximately 350 metres from the land's southern side boundary and a setback of approximately 140 metres from the Kondinin airport runway to the east.

Local Planning Scheme No.1

Lot 1 is classified 'Rural' zone under the Shire of Kondinin's current operative Local Planning Scheme No.1 (LPS No.1).

Council's stated objectives for land classified 'Rural' zone under LPS No.1 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.*
- *To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.*
- *To allow for facilities for tourists and travellers, and for recreation uses.*

The proposed development and use of the subject land are considered to be consistent with the abovementioned objectives for land classified 'Rural' zone in TPS No.1 for the following reasons:

- i) It is directly associated with and will support the continuation of broad-hectare farming in the district;
- ii) It will be of significant benefit to the district and will not be detrimental to any natural resources or the environment; and
- iii) It represents a logical expansion to the existing approved grain handling and storage facility on the land.

The proposed development and use of the land is most appropriately defined in TPS No.1 as a 'industry – primary production' which is a 'D' use under the Shire's Local Planning Scheme No.1 meaning that the development may be approved by Council if it is generally satisfied that it is consistent with the broader principles of proper and orderly planning, the provisions and standards contained in LPS No.1 and any other planning considerations the local government deems relevant in the circumstances.

A detailed assessment of the proposal in the context of the relevant planning criteria and standards contained in LPS No.1 concludes that it is generally acceptable for the following reasons:

1. The proposed works constitute a simple addition and upgrade to the existing approved use of the land for 'industry – primary production' purposes;

2. The nature and scale of the proposed works are consistent with all existing approved development on the site;
3. Current vehicle access arrangements to the site will remain unchanged and are in accordance with Main Roads WA standards and requirements;
4. The proposed boundary setbacks satisfy the specific requirements of LPS No.1; and
5. The bulk and scale of the proposed works are unlikely to have a detrimental impact on the character or amenity of the immediate locality.

Conclusion

It is concluded from a detailed assessment of the application that CBH's proposal to permanently install two (2) additional Open Storage Bulkheads at its existing grain handling and storage facility on Lot 1 Corrigin-Kondinin Road, Kondinin is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council. It is therefore recommended that Council exercise its discretion and grant conditional approval to the application.

Statutory Environment

- Planning and Development Act 2005
- Planning and Development (Local Planning Scheme) Regulations 2015
- Local Planning Scheme No.1
- Environmental (Noise) Regulations 1997.

Policy Implications

Nil

Public Consultation

Whilst not mandatory, the proposal was advertised in the locality from the 19th September 2023 to the 3rd October 2023 with no comments received. A referral was also made to Main Roads WA who provided no comments on the proposal.

Financial Implications

Nil

Strategic Implications

Shire's Strategic Community Plan 2022-2032

"2. *ECONOMY*

2.1 Support the diverse industry across the Shire"

Voting Requirement

Simple Majority

**9.1.2 UPGRADES TO HYDEN CBH GRAIN RECEIVAL SITE – LOT 31 ON DP416005
MARSHALL STREET, HYDEN**

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

RESOLUTION #4220:

Moved: Cr Paul Green

Seconded: Cr Brett Smith

That Council **APPROVE** the application for development approval submitted by Co-Operative Bulk Handling to install one (1) open storage bulkhead and associated vehicular access at its existing grain handling and storage facility on Lot 31 Marshall Street, Hyden subject to compliance with the following conditions and advice notes;

CONDITIONS

- 1) The development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council; and
- 2) CBH shall implement appropriate dust management measures to minimize dust nuisance.

ADVICE NOTES

- 1) The development shall be substantially commenced within two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect;
- 2) This is a development approval only and not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws;
- 3) The noise generated by any activities on-site, including machinery motors or vehicles, shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
- 4) If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005 Part 14*. An application must be submitted within 28 days of the determination.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

This report recommends that Development Application submitted by Co-operative Bulk Handling (CBH) for permanent approval of one (1) Open Storage Bulkheads and associated vehicular access and drainage works its existing grain handling and storage facility on Lot 31 Marshall Street, Hyden be approved subject to conditions.

Background

In response to back-to-back records harvests over the last two years, the Shire of Kondinin, pursuant to Schedule 2, Part 7, Clause 61 (1) (f) of the *Planning and Development (Local Planning Schemes) Regulations 2015* provided Co-operative Bulk Handling (CBH) temporary works approvals for the installation for one (1) Open Storage Bulkhead at the Hyden CBH site.

The continued use of this bulkheads has proved integral to the CBH's operations and long-term strategic plan. As such, CBH have sought permanent development approval for these works at its existing grain handling and storage facility on Lot 31 Marshall Street, Hyden to meet future and current demands for handling grain at the Hyden Site.

Development Assessment

Lot 31 is located just west of the Hyden townsite immediately south of Marshall Street (Hyden-Kondinin Road), Hyden. The subject land is an irregular shape lot and comprises a total area of approximately 32.2653 hectares. Currently CBH have permanent approval for storage in open bulk heads and a type storage to a total of 310,296 ton. Permanent approval of the additional Open Storage Bulkheads will result in a total of 326,674-ton storage capacity at the site.

Lot 31 has been extensively cleared and is used for purposes associated with CBH's existing grain handling and storage facilities (i.e. sheds, open grain storage bulkheads, conveyors, weighbridge, surface water drainage management, ablution and other staff facility buildings and numerous internal access roads). Vehicle access is facilitated via an existing sealed crossover along the land's Marshall Street road frontage.

The Traffic Impact Assessment submitted with the Development Application assessed the traffic movement within the site and on the surrounding network concluding that the bulkheads installed permanently on the site will not result in any particular site-specific issues on the surrounding road network and that the retention of the emergency bulkheads will in fact result in approximately 230 fewer truck movements on the surrounding network during the harvest period when compared with a situation where the emergency open bulkheads are not retained. This is due to the greater storage capacity meaning the truck movements can be distributed more evenly over a 12-month period.

A Stormwater Management Plan submitted with the Development Application, indicating that most of the runoff can be retained on site via the drainage basin in the southern portion of the site. The Shire have recently met with the Operations Manager at the Hyden CBH and have submitted a grant application to upgrade the pumping system at both the drainage basins, including a submersible pump and generator set at the basin to the south of the site to pump water more efficiently to the Shire dam to the west of the site, and a solar pump at the smaller drainage basin to pump water more efficiently to the Shire's reticulation storage dam to the east of the CBH site, together providing a more efficient system to move the water to the Shire's town dams for storage and watering of the Shire's sports precinct, reducing the likelihood of stormwater overflow at the site.

Under the terms of the information and plans submitted in support of the application the following is proposed:

- I. One (1) permanent Open Storage Bulkheads approximately 140m x 35m in dimension with a storage capacity of 16,380 ton located to the north-west of the existing Open Storage Bulkheads at the site;
- II. The proposed structures will have a setback of approximately 290 metres from the land's southern boundary (i.e. the land's railway frontage), a setback of approximately 120 metres from the land's southern side boundary and a setback of approximately 145 metres to the west and 325m to the eastern boundary.

