



SHIRE OF KONDININ

MINUTES OF MEETING KONDININ SHIRE COUNCIL

held on Wednesday 20th July, 2022 at the
Kondinin Council Chambers

A handwritten signature in blue ink, appearing to read 'David Burton', is positioned above the printed name.

David Burton
15th July 2022
CHIEF EXECUTIVE OFFICER

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006
All communications 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 3:19pm.

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 Thomas Mulcahy Cr Bruce Browning	Cr Murray James
Staff:	David Burton (CEO) Tory Young (MPA)	Vince Bugna (MCS) Leandré Genis (Minute Taker)	Mark Burgess (MoW)
Apologies:	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

RESOLUTION #3959

Moved: Cr Murray James

Seconded: Cr Tom Mulcahy

That the Council approves leave for Cr Bruce Browning during the August 2022 Ordinary Council Meeting.

Carried: 8/0

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Shire of Kondinin Local Heritage Survey Presentation

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/ INFORMATION REPORT

7.1 MINUTES OF COUNCIL MEETING- 15TH June 2022

RESOLUTION #3960

Moved: Cr Kerrie Green

Seconded: Cr Brett Smith

That the minutes of the Council Meeting held on the 15th June 2022, be confirmed.

Carried: 8/0

Mr Vince Bugna joined the meeting at 3:21pm.

7.2 INFORMATION REPORT- July 2022

RESOLUTION #3961

Moved: Cr Tom Mulcahy

Seconded: Cr Paul Green

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

Carried: 8/0

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

NIL

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

- 9.1.1 Development Application- Proposed Telecommunication Tower at Lot 2475 Wheeler Rock Road, Hyden
- 9.1.2 Development Application- Proposed Telecommunication Tower at Lot 2379 Gravel Pit Road, Hyden
- 9.1.3 Proposed access to Local Road Reserves adjacent to Lot 2640 & Lot 2485 King Rocks Road North, Hyden
- 9.1.4 Proposed upgrades to Hyden Swimming Pool Building
- 9.1.5 Proposed upgrades to Hyden Recreation Building
- 9.1.6 Proposed Public Easement on Lots 108 & 109 Kondinin-Hyden Road, Karlgarin
- 9.1.7 Proposed Vesting of Reserve 21469

9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 List of accounts
- 9.2.2 Financial Reports
- 9.2.3 Proposed differential rates
- 9.2.4 Fees & Charges 2022/23

9.3 MANAGER OF WORKS

NIL

9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 GECZ WALGA Meeting
- 9.4.2 Removal of Caveat on Property
- 9.4.3 Hyden Entrance Signs
- 9.4.4 Vacant Crown Land- Native Title

- 9.4.5 Councillor Training 2021/2022
- 9.4.6 Consideration of Change of Name
- 9.4.7 Bending Landfill Management Plan

9.5 ENVIRONMENTAL HEALTH OFFICER

NIL

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 DEVELOPMENT APPLICATION – PROPOSED TELECOMMUNICATION TOWER AT LOT 2475 WHEELER ROCK ROAD, HYDEN

Applicant:	Crisp Wireless Pty Ltd
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	11 th July 2022
Disclosure of Interest:	Nil
Attachments:	Supporting Documentation; Plans

RESOLUTION #3962

Moved: Cr Murray James

Seconded: Cr Brett Smith

That Council:

APPROVES the application for the proposed Telecommunication Tower and associated Communication Hut to be installed at Lot 2475 Wheeler Rock Road, Hyden as shown in the plans attached received on the 17th June 2022, subject to compliance with the following advice notes:

ADVICE NOTES

- 1) A completed building permit application is required to be submitted to the Shire prior to the placement of the proposed communication hut (sea container) on the site;
- 2) A completed building permit application is required to be submitted to the Shire prior to construction of the proposed Telecommunication Tower which shall include relevant engineering certification and footing details;
- 3) Suitable arrangements being made to ensure that the Telecommunication Tower is highlighted in all navigational maps and equipped with tower safety lighting or marking/s to the specifications and satisfaction of the Civil Aviation Safety Authority;
- 4) 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. Where an approval has lapsed, no development shall be carried out without the further planning approval of the Shire of Kondinin having first been sought and obtained.
- 5) 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 2006 Part 14. An application must be submitted within 28 days of determination.

