

justification



SHIRE OF KONDININ

MINUTES OF MEETING KONDININ SHIRE COUNCIL

held on Wednesday 19th April 2023 at the
Kondinin Council Chambers

David Burton
27th April 2023
CHIEF EXECUTIVE OFFICER

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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 Deputy President Cr Gangell read the Statement of Commitment to Indigenous Australians, welcomed those present and declared the meeting open at 3:05pm.

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

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

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- 15th March 2023

RESOLUTION #4105:

Moved: Cr Paul Green

Seconded: Cr Brett Smith

That the minutes of the Council Meeting held on the 15th March 2023, be confirmed.

Carried: 8/0

7.2 INFORMATION REPORT- April 2023

RESOLUTION #4106:

Moved: Cr Tom Mulcahy

Seconded: Cr Darren Pool

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

Carried: 8/0

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

NIL

9. ITEMS

- 9.1 MANAGER OF PLANNING & ASSETS**
 - 9.1.1 Endorsement of Asset Management Plan
 - 9.1.2 Parking Options for the Hyden Hockey Field
- 9.2 MANAGER OF CORPORATE SERVICES**
 - 9.2.1 List of Accounts
 - 9.2.2 Financial Reports
 - 9.2.3 Long-Term Financial Plan
 - 9.2.4 Rates and Charges Owing Write-Off (A50)
- 9.3 MANAGER OF WORKS**
- 9.4 CHIEF EXECUTIVE OFFICER**
 - 9.4.1 East Hyden Bush Fire Facilities
 - 9.4.2 CEO Performance Review
 - 9.4.3 Augmented Reality Sculpture- Wave Rock
- 9.5 ENVIRONMENTAL HEALTH OFFICER**
- 9.6 COMMUNITY DEVELOPMENT OFFICER**
- 9.7 HOUSING & BUILDING COMMITTEE**
 - 9.7.1 10-Year Housing Programs

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 ENDORSEMENT OF ASSET MANAGEMENT PLAN

Applicant: N/A
Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 8th April 2023
Disclosure of Interest: Nil
Attachments: Asset Management Plan

RESOLUTION #4107:

Moved: Cr Bruce Browning

Seconded: Cr Brett Smith

That Council:

1. ENDORSES the Asset Management Plan as attached as part of the Shire's Integrated Planning Framework.

Carried: 8/0

Summary

The purpose of this report is to seek approval from Council to endorse the Asset Management Plan as part of the Shire's Integrated Planning Framework.

Background

In 2010, the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced as part of the State Government's Local Government Reform Program and since 2013 it has become mandatory that all local governments have their suite of documents in place that are reviewed regularly. The overriding document is the Community Strategic Plan which provides the strategic direction over ten years, this is then followed by the Corporate Business Plan which provides a four-year delivery program that is aligned to the Strategic Community Plan and accompanied by four-year financial projections. These two plans are then followed by informing strategies which include the Long-Term Financial Plan, the Workforce Plan, Issue or Area Specific Plans (e.g. Sports and Recreation Plan), and the Asset Management Plan, the latter being the subject of this report. The Local Government's Annual Budget is then informed by the abovementioned documentation.

The Shire's Asset Management Plan was last reviewed in 2019 by consultants, Asset Infrastructure Management and to comply with the Integrated Planning and Reporting Framework the Asset Management Plan has again required review. The Shire engaged Asset Infrastructure Management Consultants to undertake the review. Whilst the data analysis required to inform the preparation of the Plan remained the same as the previous review the presentation of the final document is more visual and succinct.

The acquisition and the upkeep/maintenance of assets form an important part of the Shire of Kondinin meeting its responsibilities and objectives towards service and amenity provisions to its community. The scope of the Asset Management Plan covers assets in key areas including:

- Property Assets – Freehold Land, buildings, fixtures, and fittings.
- Plant and Equipment – Vehicles, plant, tools, furniture, and IT.
- Transport Assets – Roads, bridges, curbing, culverts, stormwater drainage, airstrips, street furniture, signs, car parks, and paths.
- Recreation Assets – Parks, reserves, sports grounds, bushlands, and infrastructure contained within them.

As outlined in the Integrated Planning and Reporting Framework Guidelines, the effective management of assets is crucial to the sustainable delivery of local government services. The Shire's assets need to serve the needs of the community, in alignment with the Strategic Community Plan and the Corporate Business Plan and integrated with the Long-Term Financial Plan. Moreover, local governments hold a large portfolio of long-lived assets, so it is critical to plan and prioritise the maintenance, renewal, and replacement of existing assets and the acquisition of new assets, requiring a long-term "whole of life" view of asset management.

The challenge and the purpose of this Asset Management Plan are to develop and implement a strategy including financial capacity (integrated with the Long-Term Financial Plan and the Corporate Business Plan) in respect of providing and maintaining adequate assets for the Shire of Kondinin. With several new builds and renewal projects that have been outlined in the Shire's Integrated Planning Framework documents, robust asset planning and costings are paramount to developing an understanding of the long-term costs of the existing asset base to inform budget decisions.