Local Planning Scheme No.1

Lot 31 is classified both 'Rural' zone and 'General Industry' zone under the Shire of Kondinin's current operative Local Planning Scheme No.1 (LPS No.1). The proposed bulk head is located in the area of the lot zoned 'Rural' and therefore assessed under this rural zoning.

Council's stated objectives for land classified 'Rural' zone under LPS No.1 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.*
- *To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.*
- *To allow for facilities for tourists and travellers, and for recreation uses.*

The proposed development and use of the subject land are considered to be consistent with the abovementioned objectives for land classified 'Rural' zone in TPS No.1 for the following reasons:

- I. It is directly associated with and will support the continuation of broad-hectare farming in the district;
- II. It will be of significant benefit to the district and will not be detrimental to any natural resources or the environment; and
- III. It represents a logical expansion to the existing approved grain handling and storage facility on the land.

The proposed development and use of the land is most appropriately defined in TPS No.1 as a 'industry – primary production' which is a 'D' use under the Shire's Local Planning Scheme No.1 meaning that the development may be approved by Council if it is generally satisfied that it is consistent with the broader principles of proper and orderly planning, the provisions and standards contained in LPS No.1 and any other planning considerations the local government deems relevant in the circumstances.

A detailed assessment of the proposal in the context of the relevant planning criteria and standards contained in LPS No.1 concludes that it is generally acceptable for the following reasons:

- 1) The proposed works constitute a simple addition and upgrade to the existing approved use of the land for 'industry – primary production' purposes;
- 2) The nature and scale of the proposed works are consistent with all existing approved development on the site;
- 3) Current vehicle access arrangements to the site will remain unchanged and are in accordance with Main Roads WA standards and requirements;
- 4) The proposed boundary setbacks satisfy the specific requirements of LPS No.1; and
- 5) The bulk and scale of the proposed works are unlikely to have a detrimental impact on the character or amenity of the immediate locality.

Conclusion

It is concluded from a detailed assessment of the application that CBH's proposal to permanently install one (1) additional Open Storage Bulkheads at its existing grain handling and storage facility on Lot 31 Marshall Street, Hyden is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council. It is therefore recommended that Council exercise its discretion and grant conditional approval to the application.

Statutory Environment

- Planning and Development Act 2005
- Planning and Development (Local Planning Scheme) Regulations 2015
- Local Planning Scheme No.1
- Environmental (Noise) Regulations 1997.

Policy Implications

Nil

Public Consultation

Whilst not mandatory, the proposal was advertised in the locality from the 19th September 2023 to the 3rd October 2023 with no comments received. A referral was also made to Main Roads WA who provided no comments on the proposal.

Financial Implications

Nil

Strategic Implications

Shire's Strategic Community Plan 2022-2032

"2. ECONOMY

2.1 Support the diverse industry across the Shire"

Voting Requirement

Simple Majority

9.1.3 PROPOSED MACHINERY SHED AT LOT 802 HYDEN-LAKE KING ROAD, HYDEN

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 11th October 2023
Disclosure of Interest: Impartiality- Cr Kent Mouritz & Cr Tom Mulcahy
Attachments: Plans, Schedule of Submissions

RESOLUTION #4221:

Moved: Cr Kerrie Green

Seconded: Cr Brett Smith

That Council **APPROVE** a retrospective application for development approval for a machinery shed at Lot 802 Hyden Lake-King Road, Hyden subject to compliance with the following conditions and advice notes;

CONDITIONS

- 1) The development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council;
- 2) The proponent shall prior to operations commencing on-site prepare and submit to the Local Government a site plan that clearly demonstrates the ability for road trains to enter, manoeuvre and exit the site. Swept path diagrams for the largest size vehicle expected to visit the site are required to demonstrate these vehicles can travel and manoeuvre safely and efficiently including the proposed connection point to the local road network. The site plan is to show the width of the proposed new driveways and future crossovers into and out of the site and information on parking and access arrangements for light vehicles.
- 3) The Proponent shall prior to operations commencing on-site provide the Local Government with greater detail on the proposed operations of the machinery shed;
- 4) The Proponent shall submit to Main Roads WA an application for access to the site via either the Hyden Refuse Road or through the south-west corner of the site adjacent to the Hyden Travel Stop (Lot 21 on DP72851) and notify the Local Government on the outcome of the application prior to operations commencing on site;
- 5) The Proponent shall prior to operations commencing on-site, prepare and submit information to the Local Government detailing how stormwater from the development site itself and the proposed improvements thereon will be managed and disposed of;
- 6) The Proponent shall prior to operations commencing on-site ensure suitable potable water supply and effluent disposal facilities / infrastructure are designed, installed and maintained for the life of the development in accordance with the Local Government's requirements upon advice received from Water Corporation and the Department of Health as necessary.
- 7) The Proponent shall prior to operations commencing on-site ensure suitable power supply is installed for the life of the development upon advice received from Western Power as necessary.

ADVICE NOTES

1. The development shall be substantially commenced within two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect;
2. This is a development approval only and not a building permit or an approval to commence or carry out development under any other law.
It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws, including a certified building permit application;
3. The noise generated by any activities on-site, including machinery motors or vehicles, shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*;
4. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005 Part 14*. An application must be submitted within 28 days of the determination; and
5. The Local Government recommends that no further ad hoc development is undertaken on the Rural Zoned Lot 802 Hyden-Lake King Road, Hyden, until such time as a formal subdivision and/or Scheme Amendment is completed addressing matters relating to access, utilities/services, stormwater, buffers and amenity.

Carried: 6/2

For: Cr Kent Mouritz; Cr Brett Smith; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: Cr Darren Pool & Cr Bruce Browning

Absent: Cr Beverley Gangell

Summary

This report recommends that the Development Application submitted for the proposed machinery shed and associated vehicular access on Lot 802 Marshall Street, Hyden be approved subject to conditions.

Background

Development approval for the existing holiday accommodation located on Lot 802 Hyden-Lake King Road, Hyden was issued in December 2019 with a series of conditions. The development is near completion with the exception approval for effluent disposal facilities, together with a certified building permit (for additional transportable) and occupancy permit, all of which are which are required prior to operations commencing at this site.

Various iterations of the proposed machinery shed have been presented to the Shire over the last few years with the current proposal being submitted on the 30th June 2023. On receipt of the application, the Shire applied Clause 63A 1 (b) (ii) of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Deemed provisions for local planning schemes Part 8 Applications for development approval and asked the Applicant to provide additional information on matters relating to access, setbacks and the proposed use of the machinery shed, in order to assess the application.

The Shire received some of the additional information requested on the 28th September 2023, and thereby formally receipting the development application.

Notwithstanding this, the applicant by commencing works prior to receiving development approval has committed an offence under clause 218 of the Planning and Development Act 2005. In this particular instance, it is not recommended that Council commence prosecution however this could be considered a possibility if the applicant commences works without development approval again.

Under section 164 of the Planning and Development Act 2005, a local government can grant development for works already commenced.