Carried: 8/0

Summary

The proposed Telecommunication Tower and associated Communication Hut is consistent with the objectives of a Rural Zone under the Shire's Local Planning Scheme No.1 and adheres to the provisions of relevant State Planning Policy and the Local Planning Scheme Regulations 2015 Deemed Provisions. The proposal is considered to bring much needed infrastructure to the locality providing significant improvements in communications. In light of this it is recommended that Council support the application.

Background

An application has been received for the construction of a 30m communications tower and the installation of an associated 6m sea container to be used as a communications hut on Lot 2475 on DP 209790 Wheeler Rock Road, Hyden for the purposes of telecommunications infrastructure (communication repeater point - wireless broadband.)

Access to the tower is proposed to be via Wheeler Rock Road, Hyden. There is no requirement for any vegetation to be removed for the installation of the tower and its supporting infrastructure as the site selected is clear and unobstructed. The approximate distances range from 635m to 2189m to adjoining property boundaries and the tower is approximately 2.5km to the nearest residential dwelling.

Public Consultation was undertaken for the minimum requirement of 14 days in accordance with deemed provisions 64 of the Planning and Development (Local Planning Scheme) Regulations 2015. No formal submissions were received during the advertising period.

ASSESSMENT

Land Owner:	Craig Mayfield
Applicant:	Crisp Wireless Pty Ltd
Zoning:	Local Planning Scheme No.1 – Rural
Lot Area	641.7985 Hectares
Existing Land Use	Broad Acre Farming

Local Planning Scheme No.1

The subject land is zoned 'Rural' under the Shire's Town Planning Scheme No.1. Under the Shire's Town Planning Scheme No.1 'Telecommunication Infrastructure' is an 'A' use, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

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

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

The proposed 'Telecommunications Infrastructure' supports the above objectives of this zone by retaining the existing agricultural activities on this Lot whilst at the same time bringing substantial economic and social benefit to the district by generating significant improvement in communications and providing businesses and local residents the ability to use the Internet in a much more efficient and time effective way. It also broadens the opportunity for greater home businesses in the district.

The minimum setback requirements for development in a rural zone is 20m front setback and 15m side and rear setbacks. As shown on the site plan submitted with the application the setbacks are well within the prescribed minimum boundary setbacks with 1250m to the Northern boundary, 2189m to the Eastern boundary, 635m to the Southern boundary and 1212m to the Western boundary.

The proposal has also been assessed against the provisions of State Planning Policy 2.5 relating to Land Use Planning in Rural Areas; Visual Landscape Planning in WA and State Planning Policy 5.2 relating to Telecommunication Infrastructure, confirming that the benefit that this proposed development will provide to the locality far outweighs any perceived visual impact on the area, which considering the proposed location and distances from existing dwellings is anticipated to be minimal.

Statutory Environment

- Shire of Kondinin Town Planning Scheme No.1
- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development Act 2005 (as amended)
- State Planning Policy 5.2 – Telecommunication Infrastructure

- State Planning Policy 2.5 – Land Use Planning in Rural Areas
- Visual Landscape Planning in WA

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

“2. ECONOMY

2.1 Support the diverse industry across the Shire

Improved telecommunications (including data) service across the Shire and reduced number of blackspots”

Voting Requirement

Simple majority

9.1.2 DEVELOPMENT APPLICATION – PROPOSED TELECOMMUNICATION TOWER AT LOT 2379 GRAVEL PIT ROAD, HYDEN

Applicant: Crisp Wireless Pty Ltd
Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 11th July 2022
Disclosure of Interest: Nil
Attachments: Supporting Documentation; Plans

RESOLUTION #3963

Moved: Cr Kerrie Green

Seconded: Cr Brett Smith

That Council:

APPROVES the application for the proposed Telecommunication Tower and associated Communication Hut to be installed at Lot 2379 Gravel Pit Road, Hyden as shown in the plans attached received on the 17th June 2022, subject to compliance with the following advice notes:

ADVICE NOTES

1. A completed building permit application is required to be submitted to the Shire prior to the placement of the proposed communication hut (sea container) on the site;
2. A completed building permit application is required to be submitted to the Shire prior to construction of the proposed Telecommunication Tower which shall include relevant engineering certification and footing details;
3. Suitable arrangements being made to ensure that the Telecommunication Tower is highlighted in all navigational maps and equipped with tower safety lighting or marking/s to the specifications and satisfaction of the Civil Aviation Safety Authority;
4. 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. Where an approval has lapsed, no development shall be carried out without the further planning approval of the Shire of Kondinin having first been sought and obtained.
5. 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 2006 Part 14. An application must be submitted within 28 days of determination.

Carried: 8/0

Summary

The proposed Telecommunication Tower and associated Communication Hut is consistent with the objectives of a Rural Zone under the Shire's Local Planning Scheme No.1 and adheres to the provisions of relevant State Planning Policy and the Local Planning Scheme Regulations 2015 Deemed Provisions. The proposal is considered to bring much needed infrastructure to the locality providing significant improvements in communications. In light of this it is recommended that Council support the application.

Background

An application has been received for the construction of a 30m communications tower and the installation of an associated 6m sea container to be used as a communications hut on Lot 2379 on DP 209141 for the purposes of telecommunications infrastructure (communication repeater point - wireless broadband).

The tower is located on the southern portion of the lot which straddles an internal public road reserve that extends east-west across the lot. Access to the tower is proposed to be via Gravel Pit Road North, Hyden and existing internal farm tracks that run adjacent to the internal public road reserve.

There is no requirement for any vegetation to be removed for the installation of the tower and its supporting infrastructure as the site selected is clear and unobstructed. The approximate distances range from 217m (*to the internal road reserve) to 1985m to adjoining property boundaries and the tower is approximately 2.5km to the nearest residential dwelling.

Public Consultation was undertaken for the minimum requirement of 14 days in accordance with deemed provisions 64 of the Planning and Development (Local Planning Scheme) Regulations 2015. No formal submissions were received during the advertising period.

ASSESSMENT

Land Owner:	Patrick Nield
Applicant:	Crisp Wireless Pty Ltd
Zoning:	Local Planning Scheme No.1 – Rural
Lot Area	1157.7308 Hectares
Existing Land Use	Broad Acre Farming

Local Planning Scheme No.1

The subject land is zoned ‘Rural’ under the Shire’s Town Planning Scheme No.1. Under the Shire’s Town Planning Scheme No.1 ‘Telecommunication Infrastructure’ is an ‘A’ use, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

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

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

The proposed ‘Telecommunications Infrastructure’ supports the above objectives of this zone by retaining the existing agricultural activities on this Lot whilst at the same time bringing substantial economic and social benefit to the district by generating significant improvement in communications and providing businesses and local residents the ability to use the Internet in a much more efficient and time effective way. It also broadens the opportunity for greater home businesses in the district.

The minimum setback requirements for development in a rural zone is 20m front setback and 15m side and rear setbacks. As shown on the site plan submitted with the application the setbacks are well within the prescribed minimum boundary setbacks with 217m to the Northern boundary (*internal road reserve), 1074m to the Eastern boundary, 1985m to the Southern boundary and 1616m to the Western boundary.

The proposal has also been assessed against the provisions of State Planning Policy 2.5 relating to Land Use Planning in Rural Areas; Visual Landscape Planning in WA and State Planning Policy 5.2 relating to Telecommunication Infrastructure, confirming that the benefit that this proposed development will provide to the locality far outweighs any perceived visual impact on the area, which considering the proposed location and distances from existing dwellings is anticipated to be minimal.