Sound management of assets is an important and integral part of senior management's responsibilities. Part of this responsibility is achieving high quality in the construction, renewal, and maintenance of a local government's assets. This assists in achieving high value for money spent, extending the life of important assets, and minimizing maintenance and replacement costs.

The Asset Management Plan as presented will be monitored along with the Long-Term Financial Plan by the performance of the three statutory ratios that the Shire reports on in the Annual Financial Report.

Statutory Environment

- Local Government Act 1995

Policy Implications

There are numerous policy implications indirectly and directly impacting on asset management.

Financial Implications

The challenge is to maintain practical local government assets at a high standard within affordable means.

Strategic Implications

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

"CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government."

Voting Requirement

Simple majority

9.1.2 PARKING OPTIONS FOR THE HYDEN HOCKEY FIELD

Applicant:	N/A
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	9 th April 2023
Disclosure of Interest:	Cr Beverley Gangell- Impartiality (Member of Karlgarin Hockey Club & Executive on the Committee)
Attachments:	Letter from Hyden Karlgarin Hockey Club; Car Park Quote; Fencing Quote.

Cr Brett Smith declared a financial interest and left the meeting at 3:14PM.

RESOLUTION #4108:

Moved: Cr Murray James

Seconded: Cr Tom Mulcahy

That Council;

1. CONSIDERS inclusion of improvements to parking for the Hyden Hockey Field in the Shire's 2023/2024 budget subject to the Karlgarin Hyden Hockey Club providing the following information to the Shire's Chief Executive Officer;
 - a) Feedback from the Hyden Sports Council on the proposal;
 - b) Preference and justification for the preferred car parking option to address the issue/s identified;
 - c) Confirmation of a cash contribution and amount

Carried: 7/0

Mr David Burton left at 3:27PM & returned at 3:28PM.

Summary

The purpose of this report is to seek approval from Council to include an allocation in the Shire's 2023/2024 to address the parking issue for hockey spectators and players at the Hyden Hockey Field as documented in the letter attached from the Karlgarin Hyden Hockey Club.

Background

A letter was received via email on the 24th February 2023 from the Karlgarin Hyden Hockey Club addressed to the Shire's Chief Executive Officer and all Councillors outlining concerns with parking for hockey spectators and players at the Hyden Hockey Field with the suggestion to construct a car park to the rear of the dugouts on the western side of the field.

A site meeting was held on the 16th of March 2023 attended by the Shire's Administration, representatives from the Karlgarin Hyden Hockey Club and the Hyden Sports Council, and some Council Members. Following the meeting, the area proposed for the parking was marked out by the Karlgarin Hyden Hockey Club, and the car park costed by the Shire at \$20,799 (excluding depreciation, tree pruning, and an allowance for embankment work except for the pram ramp). Costings are shown as an attachment to this report.

Following the site visit an email was sent to all Councillors and attendees at the meeting for any feedback on the proposal before the Council Meeting. Feedback was received noting concerns over the location of the proposed car park including the risk of unknown timing of water flow and general dampness of the area, together with the distance of the car park to the toilets and change rooms. A suggestion was also made to include the Hyden Sports Council in the deliberations given the pending scope and location of the Hyden Recreation Centre and associated parking.

During the email correspondence, the Shire's Administration suggested an alternative option being a car park to the southern end of the hockey field, which the Hockey Club advised would be only an option if this was fully fenced. The quote for the fencing was received from the hockey club estimating the work and materials for the fence amounting to \$27,366.

Based on the information provided there are two main options presented for consideration to address the parking issues at the Hyden Hockey Field which have been costed as follows:

1. To install a fence along the southern side of the hockey field (approx. \$27,000); OR
2. To build a car park to the rear of the dugouts (approx. \$21,000).

Before an informed decision is made by Council, it is asked that the Karlgarin Hyden Hockey Club carefully consider the two options, discuss the matter with the Hyden Sports Council and advise the Shire on the cash contribution it will be able to offer towards the preferred project.

Statutory Environment

- Local Government Act 1995

Policy Implications

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

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

Financial Implications

Allocation in the Shire's 2023/2024 budget subject to Karlgarin Hyden Hockey Club contribution and option chosen.

Strategic Implications

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

"CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government."

Voting Requirement

Simple majority

Cr Brett Smith returned to the meeting at 3:37PM and was advised of the outcome of the item.

