



# SHIRE OF KONDININ

## NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

### **KONDININ SHIRE COUNCIL**

Will be held on Wednesday 18<sup>th</sup> October 2023 at the  
Kondinin Council Chambers

**2:00PM Informal Agenda Discussion**

**3:00PM Ordinary Council Meeting**

**David Burton**  
**12<sup>th</sup> 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  
[ceo@kondinin.wa.gov.au](mailto:ceo@kondinin.wa.gov.au)

# **STATEMENT OF COMMITMENT TO INDIGENOUS AUSTRALIANS**

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

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

## **SHIRE OF KONDININ QUESTIONS FROM THE PUBLIC**

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

- Members of the public should ideally register their attendance and question with the Council before the meeting before the closing of business the day before the scheduled meeting. This can be done;
  - a. In person at the Shire of Kondinin Office (11 Graham St, Kondinin).
  - b. By emailing the Executive Support Officer at [eso@kondinin.wa.gov.au](mailto:eso@kondinin.wa.gov.au)
  - c. By phoning the Executive Support Officer on 08 9889 1006
- When registering the following information will need to be supplied for record keeping and future correspondence (if required);
  - a. Name, Address, contact number and Name of Organisation representing (if applicable)
  - b. A written copy of the question to be asked at Public Question Time.
- It is recommended to arrive at the location of the Council Meeting 5 minutes before the commencement of the meeting. If you have not registered in advance it can be completed at this time. However, public members will still be able to attend the meeting and provide the required details meeting if they have not been able to register in advance.
- The Presiding Member will open Public Question Time and, if necessary, provide a summary of the rules, regulations and procedures of Public Question Time:
  - a. The person asking the question must state their name before asking it.
  - b. Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.
  - c. To provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal and no debating on the issue between the Gallery, Councillors or Officers is permissible.
  - d. Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response.
  - e. Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; will be refused by the Presiding Member as 'out of order and will not be recorded in the minutes.

- f. Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any reasonable direction from the Presiding Member, will be ruled 'out of order and the question will not be recorded in the minutes.
  - g. Answers to questions provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being comprehensive.
  - h. The priority for asking questions shall be 'first 'questions on which written notice has been given before the meeting' (that is, before noon on the day immediately preceding the meeting) and secondly, 'questions from the floor.
- Public Question Time is set for a maximum period of 15 minutes and will terminate earlier should no questions be forthcoming.
- There are circumstances where it may be necessary to place limits on the asking of questions to enable all members of the public a fair and equitable opportunity to participate in Public Question Time. In these events, the Presiding Member will apply the most appropriate limit for the circumstance. Generally, each member of the public shall be provided with a maximum two minutes time limit in the first instance, in which to ask a maximum of two questions (whether these are submitted 'in writing' or 'from the floor). A question may include a request for the tabling of documents where these are relevant to an issue before Council.
- Should there be time remaining on the initial period for Public Question Time (i.e. 15 minutes) after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (by the register) ask further questions (with necessary limits in place as discussed above if required) until the initial period for Public Question Time has expired.
- Any extension to the initial period for Public Question Time is to be limited to a period that will allow sufficient time for any remaining members of the public to ask their initial allotment of two questions.
- Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next appropriate Council Meeting.
- Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).

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

To: *Chief Executive Officer*

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

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

Item No	Details of Interest

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

Councillor's Signature \_\_\_\_\_ Councillor's Name \_\_\_\_\_ Date \_\_\_\_\_

NB:

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

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

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

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**SHIRE OF KONDININ DISCLAIMER**

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

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

*Signed on behalf of Council*



**David Burton**

**Chief Executive Officer**

# Order of Business

## 1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

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

## 2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

Councillors:	Cr Kent Mouritz (President) Cr 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

## 4. PUBLIC QUESTION TIME

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

## 6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/ INFORMATION REPORT

### 7.1 MINUTES OF COUNCIL MEETING- 20<sup>th</sup> September 2023

**RECOMMENDATION:**

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

### 7.2 INFORMATION REPORT- October 2023

**RECOMMENDATION:**

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

## 8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

## **9. ITEMS**

### **9.1 MANAGER OF PLANNING & ASSETS**

- 9.1.1 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

### **9.2 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

### **9.5 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:** 3<sup>rd</sup> October 2023  
**Disclosure of Interest:** Nil  
**Attachments:** Plans

#### **OFFICER RECOMMENDATION:**

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.

#### **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 2,575m<sup>3</sup> 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 19<sup>th</sup> September 2023 to the 3<sup>rd</sup> 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:** 3<sup>rd</sup> October 2023  
**Disclosure of Interest:** Nil  
**Attachments:** Plans

**OFFICER RECOMMENDATION:**

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.

**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 19<sup>th</sup> September 2023 to the 3<sup>rd</sup> 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:** 11<sup>th</sup> October 2023  
**Disclosure of Interest:** Nil  
**Attachments:** Plans

#### **OFFICER RECOMMENDATION:**

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.