Statutory Environment

- Shire of Kondinin Town Planning Scheme No.1
- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development Act 2005 (as amended)
- State Planning Policy 5.2 – Telecommunication Infrastructure
- State Planning Policy 2.5 – Land Use Planning in Rural Areas
- Visual Landscape Planning in WA

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

“2. ECONOMY

2.1 Support the diverse industry across the Shire

Improved telecommunications (including data) service across the Shire and reduced number of blackspots”

Voting Requirement

Simple majority

9.1.3 PROPOSED ACCESS TO LOCAL ROAD RESERVES ADJACENT LOT 2640 & LOT 2485 KING ROCKS ROAD NORTH, HYDEN

Applicant: Synergy
Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 12th July 2022
Disclosure of Interest: Nil
Attachments: Supporting Documentation

RESOLUTION #3964

Moved: Cr Tom Mulcahy

Seconded: Cr Paul Green

That Council:

1. APPROVES the request from Synergy to utilise the road reserves adjacent to Lot 2640 on DP 210252 and Lot 2485 on DP 209641 King Rocks Road North, Hyden, to facilitate the proposed wind farm, subject to the following advice notes;
 - A. Synergy shall be responsible for any necessary clearing permits that may be required under the Environmental Protection Act 1986;
 - B. The use of the road reserves shall be restricted to the purpose of a road reserve comprising gravel access tracks and incorporating gates, fencing, drainage, and buried electrical cables;
 - C. The signing of any Development Application relating to the subject road reserves by the Shire's Chief Executive Officer does not automatically represent approval or consent for planning approval; and
2. AUTHORISES the Chief Executive Officer under delegation from the Minister for Lands to sign any Development Applications relating to the road reserves adjacent to Lot 2640 on DP 210252 and Lot 2485 on DP 209641 King Rocks Road North, Hyden, subject to the provisions of the *Land Administration Act 1997*.

Carried: 8/0

Summary

A development application is anticipated to be submitted shortly for a wind farm located on Lots 2640 and Lot 2485 King Rocks Road North, Hyden. To enable the best utilisation of the site, the applicants are seeking access to some of the adjacent road reserves including;

- The unconstructed road reserve that runs east-west between the two lots;
- The unconstructed road reserve that runs along the Rabbit Proof Fence; and
- The King Rock Road North Road Reserve.

The proposed works on the road reserves, including gravel tracks, drainage, gates, and some underground cables, are considered consistent with the purpose of the road reserves. It is therefore recommended that Council support the request from Synergy and approve that the Shire's Chief Executive Officer, under delegation from the Minister for Lands sign any development applications that are submitted to the Shire in relation to these reserves for the proposed windfarm.

Background

A request has been received from Synergy seeking the Shire's authorisation for access to the local road reserves adjacent to Lot 2640 and Lot 2485 to facilitate the proposed windfarm to be constructed on these two lots. More details on the request is outlined in the attachment to this Agenda Report.

Under the *Land Administration Act 1997*, a local road is effectively Crown Land (meaning the State Government is the owner of the land) and the Local Government is automatically given the care, control and management of local road reserves. There is a delegation from the Minister for Lands to Local Government CEO's to sign development applications on behalf of the State Government where the application is consistent with the purpose of the crown reserve.

The proposed works and associated infrastructure requested by Synergy is considered consistent with the intent and purpose of the local road reserves and therefore under delegation from the Minister for Lands, it is considered that the Chief Executive Officer can sign any development applications received on behalf of the State Government for 'development' in these local road reserves for the proposed windfarm.

It is to be noted that the signing of the Development Application for the land over the local road reserves does not represent approval or consent for planning purposes.