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager of Corporate Services
Disclosure of Interest: Nil
Date: 5th April 2023
Attachment(s): List of Accounts 01/03/2023 to 31/03/2023

RESOLUTION #4109:

Moved: Cr Tom Mulcahy

Seconded: Cr Paul Green

That Council receive the attached report – List of Accounts Due & Submitted to Council for the month of March 2023:

• Municipal Fund payment cheque numbers 19302 to 19312	= \$ 54,758.75
• Municipal EFT16579 – 16744	= \$1,000,699.58
• Direct Debits – Transport – Hyden Office	= \$ 17,895.65
• Direct Debits – Transport – Kondinin Office	= \$ 11,258.10
• Direct Debits – Credit Cards DD19771.1	= \$ 2,459.87
• Direct Debits – Other	= \$ 61,144.52
• EFTPOS Merchant Fees	= \$ 1,956.57
• Bank Fees – NAB Connect & Tyro	= \$ 348.81
• Payroll	= \$ 136,232.47
TOTAL	= \$ 1,286,754.32
	Carried:8/0

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 under 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 regulations (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 by the 2022/23 Adopted 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: Vince Bugna, Manager of Corporate Services
Disclosure of Interest: Nil
Date: 5th April 2023
Attachment(s): Monthly Financial Report for the period ended 31 March 2023

RESOLUTION #4110:

Moved: Cr Brett Smith

Seconded: Cr Darren Pool

That Council receive the attached reports entitled Monthly Financial Report (Containing the Statement of Financial Activity) for the period ended 31st March 2023.

Carried: 8/0

SUMMARY

To present to Council the Monthly Financial Report for the period ended 31 March 2023.

BACKGROUND

The monthly Financial Report (Containing the Financial Activity) is presented by 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 to which it relates.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulation 1996

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL IMPLICATIONS

By the approved material variances of 10% or \$10,000 whichever is greater within the monthly Statement of Financial Activity during the 2022/23 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 March 2023 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> Cash at Bank The Shire’s total cash as of 31st March 2023 was \$6,661,903 comprising the \$3,310,291 in cash-backed reserves (restricted); \$15,590 in Trust account (restricted); \$48,059 LCDC funds; \$2,042,352 Term deposit investments; \$6,065 ODCF and \$1,239,546 Muni operating funds. 	Page 09 – Note 4 Cash and Financial Assets Page 13 – Note 8 Cash Reserves
<ul style="list-style-type: none"> Receivables Rates and Rubbish – net collectible as of 31st March 2023 was down to \$362,899 equivalent to 10% remaining. Other receivables (Sundry Debtors) – a total of \$43,431 comprising minor balances. 	Page 12 – Note 7 Receivables
<ul style="list-style-type: none"> Grants, Subsidies and Contributions Operating grants – 81% collected as of 31st March 2023, major payments came from the Grants Commission three-quarters allocation for roads and general purposes as well as the MRWA direct grant for road maintenance. Non-Operating grants – 33% as of 31st March 2023, major source came from the Wheatbelt Secondary Freight Network (WSFN) grant, Roads to Recovery (R2R) and MRWA Regional Road Group (RRG) capital projects grant. 	Page 17 – Note 12(a) Operating grants, subsidies and contributions Page 18 – Note 12(b) Non-Operating grants, subsidies and contributions Page 02 – Monthly Information Summary Grants, Subsidies and Contribution
<ul style="list-style-type: none"> Closing Funding Surplus/(Deficit) YTD actual is \$2,974,894 – composed of \$7,191,100 Current Assets less \$742,562 Current Liabilities and \$3,473,645 Net Adjustments to Net Current Assets. 	Page 8 – Note 3 Net Current Funding Position Page 5 – Statement of Financial Activity (By Nature or Type)

For material variances, refer to page 07, Note 2 – Explanation of Material Variances.

VOTING REQUIREMENTS

Simple Majority

9.2.3 LONG TERM FINANCIAL PLAN

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager of Corporate Services
Disclosure of Interest: Nil
Date: 30th March 2023
Attachment(s): Long-Term Financial Plan 2024 – 2033

RESOLUTION #4111:

Moved: Cr Tom Mulcahy

Seconded: Cr Murray James

That Council adopts the Shire of Kondinin's Long-Term Financial Plan 2024 – 2033.

Carried: 8/0

SUMMARY

For Council to consider adopting the Long-Term Financial Plan 2024 – 2033 for the Shire of Kondinin.

BACKGROUND

In February 2009, the Minister for Local Government announced a package of state-wide-ranging local government reform strategies that were aimed at achieving greater capacity for local government to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

One of the requirements was to develop and review a long-term financial plan (LTFP) which is a ten-year rolling plan that informs the Corporate Business Plan to activate Strategic Community Plan priorities. From these planning processes, annual budgets that are aligned with strategic objectives can be developed.

The LTFP indicates a local government's long-term financial sustainability, allows for early identification of financial issues and their long-term impacts, shows the linkages between specific plans and strategies, and enhances the transparency and accountability of the Council to the community.

The LTFP is a high-level document that should be supported by detailed information based on assumptions, projected income and expenditure, capital work schedules, key performance indicators and scenario modeling.

Forecasts should underpin the LTFP and aim to quantify the future impacts of current decisions and identify the available options to close the gap between revenues and expenditures. Forecasting informs decision-making and priority setting and assists in the management of the local government's response to community expectations. It will also assist in the management of cash flows and funding requirements, community assets and risk. There should be a high level of accuracy in the forecasts for the first 2-3 years, a good level of accuracy for years 4 and 5 and a reasonable level of accuracy for the remaining 5 years of the plan.

COMMENT

The following information explains the major financial assumptions applicable to the Long-Term Financial Plan and the major assumptions that have been used to develop the plan.