Approval is only from the date of the grant of the section 164 planning approval, and this approval does not alter the fact that an offence has been made under clause 218 of the Planning and Development Act.

Development Assessment

Lot 802 is located east of the Hyden townsite bounded by the Hyden Lake-King Road to the south, Hyden Refuse Road (Land ID 3677239) to the east, Hyden-Mt Walker Road to the west and farmland to the north. The subject land is an irregular shape lot and comprises a total area of approximately 161.8265 hectares. Currently the majority of the lot is used for broad-acre farming, with the southern portion addressing Hyden Lake-King Road comprising holiday accommodation and the partially constructed machinery shed the subject of this development application. Internal access tracks have recently been installed with the main vehicle access proposed via an entrance off Hyden Refuse Road to the machinery shed, with access to the holiday accommodation via the access adjacent to the Hyden Roadhouse.

Based on the information provided, the proposed development is best described as 'trade supplies' which is defined as follows in Part 6, Division 2 of the Shire's current LPS No.1: Premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises:

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government.

As the use class 'trade supplies' is not listed in the zoning table of LPS No.1, the development application once received will need to be dealt with in accordance with the specific requirements of clause 18(4) of the Shire's Local Planning Scheme No.1.

Zoning

The subject land is currently classified 'Rural' zone in Local Planning Scheme No.1 (LPS1). The key objectives of the land's current 'Rural' zoning as stated in clause 16(2) of LPS1 are as follows:

- *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;*
- *To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment; and*

- *To allow for facilities for tourists and travellers, and for recreation uses.*

As 'trade supplies', is not specifically listed in the Zoning Table of LPS1 due regard must be given to the requirements of clause 18(4) of LPS1 which expressly states:

The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as following within a use class referred to in the zoning table:

- (a) Determine that the use **is consistent** with the objectives of a particular zone and therefore is a use that may be permitted in the zone subject to conditions imposed by the local government; or*
- (b) Determine that the use **may be consistent** with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- (c) Determine that the use **is not consistent** with the objectives of a particular zone and is therefore not permitted in the zone.*

In this instance the local government has concluded a 'trade supplies' **may be consistent** with the land's 'Rural' zoning classification for the following reasons:

- i) It will allow for the continued use of the majority balance portions of the land for broad-hectare agricultural purposes and could not reasonably be expected to undermine its status as the principle land use activity;
- ii) It is likely to be of significant benefit to the district in terms of supporting the primary production industry and the local economy;

Access

To ascertain exactly how access is going to be achieved at this site, an access plan that clearly demonstrates the ability for road trains to enter the site, manoeuvre and then exit is required. This needs to include swept path diagrams for the largest size vehicle expected to visit the site are required to demonstrate these vehicles can travel and manoeuvre safely and efficiently including the proposed connection point to the local road network. The site plan also needs to show the width of the proposed new driveways and future crossovers into and out of the site and information on parking and access arrangements for light vehicles.

Notwithstanding the lack of detail, Main Roads WA considered the plans submitted and provided the following information;

- Aylmore Road North noted on the plans is actually Hyden Refuse Road (Road ID 4100160), an unconstructed road which would need to be upgraded to enable access via this road by road trains to access the property;
- Main Roads will not support any crossovers/direct access off Brookton Highway (Hyden-Lake King Road) to enter the lot; and
- The proponent would be required to submit to Main Roads WA an application for approval to access the site, prior to commencement of operations.

Setbacks

The following setbacks are based on the site plan submitted with the Development Application.

Provision	Requirement	Proposal	Assessment
Local Planning Scheme No.1 (Clause 31 – Table 4)	Front (Southern) Boundary 20m	62.4m (Approximate)	Complies
	Rear (Northern) Boundary 15m	1300m (Approximate)	Complies
	Side (Eastern) Boundary 15m	710m (Approximate)	Complies
	Side (western) Boundary 15m	200m (Approximate)	Complies

State Planning Policies & WAPC Development Control Policies & Guidelines

Based on the information submitted in the Development Application the proposal demonstrates general compliance with the following State Planning Policies and WAPC Development Control Policies and Guidelines as summarised below:

- **State Planning Policy 2.5 – Agricultural and Rural Land Use Planning**

The proposal generally aligns with the objectives of this policy, in particular section 5.5 relating to Regional variation, economic opportunities and regional development as follows: *WAPC policy is to*

- (a) *continue to promote rural zones in schemes as flexible zones that cater for a wide range of land uses that may support primary production, regional facilities, environmental protection and cultural pursuits;*
- (b) *support small rural communities by providing for rural enterprise zones which combine light industry and housing, provided they are carefully planned; in general proximity to urban areas; serviced; and have design features that address buffers and amenity;*

The rural lot 802 comprising the development site will continue to be used largely for broad hectare agricultural purposes with the exception of this development and the holiday accommodation 350m west of the development and associated ancillary infrastructure and access tracks. Whilst this in-principle could be argued as aligning with the above objectives, the site has not been carefully planned. Moving forward it is recommended that a subdivision is pursued by the land owner and a scheme amendment is considered to ascertain suitable access to the site, compatible land uses and appropriate design features that address buffers and amenity for any future development.

- **State Planning Policy 3.0 – Urban Growth and Settlement**

Whilst the proposal accords with the key objectives of this policy in terms of the general siting of the proposed development to capitalise on the land's close proximity to existing local infrastructure, minimising impacts on the continued productivity of agricultural land and contributing to the sustainability of the local economy, as above moving forward however it is recommended that the landowner pursue a subdivision and a scheme amendment is considered to ascertain suitable access to the site, compatible land uses and appropriate design features that address buffers and amenity for any future development.

- State Planning Policy 4.1 – Industrial Interface and the EPA Guidance for Assessment of Environmental Factors – Separate Distances between Industrial and Sensitive Land use

With the subject lot comprising both the proposed machinery shed best defined as a ‘motor body works’ under the EPA Guidance relating to Separate Distances between Industrial and Sensitive Land Use, and the holiday accommodation as a ‘Sensitive Land Use’, both policies need to be considered to determine if it is appropriate for these two land uses to operate concurrently in close proximity. The proposed set back between the two land uses is 350m, being within the minimum buffer distance prescribed between the two land uses being 200m and therefore is compliant in this regard.

Whilst distances between the two land uses does meet with the recommended buffer requirements, moving forward it is recommended that for any further development on the site and a much more strategic and considered approach is taken.

For example, via a subdivision and a scheme amendment including appropriate zoning and provisions that address access, utilities, buffers and amenity to ascertain the future development of this site.

Summary

A detailed assessment of the proposal in the context of the relevant planning criteria and standards contained in LPS No.1 concludes that it is generally acceptable for the following reasons:

- 1) The proposed works will enable the continuation of broad-acre farming on the majority of the lot;
- 2) The proposed development will benefit the district by supporting the primary production industry and the local economy;
- 3) The proposal is generally consistent with the broader aims and objectives of the local planning framework;
- 4) The proposed boundary setbacks satisfy the specific requirements of LPS No.1.