Statutory Environment

Land Administration Act 1997

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

"2. ECONOMY

2.1 Support the diverse industry across the Shire

4. CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government"

Voting Requirement

Simple majority

9.1.4 PROPOSED UPGRADES TO HYDEN SWIMMING POOL BUILDING

Applicant: N/A
Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 12th July 2022
Disclosure of Interest: Nil
Attachments: Plans & Addenda

RESOLUTION #3965

Moved: Cr Brett Smith

Seconded: Cr Murray James

That Council:

1. APPROVES the plans and associated addenda attached for the proposed upgrades to the Hyden Swimming Pool Building; and
2. AUTHORISES the Shire's Chief Executive Officer to seek tenders for the proposed upgrades to the Hyden Swimming Pool as per the plans and addenda attached.

Carried: 8/0

Summary

The purpose of this report is to present the proposed plans and associated addenda for the upgrade to the Hyden Swimming Pool Building for Council endorsement.

Background

At its Ordinary Meeting in February 2022 Council endorsed the inclusion of upgrades to the Hyden Swimming Pool in the funding allocation for Phase 3 of the Local Roads and Community Infrastructure Program, which was subsequently supported by the Department of Infrastructure as an eligible project.

The Shire's Administration engaged a draftsman to prepare plans for the upgrades, which were to include a roof enclosing the change rooms and an upgrade to the change room areas to address compliance with relevant building codes and improve the aesthetics and functionality of the areas. The attached plans are considered to address this brief and are recommended to be supported by Council.

Statutory Environment

- Local Government Act 1995
- Local Government (Functions and General) Regulations 1996

Policy Implications

Shire of Kondinin Policy # Fin 002 – Purchasing

Financial Implications

A total of \$520,468 is currently allocated in the Local Roads and Community Infrastructure Phase 3 Works Schedule for this project. The actual costs of the works will be dependent on the tenders received and may be greater than had first been budgeted for with escalating price increases in the construction industry.

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

Achievement of the Sport and Recreation Facilities Plan

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

Voting Requirement

Simple majority

9.1.5 PROPOSED UPGRADES TO HYDEN RECREATION BUILDING

Applicant:	N/A
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	13 th July 2022
Disclosure of Interest:	Nil
Attachments:	Quantity Surveyor Reports; Concept Plans; Hyden Sports Council Proposal.

RESOLUTION #3966

Moved: Cr Murray James

Seconded: Cr Brett Smith

That Council:

1. ENDORSES a total project cost of up to \$2,500,000 for the upgrades to the Hyden Recreation Centre;
2. SUPPORTS a contribution of \$1,000,000 towards the upgrades to the Hyden Recreation Centre over the 2023/2024 and 2024/2025 financial years;
3. SUPPORTS the total Local Roads and Community Infrastructure Phase 3 Extension Funding allocation of \$534,234 to go towards the upgrades to the Hyden Recreation Centre in the 2023/2024 financial year;
4. AUTHORISES the Shire's Chief Executive Officer to submit an application for funding in the CSRFF forward funding round that closes in September 2022 for up to 1/3 of the funding cost of the project to be undertaken over the 2023/2024 and 2024 – 2025 financial years;
5. SUPPORTS any shortfall of funding if the grant application is not successful or is less than 1/3 of the total project cost;
6. ACKNOWLEDGES that the scope of the project will need to be amended in liaison with the Hyden Sports Council to match the maximum contribution that the Shire can commit to the project.

Carried: 6/2 (Cr Bruce Browning & Cr Darren Pool opposed)

Proposed Amendment to RESOLUTION #3966:

Moved: Cr Bruce Browning

Seconded: Cr Tom Mulcahy

7. That the Hyden Sports Council be requested to contribute 15% to the total cost of the project or as close as possible, subject to Council approval.

Lost: 2/6

Summary

The purpose of this report is to present a way forward to progress upgrades to the Hyden Recreation Building for Council endorsement.

Background

In 2016 Council completed Stage 1 of the extensions to the Hyden Recreation Centre which included enlarging the function area, upgrading the kitchen and bar area, providing a unisex accessible toilet and upgrades to the ladies change rooms.