Employment Expenses

Employee costs are estimated to increase by 2.5% for the term of the plan. Note that this increase is based on an estimate and will be adjusted in line with the budget.

Materials and Contracts

Materials and contracts are estimated to increase by 2.5% for the term of the plan. Note that this increase is based on an estimate and will be adjusted in line with the budget.

Utility Charges

Utility charges have been factored in to increase by 2.0% in the 3 years 2023/24 to 2025/26 and 2.5% for the life of the plan.

Loan Borrowings and Repayments

Loan repayments are calculated on loan schedules that are currently in existence.

Reserve Transfers

Transfer to Reserves is in line with existing reserve calculations that are contained within the LTFP. Interest on Reserve holdings has been calculated at 2.5% (though higher currently) and reinvested into the reserve.

Rate Revenue

Rate increases are forecast for 3.5% throughout the ten-year plan.

Operating Grants

An increase of 3.5% has been allowed throughout the ten-year plan as annual Grants Commission allocation varies from year to year. Although the average for the past ten years was 6.35%, any favorable variance may cover increases in materials and contracts.

Fees and Charges

Fees and charges that Council has discretion over have been increasing for the term of the plan.

Capital Grants

Road grants from the Regional Road Group (RRG) have been estimated at the existing levels. Roads to Recovery (R2R) grants have been maintained based on average 5-year funding for the life of this plan.

A considerable portion of capital projects is reliant upon grants from external sources. If the funding from these sources does not eventuate, the projects may need to be reviewed or alternate funding sourced.

Capital Expenditures

The 10-year capital works program has been developed showing which program is funded and also summarises whether the asset is renewed, upgraded or new. As identified in the capital grants section road infrastructure projects are heavily reliant upon external grant funds. If external funding from these projects does not eventuate to the amounts as indicated in the plan, then the scope of each capital project will need to be revisited or the project postponed until further funding is sourced.

CONSULTATION

The Corporate Business Plan and Strategic Community Plan have been referenced and consulted in developing the Long-Term Financial Plan (LTFP).

FINANCIAL IMPLICATIONS

Although the adoption of the Long-Term Financial Plan does not have any financial implications, the annual budget will be drafted in line with the Long-Term Financial Plan.

ASSET MANAGEMENT IMPLICATIONS

The Long-Term Financial Plan sets out the strategies to close the future life cycle gap once the AMP will be fully developed and ensure service delivery is maintained at an acceptable level to the community.

STATUTORY ENVIRONMENT

Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is 'to plan for the future of the district', by developing plans by the regulations. *Local Government (Administration) Regulation 1996* Section 19 outlines what is required of Planning for future documents.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 2022 – 2032

Our Vision

'To have a thriving and sustainable future'.

Our Mission

'Providing and facilitating appropriate facilities and services'.

VOTING REQUIREMENTS

Absolute Majority

9.2.4 RATES & CHARGES OWING WRITE-OFF – A50

Applicant: Shire of Kondinin
Author: ESO- Leandré Genis, MCS – Vince Bugna
Date: 12th April 2023
Attachments: Nil

RESOLUTION #4112:

Moved: Cr Bruce Browning

Seconded: Cr Darren Pool

That Council:

Approve writing off the balance of outstanding rates owed by the Shire for the 21/22 financial year and accrued penalty interest on property Assessment 50 on the condition that the remaining outstanding rates be paid within 30 days from this resolution.

Carried: 8/0

Summary

To seek council approval to write off the outstanding rates owed by the Shire for the 2021/2022 financial year and accrued penalty interest on Assessment 50.

Background

In July 2021 Council resolved to write off a balance of \$20,825.98 consisting of outstanding rates, services, penalty interest, and legal costs to allow a zero balance for when the new owner takes ownership of the property:

RESOLUTION #3780

Moved Cr Mulcahy

Seconded Cr Pool

That Council Approve to write off the balance of outstanding rates, services, penalty interest and legal costs on property Assessment number 50.

Carried 9/0

Since the date of the auction where this property was sold and when settlement occurred, the Shire was responsible for the rates and services on this property.

The balance of the 21/22 Rates will be sent to the new owner with a request for payment in 30 days. It should be noted that the current year's rates are usually paid in full at settlement, however, this did not occur through the change of ownership process. The new owner was not advised of the outstanding rates at the time, which is why consideration for the write-off of penalty interest has been included.

The rates amount to be written off is \$251.30. The penalty interest accrues daily therefore it is difficult to provide an exact amount, however, at the time of this agenda report the penalty interest is \$73.86.

To get the assessment's outstanding rates sorted we recommend writing off these balances on the condition that the owner settles the remaining balance within 30 days of this resolution being carried.

As the interest has accrued due to an administration omission rather than the owner simply not paying, the recommendation is to reduce the rates to the time the new owner took possession of the property and remove the penalty interest.

Statutory Environment

Local Government Act 1995 S. 6.73 – discharge of liability on the sale of land.

Policy Implications

There are no direct policy implications about this item.