In light of the above it is therefore recommended that Council exercise its discretion and grant conditional approval to the application.

Statutory Environment

- Planning and Development Act 2005
- Planning and Development (Local Planning Scheme) Regulations 2015
- Local Planning Scheme No.1
- Environmental (Noise) Regulations 1997.

Policy Implications

- State Planning Policy 4.1 – Industrial Interface
- EPA Guidance for Assessment of Environmental Factors – Separate Distances between Industrial and Sensitive Land use
- State Planning Policy 3.0 – Urban Growth and Settlement
- State Planning Policy 2.5 – Agricultural and Rural Land Use Planning

Public Consultation

The proposal was advertised in the locality from the 2nd October 2023 to the 16th October 2023. A referral was also made to Main Roads WA who provided comments dated 9th October 2023 which have been factored into the assessment of this development. Two formal submissions were made during the advertising period and have been included in the schedule of submissions as attached to this report.

Financial Implications

Nil

Strategic Implications

Shire's Strategic Community Plan 2022-2032:

"2. ECONOMY

2.1 Support the diverse industry across the Shire"

Voting Requirement

Simple Majority

9.1.4 LICENCE AGREEMENTS BETWEEN SHIRE OF KONDININ AND CO-OPERATIVE BULK HANDLING (CBH) LIMITED FOR KONDININ NORTH RECEIVAL SITE AND HYDEN RECEIVAL SITE

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 11th October 2023
Disclosure of Interest: Nil
Attachments: Licence Agreements

RESOLUTION #4222:

Moved: Cr Murray James

Seconded: Cr Paul Green

That Council:

1. **APPROVES** the License to Access Agreement attached between the Shire of Kondinin and Co-operative Bulk Handling (CBH) Ltd for the Hyden CBH site to be adopted and signed with a Common Seal by Order of Council; and
2. **APPROVES** the License to Access Agreement attached between the Shire of Kondinin and the Co-operative Bulk Handling (CBH) Ltd for the Kondinin North CBH site to be adopted and signed with a Common Seal by Order of Council.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

Co-operative Bulk Handling (CBH) Limited is standardising all its water access agreements with Shires through a standardised agreement template. The purpose of this report is for Council to formally adopt the licence agreements that have been prepared for the Hyden CBH site and the Kondinin North CBH site to enable the Shire of Kondinin to continue to obtain and harvest water from the two sites in order to service the Shire's off-site watering requirements, namely to reticulate the sporting precincts in Hyden and Kondinin.

Background

The Shire of Kondinin have informal arrangements with CBH for both the Kondinin North and the Hyden CBH sites to access water from the drainage basins at the two locations to reticulate the Shire's respective sporting precincts.

CBH are supportive of the Shire to continue to harvest and access the water from the two sites, however have asked the Shire to establish standardised formal agreements.

Site visits with the operation managers were held on site in September 2023 with the Shire's Manager Planning and Assets and the Shire's Works Manager. In terms of Kondinin, with the recent work undertaken in 2023 through funding from the Department of Water and Environment Regulation to install a submersible pump and associated generator set at the drainage basin have significantly improved the efficiencies and safety at the site, resulting in no further works required at the site in the short to medium term.

In terms of Hyden, the Shire has recently applied for the same funding as above for the installation of a solar pump to replace the petrol pump at the smaller drainage basin to the east of the site, and then a submersible pump on a pontoon with associated generator set at the drainage basin to the south of the site. These proposed works were supported by the Operations Manager on-site recently and are anticipated to be installed in early 2024, subject to grant funding.

Once these have been installed this site should also not require any further upgrades to the water infrastructure in the short to medium term.

Both arrangements work well at the two respective sites providing a valuable supply of non-potable water to maintain the grass playing surfaces in Hyden and Kondinin without the reliance on scheme water. The provisions in the licence agreements will enable the Shire to continue to obtain and harvest water from the two sites as presently the case to reticulate the sporting precincts in Hyden and Kondinin

In light of the above, it is recommended that Council endorse the two licence agreements attached, to streamline the current informal arrangements between the Shire and CBH at the two sites.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

"1. COMMUNITY

1.4 Recreational and social spaces encourage active and healthy lifestyles

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

Voting Requirement

Simple majority

9.1.5 PURCHASE OF LOT 151 ON DP069081 (NO. 43) RADBOURNE DRIVE, HYDEN

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 16th October 2023
Disclosure of Interest: Nil
Attachments: Aerial Plan

RESOLUTION #4223:

Moved: Cr Kerrie Green

Seconded: Cr Brett Smith

That Council:

- 1. APPROVE** the purchase of Lot 151 on DP069081 (No.43) Radbourne Drive, Hyden for up to \$25,000 as listed by Development WA;
- 2. AUTHORISES** the Chief Executive Officer to seek approval from Development WA for a 5 percent reduction in the list price reducing the purchase price to \$23,750;
- 3. APPROVE** a contract of sale for the purchase of Lot 151 on DP DP069081 (No. 43) Radbourne Drive, Hyden to be adopted and signed with a Common Seal by Order of Council; and
- 4. AUTHORISES** the Chief Executive Officer to engage a settlement agent to progress the purchase of the property.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

This report recommends that the Council support the purchase of Lot 151 on DP069081 (No. 43) Radbourne Drive, Hyden and adopt with a Common Seal by Order of Council to progress the matter.

Background

The matter of staff housing has been discussed in depth at recent Housing and Building Committee Meetings, including matters such as rental arrangements, options for renewal and replacement and suitable locations for new dwellings.

The subject property was recommended as a possibility to purchase to accommodate shire employees based in Hyden. The Shire submitted an interest to WA Development in the purchase of the property, indicating that the property is currently available.

Initially the Shire's Administration arranged a valuation for the 2189m² vacant property at Lot 150 on DP069081 (No. 39) Radbourne Drive, Hyden directly adjacent to the Shire house at Lot 143 (No. 37) Radbourne Drive, Hyden. The resultant valuation was consistent with the listed price provided by Development WA.

Further discussions at the Housing and Building Committee meeting held on the 11th October 2023 regarding the most suitable property to purchase for residential staff housing in Hyden indicated that the 2147m² property at No. 43 (Lot 151) directly to the north of No. 39 (Lot 150) Radbourne Drive, Hyden was the preferred location given its dual road frontage, north facing aspect and a more regular lot shape providing greater opportunity to achieve the best design result accommodating more than one dwelling on the lot.

Given the lot sizes, location and access to facilities and services being near identical it was considered that the valuation already undertaken for No. 39 (Lot 150) Radbourne Drive, Hyden provided a good indication to Council that the corresponding valuation for No. 43 (Lot 151) Radbourne Drive, Hyden would be similar and undertaking a further valuation unnecessary.

Statutory Environment

- Local Government Act 1995
- Transfer of Land Act 1893

Policy Implications

Nil Required

Public Consultation

Nil Required

Financial Implications

\$26,000 has been included in the 2023/2024 budget for the purchase of the property, including transfer and settlement fees.