### **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 30<sup>th</sup> 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 28<sup>th</sup> 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, Public 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 facilitated 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
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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 lands 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 2<sup>nd</sup> October 2023 to the 16<sup>th</sup> October 2023. To date no formal submissions have been received. A referral was also made to Main Roads WA who provided comments dated 9<sup>th</sup> October 2023 which have been factored into the assessment of this development.

### **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:** 11<sup>th</sup> October 2023  
**Disclosure of Interest:** Nil  
**Attachments:** Licence Agreements

**OFFICER RECOMMENDATION:**

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.

**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



## 9.2 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:** 8<sup>th</sup> October, 2023  
**Attachment(s):** List of Accounts 01/09/2023 to 30/09/2023

#### **OFFICER RECOMMENDATION:**

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 EFT17325 – 17659	= \$1,294,121.08
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
<b>TOTAL</b>	<b>= \$1,538,611.93</b>

#### **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:** 12<sup>th</sup> October 2023  
**Attachment(s):** Monthly Financial Report for the period ended 30 September '23

### **OFFICER RECOMMENDATION:**

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

### **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"> <li>• <b>Cash at Bank</b> The Shire’s total cash as at 31<sup>st</sup> August 2023 was <b>\$10,388,420</b> – 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 &amp; Petty cash).</li> </ul>	<p>Page 9 – Note 6 Cash and Financial Assets</p> <p>Page 10 – Note 7 Reserve Accounts</p>
<ul style="list-style-type: none"> <li>• <b>Receivables</b> <b>Rates and Rubbish</b> – \$780,891 current outstanding as 80% had been settled. <b>Other receivables</b> of \$135,930 – composed of \$117,063 Gst receivable and other minor receivables.</li> </ul>	<p>Page 16 – Note 10 Receivables</p>
<ul style="list-style-type: none"> <li>• <b>Current Liabilities</b> 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.</li> </ul>	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity Information</p>
<ul style="list-style-type: none"> <li>• <b>Closing Funding Surplus (Deficit)</b> 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.</li> </ul>	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity Information</p>
<ul style="list-style-type: none"> <li>• <b>Significant Capital Projects:</b> Roadworks having \$4.9m budget is 46% completed as at 30<sup>th</sup> September 2023 which is 100% increase since last month.</li> </ul>	<p>Page 7 – Key Information</p> <p>Page 11 to 14 – Note 8 Capital Acquisitions</p>

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 – Leandré Genis  
**Authorised:** Manager of Corporate Services- Vince Bugna  
**Date:** 9<sup>th</sup> October 2023  
**Disclosure of Interest:** Nil

**OFFICER RECOMMENDATION:**

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.

**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.

<b>Property – Lot 120, 53 Rankin Street, Kondinin</b>	
<b>Assessment</b>	A168
<b>Zoning/Area</b>	Kondinin - Residential/.0.1416ha
<b>Period Outstanding</b>	2018/19- Current
<b>Amount Outstanding</b>	\$14,431.39
<b>Payment</b>	27 December 2017 \$200.00
<b>Recovery Action</b>	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. 04/04/2018- Owner contacted EHO and advised he will resume paying his rates. 30/04/2019- Owner advised that he wants to sell the property. 17/04/2020- Certificate of Title Search 17/04/2020- Handed over to McLeods for debt collection. 02/09/2020- Valuation of property= \$5,000.00 21/10/2020- Council resolved to make an offer to the Owner to purchase the property.

	<p>02/09/2021- Engagement of Settlement Agent and negotiations to purchase the property.                  12/05/2022 – Settlement Agent advised Shire and Keystart that was closing file and discontinuing with settlement.                  14/06/2022- Email sent to Keystart to notify them of the demolition.                  14/07/2022- House demolished                  All mail sent to the known postal address, returned to sender.                  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>
<b>Response</b>	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**

## 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:** Nil  
**Attachments:** Letter from KCRC, Policy FACS-003

#### **OFFICER RECOMMENDATION:**

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.

#### **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 from 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 19<sup>th</sup> 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 \(aph.gov.au\)](https://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

#### 9.4.2 REQUESTED ITEMS FOR DOCTOR

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

#### **OFFICER RECOMMENDATION:**

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.

#### **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 4<sup>th</sup> 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:** 13<sup>th</sup> September 2023  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **OFFICER RECOMMENDATION:**

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.

#### **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:** 12<sup>th</sup> October 2023  
**Disclosure of Interest:** Nil  
**Attachments:** WALGA AGM MINUTES

#### **OFFICER RECOMMENDATION:**

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

#### **Summary**

This report is for Council to note the resolutions of the WALGA AGM held at Crown Perth, Grand Ballroom on 18<sup>th</sup> 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

## 9.5 WORKS COMMITTEE MEETING

### 9.5.1 WORKS COMMITTEE MEETING MINUTES - 3 OCTOBER 2023

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

#### **OFFICER RECOMMENDATION:**

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

#### **Summary**

This report is for Council to note actions and recommendations from the Works Committee Meeting held in Kondinin on 3<sup>rd</sup> 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

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

#### **OFFICER RECOMMENDATION:**

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

#### **Summary**

This report is for Council to note actions and recommendations from the Housing & Building Committee Meeting held in Kondinin on 11<sup>th</sup> 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

## 10 CLOSURE