Financial Implications

A provision for write-offs and doubtful debts is included in the 2022/23 budget.
The outstanding balances will be reduced by the write-off.

Strategic Implications

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

"4. CIVIC LEADERSHIP

4.1 Skilled, capable and transparent team."

Voting Requirement

Simple majority

9.3 MANAGER OF WORKS

NIL

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 EAST HYDEN BUSH FIRE FACILITIES

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Authorising Officer:	Chief Executive Officer – David Burton
Date:	11 th April 2023
Disclosure of Interest:	Nil
Attachments:	Quote, Design, Application

RESOLUTION #4113:**Moved: Cr Kerrie Green****Seconded: Cr Brett Smith**

That Council endorses the application for a permanent Fire Fighting Appliance and facility for the East Hyden Bush Fire Brigade.

Carried: 8/0**Summary**

To consider the application for an appliance and housing facility for the East Hyden Bush Fire Brigade.

Background

The East Hyden Bush Fire Brigade has been functioning within the Shire for several years, however, the group only has an appliance during the summer months to assist with fires in the wooded areas. Once the summer month is ended, the appliance is usually removed and the group joins with other units or uses their facilities to attend fires for the remainder of the year.

Consideration of a unit for the East Hyden Bush Fire Brigade was discussed earlier this financial year with consideration to be given to applying for a permanent unit for the Brigade.

Comment

For the next financial years Local Government Grants Scheme (LGGS) for Bush Fire Brigade, an application has been submitted for consideration of a permanent unit for East Hyden Bush Fire Brigade and also a facility to house the unit. Land for the unit will be donated by a local resident.

To ensure that the application was within the guidelines, the CEO sought a quote for the building which was for a complex suggested by DFES as a minimum facility with a wash-down area and toilet. The initial request from the brigade was just for a shed for the unit, however, to ensure safety and risk matters, the full complex was submitted. This complex will also house the unit when not in use. Additional costs have been considered as part of the quote for the power and water connection.

The Shire has also applied for a permanent unit for the Bush Fire Brigade so that they can use the unit for fires in the area throughout the entire year rather than just when they have a unit.

Details of the application have been attached for information. It should be noted that the details were only for the application and may change pending funding.

Statutory Environment

Shire of Kondinin Bush Fire Brigades Local Law.

Policy Implications

Nil

Financial Implications

Until funding is received, the full financial implications will not be known. The financial impacts will be considered before the project goes ahead, but most funding for the Bush Fire Brigades is funded through the Emergency Services Levy (ESL) charged to all properties.

Strategic Implications

Strategic Community Plan 2022-2023

"1. Community

1.5 Support local volunteer organisations

1.6 Support emergency services planning, risk mitigation, response and recovery"

Voting Requirement

Simple Majority

9.4.2 CEO PERFORMANCE REVIEW

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Authorising Officer: Chief Executive Officer – David Burton
Date: 11th April 2023
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION #4114:

Moved: Cr Kerrie Green

Seconded: Cr Tom Mulcahy

That Council engages Mr. John Phillips to assist with the process of the Annual Performance Review of the CEO.

Carried: 8/0

Summary

To consider the CEO Performance Review process and assistance required.

Background

As part of the CEO Performance process, the parties (The Councillors and CEO) need to agree to the process and any assistance that is used.

Last year the Shire engaged Mr. John Phillips to assist with the process of the CEO Annual Performance Review. Mr. Phillips attended the Shire and met with Council Members to go through the process to ensure compliance with the Local Government Act 1995.

As all parties seemed happy with the process, it is recommended that Mr. Phillips be considered again for the process.

Comment

At the end of the process last year, Mr. Phillips indicated that he was shifting to the Eastern States, but would be happy to provide services for CEO performance reviews through video/telephone communications with members.

As Council is aware of Mr. Phillips and his process for the CEO performance review, it may be easier to remain with this provider to assist with the current review. It is also likely to be less costly as Mr. Phillips is aware of all parties and concerns, so the process is not starting from fresh.

Statutory Environment

Local Government Act 1995

5.39A. Model standards for CEO recruitment, performance and termination

- (1) *Regulations must prescribe model standards for local governments about the following —*
 - (a) *the recruitment of CEOs;*
 - (b) *the review of the performance of CEOs;*
 - (c) *the termination of the employment of CEOs.*
- (2) *Regulations may amend the model standards.*

Local Government (Administration) Regulations

Division 3 — Standards for review of performance of CEOs

[Heading inserted: SL 2021/14 r. 7.]

15. Overview of Division

This Division sets out standards to be observed by the local government regarding the review of the performance of CEOs.

[Clause 15 inserted: SL 2021/14 r. 7.]

16. Performance review process to be agreed between local government and CEO

- (1) *The local government and the CEO must agree on —*
 - (a) *the process by which the CEO's performance will be reviewed; and*
 - (b) *any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.*
- (2) *Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*
- (3) *The matters referred to in subclause (1) must be set out in a written document.*

[Clause 16 inserted: SL 2021/14 r. 7.]