Strategic Implications

Shire's Strategic Community Plan 2022-2032

"2. ECONOMY

*4.4 Housing meets existing and future community needs for families and workers
Shire housing stock is well maintained and expanded upon"*

Voting Requirement

Simple Majority

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 8th October, 2023
Attachment(s): List of Accounts 01/09/2023 to 30/09/2023

RESOLUTION #4224:

Moved: Cr Darren Pool

Seconded: Cr Murray James

That Council **RECEIVE** the attached report – List of Accounts Due & Submitted to Council for the month of September 2023:

Municipal Fund payment cheque numbers 19347 to 19350	=\$ 19,423.98
Municipal & Trust EFT17525 – 17659 (excl EFT 17600)	=\$1,294,121.08
Trust EFT 17600	=\$ 1500.00
Direct Debits – Transport – Hyden Office	=\$ 22,595.20
Direct Debits – Transport – Kondinin Office	=\$ 8,843.40
Direct Debits – Credit Cards DD20418.1	=\$ 4,557.45
Direct Debits – Other	=\$ 51,383.91
EFTPOS Merchant Fees	=\$ 737.17
Bank Fees – NAB Connect & Tyro	=\$ 215.18
Payroll	=\$ 135,234.56
TOTAL	=\$1,538,611.93

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

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

Background

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

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

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

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

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

Statutory Environment

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Public Consultation

Nil

Financial Implications

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

Strategic Implications

Shire's Strategic Community Plan 2022 – 2032:

4. Civic Leadership

4.1 Skilled, capable and transparent team:

- We engage with the community on key projects and we provide regular, transparent communication*
- The capability of our organisation is continually improved*

4.2 We are a compliant and resourced Local Government:

- External audits and reviews confirm compliance with relevant Local Government legislation*
- Financial sustainability in achieving community aspirations”*

Voting Requirements

Simple Majority

9.2.2 FINANCIAL REPORTS

Applicant: Shire of Kondinin
Author: Manager Corporate Services - Vince Bugna
Disclosure of Interest: Nil
Date: 12th October 2023
Attachment(s): Monthly Financial Report for the period ended 30 September '23

RESOLUTION #4225:

Moved: Cr Kerrie Green

Seconded: Cr Bruce Browning

That Council **RECEIVE** the attached reports entitled Monthly Financial Report (Containing the Statement of Financial Activity) for the period ended 30 September 2023.

Carried:8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

To present to Council the Monthly Financial Report for the period ended 30 September 2023.

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 2023/24 financial year.

Strategic Implications

Shire's Strategic Community Plan 2022 – 2032:

4. Civic Leadership

4.1 Skilled, capable and transparent team:

- We engage with the community on key projects and we provide regular, transparent communication
- The capability of our organisation is continually improved

4.2 We are a compliant and resourced Local Government:

- External audits and reviews confirm compliance with relevant Local Government legislation
- Financial sustainability in achieving community aspirations”.

Reporting Officer's Comment

The highlights of the August 2023 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> • Cash at Bank The Shire's total cash as at 31st August 2023 was \$10,388,420 – composed of \$3,470,795 reserve accounts (restricted), \$49,352 LCDC fund, \$2,573,914 term deposit investments and \$4,294,369 general fund (Muni, OCDF & Petty cash). 	Page 9 – Note 6 Cash and Financial Assets Page 10 – Note 7 Reserve Accounts
<ul style="list-style-type: none"> • Receivables Rates and Rubbish – \$780,891 current outstanding as 80% had been settled. Other receivables of \$135,930 – composed of \$117,063 Gst receivable and other minor receivables. 	Page 16 – Note 10 Receivables
<ul style="list-style-type: none"> • Current Liabilities YTD balance is \$1,403,341 which includes \$441,332 of employees' annual and long service leave provision, Loan repayment provision \$138,721, Gst and other payables \$823,288. 	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity Information
<ul style="list-style-type: none"> • Closing Funding Surplus (Deficit) YTD actual is \$6,592,534 – composed of \$11,369,526 Current Assets less \$1,403,341 Current Liabilities and \$3,373,651 Net Adjustments to Net Current Assets. 	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity Information
<ul style="list-style-type: none"> • Significant Capital Projects: Roadworks having \$4.9m budget is 46% completed as at 30th September 2023 which is 100% increase since last month. 	Page 7 – Key Information Page 11 to 14 – Note 8 Capital Acquisitions

In relation to material variances, “timing difference are due to the monthly spread of the budget not matching in comparison to the actual spread of revenue or expenditure. Timing difference 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. – Page 6, Note 3 – Explanation of Material Variances.

Voting Requirements

Simple Majority

9.2.3 RATES- SALE OF LAND

Applicant: Shire of Kondinin
Author: Executive Support/ Rates Officer – Leandr  Genis
Authorised: Manager of Corporate Services- Vince Bugna
Date: 9th October 2023
Disclosure of Interest: Nil

RESOLUTION #4226:

Moved: Cr Murray James

Seconded: Cr Tom Mulcahy

1. That Council **PROCEEDS** to sell A168 – Lot 120, 53 Rankin Street Kondinin, arrears of 3 or more years, and recover from the proceeds of sale the outstanding balances which total \$14,431.39;
2. That Council **DO NOT ENTER** into any agreement as per Section 6.69 (2) of the Local Government Act 1995 for the listed property.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

For Council to consider further action for this property with rates outstanding beyond 3 years.

Background

There is currently 1 property that has rates outstanding by three or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. In this instance, a written notification has been directed to the last known postal address of the ratepayer and the property advising that it will be our intention to refer the matter to Council with a recommendation to sell the property in order to recover the outstanding balance.

The property that has rates currently in arrears by three or more years is Lot 120, 53 Rankin Street, Kondinin. Below is a brief history of the action taken to date.

Property – Lot 120, 53 Rankin Street, Kondinin	
Assessment	A168
Zoning/Area	Kondinin - Residential/.0.1416ha
Period Outstanding	2018/19- Current
Amount Outstanding	\$14,431.39
Payment	27 December 2017 \$200.00
Recovery Action	Property has been vacant since 2011. 16/11/2011- Council declared the house 'Unfit for Human Habitation'. 22/02/2018- Letter sent to Owner requesting payment. 15/03/2018- Health Order issued by EHO.

	<p>04/04/2018- Owner contacted EHO and advised he will resume paying his rates.</p> <p>30/04/2019- Owner advised that he wants to sell the property.</p> <p>17/04/2020- Certificate of Title Search</p> <p>17/04/2020- Handed over to McLeods for debt collection.</p> <p>02/09/2020- Valuation of property= \$5,000.00</p> <p>21/10/2020- Council resolved to make an offer to the Owner to purchase the property.</p> <p>02/09/2021- Engagement of Settlement Agent and negotiations to purchase the property.</p> <p>12/05/2022 – Settlement Agent advised Shire and Keystart that was closing file and discontinuing with settlement.</p> <p>14/06/2022- Email sent to Keystart to notify them of the demolition.</p> <p>14/07/2022- House demolished</p> <p>All mail sent to the known postal address, returned to sender.</p> <p>The Shire attempted to negotiate the sale of the property with the owners until the owners refused the offer and decided not to continue to sell. Therefore, the Shire is pursuing this process.</p>
Response	The owner has not responded to recent notices or correspondence.

Details of Proposal

It is proposed to sell the land to recover outstanding rates and charges in excess of 3 years, in accordance with Section 6.64(1)(b) of the Local Government Act 1995.

Comments

Options

Option 1 – Exercise the provisions of Section 6.64 of the Local Government Act 1995

- given the high level of the debt, and the amount of time that has been afforded to enable the ratepayers to either clear or reduce the debt, it is appropriate to apply the relevant section of the Local Government Act 1995 empowering the sale of land provisions in relation to unpaid rates and charges.

Option 2 – Exercise the provisions of Section 6.74 of the Local Government Act 1995

- apply to the Minister to have the land re-vested in the Crown in the right of the State.

Option 3 – Exercise the provisions of Section 6.75 of the Local Government Act 1995

- make application for the land to be vested in the local government.

Conclusion

It is suggested that Council apply the provisions of Section 6.64 of the Local Government Act 1995 and sell the land in respect of the unpaid rates and charges, which are in arrears for a period of excess of 3 years.

Statutory Environment

Section 6.64 of the Local Government Act 1995 states:

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the*

land and hold the land as against a person having an estate or interest in the land and

–

- (a) from time to time lease the land;*
- (b) sell the land;*
- (c) cause the land to be transferred to the Crown; or*
- (d) cause the land to be transferred to itself.*

(2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

Policy Implications

Outstanding Rate Debtors FIN-003.

Financial Implications

The sale of this land will equate to a decrease in the level of outstanding rates of \$14,431.39.

Strategic Implications

Strategic Community Plan 2022-2032:

“4. CIVIC LEADERSHIP

We are a compliant and resourced Local Government.”

Voting Requirements

Simple Majority

9.3 MANAGER OF WORKS

NIL

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 ALTERATION TO POLICY FACS-003 SPORTING CLUBS AND AMENITIES

Author: CEO- David Burton
Authorised Officer: CEO- David Burton
Date: 28 August 2023
Disclosure of Interest: Cr Darren Pool- Financial Interest
Attachments: Letter from KCRC, Policy FACS-003

Cr Darren Pool left the meeting at 4:11pm.

Leandr  Genis left the meeting at 4:14pm and returned at 4:18pm.

RESOLUTION #4227:

Moved: Cr Murray James

Seconded: Cr Bruce Browning

That Council, by Absolute Majority:

AUTHORISE the alteration of Policy FACS-003, Sports Clubs and Amenities to reflect the following:

- the removal of the booking fees payments to reflect current practice;
- to increase the electricity subsidy to the Sporting Clubs of Karlgarin and Kondinin from \$4,000 per annum to \$6,000 per annum; and
- have a subsidy review at minimum intervals of 5 years.

Carried:7/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

This report is for Council to consider a request from the Kondinin Community Recreation Club (KCRC) for an increase for the electricity subsidy.

Background

The Shire has received a request form the KCRC for an increase in the electricity subsidy for the building use. As such a review of Policy FACS-003 was completed.

At the Ordinary Meeting of Council on 19th March 2014, the following resolution was made by Council:

RESOLUTION 2273

Moved Cr Ibbotson

Seconded Cr Meeking

That Council:

- (i) subsidise electricity consumption at the Karlgarin Club and the Kondinin Sports & Recreation Club to the extent of \$4,000.00 each per annum.**
- (ii) investigate and determine at a later date the extent of subsidy to apply to Hyden Pavilion with the status quo of full Council electricity subsidy**

applying in the meantime.
CARRIED 9/0

As a result, Policy FACS-003 – Sporting Club and Amenities was drafted recommending the \$4,000 subsidy for electricity use.

It was also noted that the Shire Administration now manage all bookings for the Kondinin Pavilion and Hyden Recreation Centre, so this reference can be removed from the policy.

Comment

The Shire Administration now take all bookings for the Pavilion at Kondinin and the Hyden Recreation Centre. Therefore, the payment to Clubs for this service is no longer required.

In considering the time of the Resolution of Council and the increases in electricity charges, it is reasonable for Council to consider increasing the subsidy to assist the community groups in maintaining the local facilities and amenities for the towns.

According to the website: [Energy prices—the story behind rising costs – Parliament of Australia \(aph.gov.au\)](http://aph.gov.au) the following statement is noted:

“The pattern of price increases over the 10 years to June 2013 has differed across states and territories. In real terms, the rate of increase for electricity has been 30% in Perth, 41% in Adelaide, 73% in Brisbane and 107% in Sydney.”

Due to the increase in Electricity cost and the fact that the Shire subsidy has not increased for a number of years, it is recommended that the subsidy be increased to \$6,000 for the Sporting Clubs and Policy FACS-003 be changed to reflect the new amount. This new subsidy will also allow for some minor increases rather than changing the policy on an annual basis.

It is also recommended that this policy be reviewed every five (5) years to ensure the subsidy is still relevant.

Statutory Environment

Nil

Policy Implications

Policy Manual- Sporting Clubs and Amenities FACS-003

Financial Implications

This will be an annual cost increase of \$4,000 for the two clubs receiving the subsidy to have an increase of \$2,000 each per annum.

Consultation

Nil

Strategic Implications

The project meets the following objectives of the Shire’s Community Strategic Plan 2022-2032:

“4: Civic Leadership

*4.2 We are a compliant and resourced Local Government
Financial sustainability in achieving community aspirations”*

Voting Requirement

Absolute Majority

Cr Darren Pool returned to the meeting at 4:24pm and the President advised the outcome of the item.

9.4.2 REQUESTED ITEMS FOR DOCTOR

Author: CEO- David Burton
Authorised Officer: CEO- David Burton
Date: 10th October 2023
Disclosure of Interest: Nil
Attachments: Requested items list.

RESOLUTION #4228:

Moved: Cr Bruce Browning

Seconded: Cr Tom Mulcahy

Council, by Absolute Majority, **AUTHORISES** the Chief Executive Officer to consider the purchase of items, pending funds being allocated and the Budget altered to reflect the changes as early as possible or through the Budget Review process.

Carried:

Tory Young left the meeting at 4:32pm and did not return.

Vince Bugna left the meeting at 4:38pm and did not return.

RESOLUTION #4229:

Moved: Cr Brett Smith

Seconded: Cr Tom Mulcahy

That the item lay on the table.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

This report is for Council to consider the items for the Medical Centre and Doctors house as requested by the Doctor.

Background

The current Doctor started at the Medical Centre on 4th September 2023. As with any change to a service provision, it is likely that needs for equipment may differ between providers and usually this is requested of the Shires. Such a request has been received from the current Doctor.

The Doctor has also requested some furniture for the house. While this is not specified in the Agreement for the Shire to provide a fully furnished house, Shires often provide furniture to assist with the attraction of the service provider.