17. Carrying out a performance review

- (1) *A review of the performance of the CEO by the local government must be carried out impartially and transparently.*
- (2) *The local government must —*
 - (a) *collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria thoroughly and comprehensively; and*
 - (b) *review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.*

[Clause 17 inserted: SL 2021/14 r. 7.]

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

[Clause 18 inserted: SL 2021/14 r. 7.]

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) *the results of the review; and*
- (b) *if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.*

Policy Implications

Nil

Financial Implications

Budget allocations are provided for the performance review process. Costly is quoted as \$2,200 providing no travel is required.

Strategic Implications

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

9.4.3 AUGMENTED REALITY SCULPTURE – WAVE ROCK

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Authorising Officer: Chief Executive Officer – David Burton
Date: 13th April 2023
Disclosure of Interest: Nil
Attachments: INFORMATION ON SCULPTURE

RESOLUTION #:

Moved: Cr Murray James

Seconded: Cr Tom Mulcahy

That Council includes a contribution of \$5,000 towards the Augmented Reality Sculpture for the Shire in the 2023-2024 Annual Budget.

Carried:

RESOLUTION #4115:

Moved: Cr Kerrie Green

Seconded: Cr Bruce Browning

That the item lay on the table pending further information.

Carried: 8/0

Summary

To consider a contribution to an Augmented Reality Sculpture at Wave Rock in the 2023-2024 Budget.

Background

The Shire has been approached for a possible Augmented Reality Sculpture to be included as part of a trail over Western Australia. Support was initially given for the project as it was seen as a possible inclusion should the trial come to fruition.

As part of the funding from Lotterywest, the organisers for the sculptures are requesting a contribution of the sculpture of \$5,000 which would be paid prior to the sculpture being delivered.

Comment

The inclusion of the sculpture to Wave Rock would include the location on another trail that covers Western Australia (other locations shown in the letter) and will increase visitors as they go through the various sculptures. Increased visitors to Wave Rock also increase the income from the Wave Rock takings for the Shire and will also provide a benefit to the towns as people pass through this sculpture and others.

The Sculpture may be seen as a bit 'abstract' for Wave Rock and not fit with the aesthetics of the rock, so Council may consider withdrawing from this project in favour of other ideas. This option is still available and could be considered until the item is installed, but the decision made earlier will be easier for the group to find another location.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

The request is for a contribution of \$5,000 which would be included in the 2023/2024 Budget. This would keep impacts to a minimum for an item that can increase visitor takings for the Shire in future years.

Strategic Implications

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

*****LATE ITEMS*****

9.4.4 2023 Local Government Elections

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Authorising Officer: Chief Executive Officer – David Burton
Date: 18th April 2023
Disclosure of Interest: Nil
Attachments: Quote from Electoral Commission
Information from WALGA

RESOLUTION #4116:

Moved: Cr Murray James

Seconded: Cr Tom Mulcahy

That Council by Absolute Majority resolve to:

- a) Declare that in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections, together with any other elections or polls which may be required.
- b) Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

Carried: 8/0

Summary

To consider the engagement of the WA Electoral Commission to conduct the 2023 Local Government Elections

Background

As part of the Local Government Reforms being introduced this year, the Shire of Kondinin conducted a review of our representation with the idea of reducing the number of elected members from nine (9) to seven (7) as requested by the Minister for Local Government. The Shire has received advice from the Local Government Advisory Board that this proposal has been accepted and will start from the 2023 Elections.

As further reforms, the Local Government Elections will also be changing from a 'first past the post' system, to an 'optional preferential voting' system with the elector deciding if they want to vote just for the number of vacancies or cast a preferential vote for all nominees. It should be noted that if a Council member resigns in the first 12 months of an election, the preferences can be used to determine the new member, rather than going back to the polls.

Comment

Due to the reduction of council members and also the new processes in place as a result of the Local Government Reforms, the electoral process for the 2023 elections has some significant changes from previous elections.

In order to complete the election process for the 2023 Elections, specific counting software will be required which will cost about \$5,000. This software will only be for the current election and will need to be renewed for future elections.

Elections for the Shire of Kondinin are usually very competitive with significantly more nominees than vacancies. As such, the preferential system may need significant countbacks before being finalised. As this is a new process, the possibility of errors is increased which may have consequences for the election process.

A quote has been sought from the Electoral Commission and for the three (3) offices to be filled, the cost for the Electoral Commission will be \$14,000. This does not include staff time to assist with the count.

The postal vote system was considered as a preference to in-person voting on the day to reduce other costs of staff attending polling booths and also reduce the possibility of wrong information being given to the public which may cause issues in the process.

While staff at the administration office have been previously involved with the electoral process, this was always with the simple 'first past the post' system. As the process is significantly different and to ensure that staff are not seen as biased for the election, it is requested that the Electoral Commission be responsible for the 2023 election. Staff will be required to assist with the count, but that is all.

Statutory Environment

Local Government Act 1995

4.20. CEO to be returning officer unless other arrangements made

- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

** Absolute majority required.*

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a —
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election.