Comment

As part of the Medical Service Agreement, the Shires provide the medical equipment for the Medical Centers. This ensures that services can continue with the same equipment in the event of a change of Doctor. The equipment being requested will alleviate the need for the Doctor and Practice Manager to transport so much equipment to the various centers when

working at Kulin and Hyden.

The Shire does have some furniture in the previous Doctors house, some of which may be taken to the new Doctors house pending on the Shire leasing the house to Doctor Mackie as an interim measure.

The list of items requested for the house is substantial and Council may want to focus on priorities to fit budgeted allowances rather than purchasing all items at once.

At this time, funds have not been allocated to these purchases, so it may need to wait until budget review for staff to find funds for the items. If funds can be located prior to the review, they will be allocated for the expenditure.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Funds have not been allocated for these purchases. After Budget Review, funds may be available for the purchase of these items or if surplus funds can be located before, purchases can be started.

Consultation

Doctor, CEO – Shire of Kulin.

Strategic Implications

The project meets the following objectives of the Shire's Community Strategic Plan 2022-2032:

"4: Civic Leadership

4.2 We are a compliant and resourced Local Government

Financial sustainability in achieving community aspirations"

Voting Requirement

Absolute Majority

9.4.3 DISCOVERY CENTRE UPDATE

Author: CEO - David Burton
Authorised Officer: CEO - David Burton
Date: 13th September 2023
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION #4230:

Moved: Cr Murray James

Seconded: Cr Paul Green

That Council:

NOTES the updated information in relation to the Discovery Centre Project; and

AUTHORISES the Chief Executive Officer to obtain costings and begin the advertising of the business case as required by Section 3.59 of the Local Government Act 1995.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

This report is to provide information and updates in relation to the Discovery Centre Project

Background

Since 2018, the Shire of Kondinin has been working with the Hyden CRC and the Hyden Progress Association for the project of construction of a Centre in Hyden for the CRC and to promote tourism for the Shire and region.

An application was made for funding in 2020, but failed to gain financial support. The Working Group has been following through with improving the project and seeking funding.

This project is in the Shire of Kondinin Strategic Community Plan and Long-Term Financial Plan.

Funding through the Growing Regions Funding will be available later this year and will be the final round of funding for this project. It is likely that other funding may be available, but details and timeframes are unknown and no indications of future funding have been made.

The Working Group are also trying to get funding from State Government to reduce the financial impact of the project on the residents and ratepayers of the Shire of Kondinin.

Comment

The Working Group have been trying to finalise the plans for the building and the new drawings should be available for the meeting.

Costings will then need to be sought for the building so that the business case can be finalized

and advertised for public comment as required under Section 3.59 of the Local Government Act 1995. The Submission period will be for 6 weeks minimum to allow the public to comment on the proposed constructions for Council consideration.

Several key changes to the building have been:

increase to the Discovery Centre area to ensure a worthwhile display to attract tourists, relocation of the Administrative function of the centre to the western side, Library moved closer to the CRC area to allow integration with visitors, this will include the CRC running the library function.

A Theatre with retractable seating to allow multi-function capabilities for the room, Retail area can be divided to allow more than a single retail enterprise, but area will be focused towards business that is conducive towards tourism.

A budget for the operations of the building has been drafted. This budget allows for the operating costs for the building and any changes required for the Centre. Normal staff costings for the Shire and the Library have not been included in this as the costings would still be relevant should the building not go ahead.

The Working Group are also requesting a meeting with the Hon. Don Punch to discuss the project and the benefits to developing the area and for the Hyden CRC. This is to try and secure state government funding.

Policy Implications

Nil

Financial Implications

Costings will be needed to be able to complete the business case and advertise as required. This can be funded through current budget allocations.

The building will require substantial funding before it can go ahead and funding options are being sought through federal and state sources.

Consultation

Discovery Centre Working Group comprising of members from Hyden Progress Association, Hyden CRC, local Business and Council representatives.

Strategic Implications

Strategic Community Plan 2022-2023

“2. ECONOMY

*2.3 Coordinated planning and promotion of the visitor and tourist experience;
Complete the Hyden Visitor Centre with additional funding.”*

Voting Requirement

Simple Majority

9.4.4 WALGA AGM

Applicant: Shire of Kondinin
Author: CEO – David Burton
Authorising Officer: CEO – David Burton
Date: 12th October 2023
Disclosure of Interest: Nil
Attachments: WALGA AGM MINUTES

RESOLUTION #4231:

Moved: Cr Brett Smith

Seconded: Cr Kerrie Green

That Council **NOTES** the resolutions of the WALGA AGM held at Crown Perth, Grand Ballroom on 18th September 2023.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

This report is for Council to note the resolutions of the WALGA AGM held at Crown Perth, Grand Ballroom on 18th September 2023.

Background

The WALGA AGM is part of the Annual Local Government Week Conference held in Perth. While the main function of the AGM is to pass on information for WALGA to the Members, it is also an opportunity for the Members to set direction for WALGA through the Members Motions

Comment

Items raised at the meeting included:

4. Adoption of Annual Report

5. Consideration of Executive and Member Motions

- 5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district
- 5.2 Land Use Policy
- 5.3 Transparency – Management Order Determinations
- 5.4 Regional and Remote Housing
- 5.5 Proposed New WALGA Constitution
- 5.6 Proposed Amendments to WALGA's Constitution

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

This action supports the following sections of the Shire's Strategic Community Plan 2022-2032

"4. CIVIC LEADERSHIP

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced local government.

Voting Requirement

Simple Majority

9.4.5 SEPTIC POND – WAVE ROCK

Author: Brendon Gerrard
Authorising Officer: David Burton
Date: 13th October 2023
Disclosure of Interest: Nil
Attachments: Talis Report

RESOLUTION #4232:

Moved: Cr Murray James

Seconded: Cr Brett Smith

That Council:

1. **RECEIVES** the Talis Report on the condition of the septic ponds at Wave Rock;
2. **AUTHORISES** the Chief Executive Officer to investigate options to ensure compliance with legislation for the septic services to Wave Rock; and
3. **AUTHORISES** the Chief Executive Officer to investigate options for the preferred management of compliant effluent facilities for infrastructure located within Reserves 28833 and 28832.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

For council to consider the assessment of the Liquid Effluent Pond off Wave Rock Road in Hyden and consider further actions.

Background

In early 2023 the Wave Rock Caravan Park Operator Sheenagh Collins applied to Construct or Install an Apparatus for the Treatment of Sewage to add a new toilet and relocate laundry facilities within the Wave Rock Caravan Park. The Application was submitted to the Department of Health for approval. The Department of Health requested the current approval documentation for the existing liquid effluent pond for the Wave Rock Caravan Park site and as there was no record of an Approval on file at the Shire of Kondinin office or the Department of Health office the Department of Health requested a formal Hydraulic Engineer's report on the existing liquid effluent pond infrastructure including the current capacity of the pond.

A meeting was also held with the Shire CEO David Burton, Principal EHO Brendon Gerrard, and, Manager Planning and Assets Tory Young to discuss the lease and ownership status of the Wave Rock site in order to determine if the Shire was responsible for the liquid effluent pond and associated infrastructure. Legal advice was received on the 3rd April 2023 providing preliminary feedback on the situation, however without formal documentation on the non-compliance of the pond and citing any formal agreement specifically identifying who is responsible for the management of the pond the legal advice could not conclusively state who was responsible for the liquid effluent pond and associated infrastructure. In terms of the non-compliance of the pond, Talis was engaged to prepare the report as attached to this Agenda Report. In terms of the management of the pond, the Shire of Kondinin is afforded

the management of Reserve 28833 via a Management Order to use the reserve for the purposes of Wildlife Park and Recreation and with the power to licence or lease the reserve for a period of up to 40 years from the date of the lease.

Whilst a lease is in place between the Shire of Kondinin and Thomas John Russell Mouritz, Valerie Esme Mouritz, Philip Denis Lynch and Yvonne Mada Mouritz dated 13th October 1998 the leased area does not include the septic pond.

The current and proposed management of the disposal of effluent from this Reserve 28833 'Wildlife Park and Recreation' and Reserve 28832 'Caravan Park' also needs to be factored into a way forward on this matter.

We also discussed reputational risk for the Shire of Kondinin given Wave Rock is a high-profile WA tourist destination.

The matter of non-compliance with the operations of the pond was discussed with Sheenagh Collins who engaged Eric Robb Hydraulic Engineer to complete a report on the pond. The Shire requested a copy of the Eric Robb's report from Sheenagh but the report was not received.

The Shire engaged Talis Consultants to provide a Hydraulic Engineer's report on the existing pond to determine its compliance with the Department of Health Regulations, to establish the level of loading the pond would have to handle, and to outline an Implementation Plan for the Shire to move forward with addressing any identified issues (see copy of attached report).

The Talis report identifies that the existing liquid effluent pond does not meet Department of Health Regulations compliance and would require significant remediation work to bring the pond in to compliance. The report also identifies areas of Environmental compliance best practice guidelines that also need to be taken into consideration.

A further quote was requested from Talis Consultants to provide an Options Development and Assessment for the Hyden Wastewater Pond (attached) to develop high-level conceptual designs and costings for four wastewater management options. Following discussion with the Shire of Kondinin and Wave Rock Caravan Park Operator Sheenagh Collins four options were identified:

- Decommissioning the current facility, and constructing a new pond system in the same location;
- Decommissioning the current facility, and replacing the pond system with a standalone trench system for the Shire's Public Toilets;
- Decommissioning the current facility, and installing a pumped system to the Water Corporation's facility closer to Hyden town; and
- Decommissioning the current facility, and installing a new pond system adjacent to the airport.

The quoted price of the Options and Development and Assessment Report is \$17,850.00

A further Shire senior staff meeting was held and a decision was made for this information to be presented to Council for consideration before proceeding further.

Comment

The septic ponds are critical for providing waste services for the toilets and facilities at Wave Rock.

Over the years, more has been added to the service which has put strain on the pond. A recent application for a change to services prompted staff to investigate the ponds and the services that they provide to, to ensure that the capacity was adequate. That investigation has led to the attached report from Talis.

In order to ensure that Council and Officers have the required information to determine the best outcomes for the pond, a further report is required to look at possible options and the associated cost of each option. This will then be provided to Council for a direction to ensure continuation of services.

The cost of the report is \$17,850.00. This does not include any remedial work to fix the ponds, but will give a clearer direction of the options and costs for the works required to ensure compliance with legislation.

Statutory Environment

Health Act 1911

Policy Implications

Nil

Financial Implications

The cost of the report is \$17,850 and can be covered from the Consultancy Budget. Remedial works as a result of the report will need to be considered by Council and funding found to ensure compliance.

Risk Implications

As Wave Rock is one of Western Australia's main attractions, the risk of the septic ponds not functioning properly and causing an issue is an extreme reputational risk for the Shire as well as a financial risk for fines and penalty should the ponds fail.

Consideration of the negative outcomes of the ponds creating an environmental issue should be a priority.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022 - 2032

"3. Environmental

3.1 Maintain a high standard of environmental health and waste services

3.2 We conserve and protect our natural environment

4. Civic Leadership

4.2 We are a compliant and resourced Local Government"

Voting Requirement

Simple Majority

9.5 WORKS COMMITTEE MEETING

9.5.1 WORKS COMMITTEE MEETING MINUTES - 3 OCTOBER 2023

Applicant: Shire of Kondinin
Author: Leandré Genis- ESO
Authorising Officer: David Burton – CEO
Date: 11 October 2023
Disclosure of Interest: Nil
Attachments: Minutes from Meeting

RESOLUTION #4233:

Moved: Cr Murray James

Seconded: Cr Paul Green

That Council **RECEIVE** the Minutes of the Works Committee Meeting held in Kondinin on 3rd October 2023.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

This report is for Council to note actions and recommendations from the Works Committee Meeting held in Kondinin on 3rd October 2023.

Comment

The following items were discussed at the Committee Meeting:

4.1 FUTURE ROAD WORKS PROGRAMS

4.2 PLANT REPLACEMENT 10 YEAR PROGRAM

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2022-2032:

"4. Civic Leadership

RoeROC and Regional Groupings deliver local benefit"

Voting Requirement

Simple Majority

9.6 HOUSING & BUILDING COMMITTEE MEETING

9.6.1 HOUSING & BUILDING COMMITTEE MEETING MINUTES - 11 OCTOBER 2023

Applicant: Shire of Kondinin
Author: Leandré Genis- ESO
Authorising Officer: David Burton – CEO
Date: 11 October 2023
Disclosure of Interest: Nil
Attachments: Minutes from Meeting

RESOLUTION #4234:

Moved: Cr Kerrie Green

Seconded: Cr Bruce Browning

That Council **RECEIVE** the Minutes of the Housing & Building Committee Meeting held in Kondinin on 11th October 2023.

Carried: 8/0

For: Cr Kent Mouritz; Cr Brett Smith; Cr Bruce Browning; Cr Darren Pool; Cr Paul Green; Cr Murray James; Cr Thomas Mulcahy; Cr Kerrie Green

Against: NIL

Absent: Cr Beverley Gangell

Summary

This report is for Council to note actions and recommendations from the Housing & Building Committee Meeting held in Kondinin on 11th October 2023.

Comment

The following items were discussed at the Committee Meeting:

4.1 10 YEAR HOUSING PROGRAMS

4.2 10 YEAR BUILDING PROGRAMS

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2022-2032:

"4. Civic Leadership

RoeROC and Regional Groupings deliver local benefit"

Voting Requirement

Simple Majority

9 BUSINESS OF AN URGENT NATURE

- *Cr Kerrie Green raised a complaint received for the condition of the Hyden & Districts Aquatic Centre.*

10 CLOSURE

Meeting closed at 6:19pm.