** Absolute majority required.*

Policy Implications

Nil

Financial Implications

The quote from the Electoral Commission is for \$14,000 not including staff time for the counting. If Council agrees with this process, a budget allocation can be made in the 2023/2024 Budget to cover the costs for the elections.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022-2032

4.2 We are a compliant and resourced Local Government

Voting Requirement

Absolute Majority

9.4.5 WAIVER OF PENALTY FEE

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Authorising Officer: Chief Executive Officer – David Burton
Date: 18th April 2023
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION #4117:

Moved: Cr Murray James

Seconded: Cr Kerrie Green

That Council waives the penalty fee for late payment of Firebreak Infringements for assessments 114 and 123.

Carried: 8/0

****CONFIDENTIAL****

5.23 Meetings generally open to public

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

(b) the personal affairs of any person;

Summary

To consider the waiving of the penalty fees for failure to pay the bushfire infringement for Assessment 114 and Assessment 123

Background

Properties that have not complied with the Bush Fire requirements of reducing fuel loads around the house are issued with a \$250 infringement fee by the Ranger.

In previous years, this has not been followed up and some infringements have gone unpaid. To reduce this, staff have applied a penalty fee and advised the owners of the properties of the additional fee which is approximately \$1,040.00. This has been the first year that this additional fee has been applied.

Current outstanding infringements will now go to fines enforcement as unpaid infringement for the owners of the properties, which may result in a suspended licence.

Comment

The Shire has been contacted by the owners of Assessments 114 and 123 requesting the waiver of the additional penalty fee and the owner is willing to pay the infringement. The reasons for the delay in pay are different for each property.

Assessment 114 – the owner was in Fitzroy Crossing, which was flooded out earlier this year and unable to return to town to pay the infringement. The property was tidied up as a result of the infringement notices. Consideration was given to the owner to ensure the infringement was paid within 30 days or the penalty will be reinstated (pending Councils consideration)

Assessment 123 – This property is owned by an organisation and as per the attached email, the staff member who would have handled this was sick for a period and the new notice has only just been received. Had the organisation been aware of the infringement, it would have been paid.

Given that this is the first year that the penalty has been applied, leniency for the additional fee is considered as the notices have had the desired effect of ensuring that the owners of the properties are now very aware of the requirement to reduce bushfire hazards and also the payment of infringements. At this time, the Shire has had no additional cost other than a minor administration cost in sending out the notices.

The Chief Executive Officer does not have delegated authority to waive fees for individuals and for this amount. As such, the matter has been brought to Council for consideration.

Once the process of taking the infringements to Fines Enforcement has been completed, the process will create an additional cost for Council. This would make it very difficult to waive the penalty fee after this process has been initiated.

Statutory Environment

Local Government Act 1995
Bush Fires Act 1954

Policy Implications

Nil

Financial Implications

The waiving of the penalty will reduce council's income by approximately \$2,080, however, there has been no real expense other than administrative time.

Strategic Implications

Shire of Kondinin Strategic Community Plan 2022-2032
4.2 We are a compliant and resourced Local Government

Voting Requirement

Simple Majority

9.5 ENVIRONMENTAL HEALTH OFFICER

NIL

9.6 COMMUNITY DEVELOPMENT OFFICER

NIL

9.7 HOUSING & BUILDING COMMITTEE

9.7.1 10-YEAR HOUSING PROGRAMS

Applicant:	Shire of Kondinin
Author:	Manager of Planning and Assets – Tory Young
Responsible Officer:	Chief Executive Officer – David Burton
Disclosure of Interest:	-
Date:	23 rd March 2023
Attachment(s):	Long-Term Housing Development Plan – Working Copy 10-Year Housing Maintenance and Capital Work Plan (as amended) Supporting WACHS Documentation

RESOLUTION #4118:

Moved: Cr Bruce Browning

Seconded: Cr Darren Pool

That the 10-Year Housing Maintenance and Capital Works Plan and the 10 Year Draft Shire Building Maintenance and Capital Works Plan be noted for consideration in the 2023/2024 Budget and the Long-Term Planning for the Shire; and

That the 10-Year Housing Replacement Plan and 10 Year Draft Shire Building Forward Plan be noted as working documents for consideration in the 2023/2024 Budget and the Long-Term Planning for the Shire with priority given to WA Country Health housing.

Carried: 8/0

Mrs Leandr  Genis left at 4:13PM and returned at 4:18PM.

SUMMARY

To provide information on the current and projected requirements for addressing housing demand in the Shire.

BACKGROUND

At the previous Housing Committee Meeting held on the 30th August 2022 the officers provided a detailed summary of each dwelling, including location, date of construction, actual and projected short-term expenditure and rental arrangements, together with information on the management of the Shire's housing stock and comparisons with like Shires.

Current Shire Housing Stock

The Shire of Kondinin has a total of sixteen (16) houses that are dedicated to Shire staff (11 houses), contractors (3 houses) and currently two (2) houses that are rented to state government agencies. Three (3) of the houses are located in Hyden and the remaining thirteen (13) houses are located in Kondinin. A summary of the houses is detailed in the Long-Term Housing Development Plan attached to this report.

The Shire's housing stock varies considerably in terms of date of construction, condition and composition, with the majority of housing stock in fair to good condition. The oldest of the Shire's houses was constructed in 1969 and the most recent house was constructed by the Shire in 2018 at No. 41 Repacholi Parade, Kondinin.

Most of the Shire's houses are occupied by single or up to a maximum of three (3) family members, except for one household with a larger family.

This family has one of the smallest houses and it is recommended that this family can be accommodated with a larger dwelling from the Shire's existing housing stock in the short term.

The Shire have been approached if they would be willing to sell No. 43 (Lot 284) Repacholi Parade, Kondinin. It is recommended that Council pursue this option to provide the necessary capital to invest in additional housing stock to match current demand.

Strategic Implications

Whilst providing housing is not a local government's core business, housing is listed as a key strategic priority in the Shire's Community Strategic Plan 2022 – 2023 as per the extract below and as detailed within the Strategic Implications of this report.

“Strategic priorities

Emerging issues raised by community members at the various engagement forums:

Access to quality housing and diversity of housing.”

Broader Housing Issues and Needs

In recent years the Shire of Kondinin has been approached by various public and private entities in relation to the provision, management and access to housing, particularly in the town site of Kondinin. Changing demographics of workers, with more choosing to 'drive in and drive out' and the reduction in government and private entities wishing to construct and own housing stock in the regions, together with volunteer fatigue in local community groups, has resulted in heightened emphasis being placed on regional local government authorities to invest in providing housing stock to support their local communities.

Western Australia Country Health Services (WACHS)

The Shire of Kondinin is very fortunate to house a hospital and a resident doctor within its municipality. Over the years the staffing demographics at the Kondinin Hospital have changed to the extent that of the 30 – 40 staff that are required to staff the hospital up to 80 to 90% live outside the district hence requiring accommodation.

With the old nurses' quarters no longer considered suitable for agency workers, and the two GROH houses back to being used by the Kondinin Primary School, the Hospital is actively looking into alternative arrangements, which currently includes a periodic lease with the Shire of No. 76 Graham Street, a 3-month lease of one of the Shire's Caravan Park Chalets and a 3-month lease of a local Air B & B. These are obviously just short-term measures to meet the current situation, where medium-term solutions are required as a matter of urgency to ensure that the staffing of the hospital can be met.

The Kondinin Hospital has advised to address current and projected housing needs and to attract more permanent staff employees they required four (4) 2-bedroom x 2-bathroom dwellings and one (1) 3-bedroom x 2-bathroom dwelling.

Local Community Entities

Local community entities have approached the Shire about the management and ownership of their housing stock.

In 2022 a meeting was held with representation from community groups from both Hyden and Kondinin to discuss their respective housing stock illustrating common concerns and issues in the management of these units in the future.

Currently, the respective bodies continue to manage their housing stock separately, with further investigations for other options continuing to be explored.

Private Enterprise

Private entities have approached the Shire looking for rental accommodation, particularly in Kondinin. One option presented was for the construction of additional chalets at the Kondinin Caravan Park, which can be explored further. Others have asked about the availability of 2 x 2-bedroom style accommodation to meet the demands of 'drive in and drive out' workers.

Recommended Way Forward

The Shire Officers have prepared a Housing Replacement Plan as a starting point to provide a framework to guide Council in providing good quality and suitable housing for current and future Shire needs. Key recommendations outlined in the Housing Replacement Plan suggested being considered by this Committee and by Council as a matter of priority in the 2023/2024 financial year are as follows:

- 1) Consider entering an investor partnership with the Western Australia Country Health Services (WACHS) for the construction and/or purchase of up to four (4) dwellings to service staffing demand at Kondinin Hospital;
- 2) Consider the construction of an additional dwelling at the vacant lot on No. 39 (Lot 282) Repacholi Parade, Kondinin for Shire employees within the 2023/2024 financial year; and
- 3) Consider the sale of No. 43 (Lot 284) Repacholi Parade, Kondinin

REPORTING OFFICER'S COMMENT

The purpose of this meeting and supporting documentation is primarily for this committee to look strategically at the Shire's housing stock and the housing needs of the broader community and consider the recommendations of this Agenda Report and the Housing Replacement Plan attached to mark out a way forward on this matter.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL IMPLICATIONS

The proposed program relies on funding being made available and any reduction found in grant funding would impact the proposed programs and the final actual program(s) scheduled.

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 2022-2032

*1.2 Facilitate and advocate for quality health services, health facilities and programs in the Shire
Local health facilities, visiting allied health and volunteer health services are retained*

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

Shire housing stock is well maintained and expanded upon

We advocate for improved State Government and Public Housing stock

VOTING REQUIREMENT

Simple Majority

10 BUSINESS OF AN URGENT NATURE

Cr Tom Mulcahy left at 4:51PM and returned at 4:54PM.

Mrs Tory Young left at 4:55PM and did not return.

Queries raised:

1. Progress at Wave Rock;
2. Mural for Hyden

11 CLOSURE

Meeting closed at 5:13PM.