At the Ordinary Meeting of Council held on the 18th September 2019 Council supported the Shire's Administration to arrange a project brief and seek quotations from suitably qualified practitioners to prepare detailed plans, engineering drawings and a quantity surveyor report to progress with Stage 2 of the extensions based on a floor plan from the Hyden Sports Council proposing a new gym, upgrades to the men's change rooms and additional storage space. At the Ordinary Meeting of Council held on the 18th March 2020, Council awarded Slavin Architects to prepare the plans and associated documentation.

In August 2020 preliminary concept plans were prepared and a QS report submitted to the Shire with an estimate project cost of \$2,457,677. Based on these costings the following funding model has been proposed by the Shire's Administration:

- **Shire Contribution** - \$1,534,234 (\$1 million cash plus the \$534,234 Local Roads and Community Infrastructure (LRCI) Federal funding phase 3 extension money which is available from July 2023).
- **CSRFF Contribution** - \$819,226 (If successful with 1/3 funding from CSRFF)
- **Hyden Sports Council** - \$104,217

(NB any shortfall of funding not received by the grant funding or Hyden Sports Council in the above model to be met by the Shire of Kondinin)*

Meetings with the Department of Local Government Sports and Cultural Industries (DLGSC) were held on the 8th December 2020 and the 9th March 2022 with representatives from the Shire's Administration, Council Members and the Hyden Sports Council to discuss the eligibility of the project for the CSRFF funding and what needs to be completed to submit in a grant application. Initial feedback from the DLGSC have indicated that the project is eligible, but aspects of the project have higher priority than others, as follows:

- Women's and away team change rooms – high priority
- Gym Construction – low priority
- Storage space – medium to high priority
- Improved spectator viewing and meeting space (childcare space) -low priority

As recommended by the DLGSC the Shire prepared a Sport and Recreation Facilities Plan 2021 – 2031 and an accompanying Precinct Plan, both of which have been endorsed by Council.

With due regard to escalating construction costs, the Shire's Administration have received an updated QS report indicating that the projected cost if work were to commence in January 2024 would be \$3,313,801. This assumes that costs will continue to escalate, although an opinion is that they may stabilise as rate increases begin to impact. Based on the fiscal capacity of the Shire it is not possible to go ahead and submit a grant application for a project of this magnitude.

As such, it is recommended by the Shire's Administration that discussions are held with the Hyden Sports Council and the architects to devise a scope of works to a maximum construction cost of \$2,500,000. Obviously when the project goes out for tender the actual cost may vary but we need a figure based on a QS report to submit with the grant application.

The Shire is currently awaiting a formal response from the Hyden Sports Council, however they have provided an indication that they will be able to provide \$50,000 cash towards the project and are currently seeking pledges from local sporting groups and progress associations for additional contributions, which will assist in reducing the contribution from the Shire.

Statutory Environment

- Local Government Act 1995
- Local Government (Functions and General) Regulations 1996

Policy Implications

Shire of Kondinin Policy # Fin 002 – Purchasing

Shire of Kondinin Policy # FACS 003 – Sporting Club and Amenity

Financial Implications

\$2,500,000 over two financial years, to be reduced dependent on grant funding.

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

Achievement of the Sport and Recreation Facilities Plan

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

Voting Requirement

Simple majority

9.1.6 PROPOSED PUBLIC EASEMENT ON LOTS 108 & 109 KONDININ-HYDEN ROAD, KARLGARIN

Applicant: N/A
Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 13th July 2022
Disclosure of Interest: Nil
Attachments: Letter, Proposed Easement, Proposed Signage, Aerial Plan.

RESOLUTION #3967

Moved: Cr Murray James

Seconded: Cr Kerrie Green

That Council:

1. SUPPORTS the request from the Karlgarin Progress Association for the Shire of Kondinin to benefit the easement proposed on Lots 108 & 109 on DP 60365 Kondinin-Hyden Road, Karlgarin; and
2. SUPPORTS that the Shire of Kondinin shall be fully responsible for the management of the proposed easement on Lots 108 & 109 on DP 60365 Kondinin-Hyden Road, Karlgarin.

Carried: 8/0

Summary

The purpose of this report is to seek approval from Council to endorse a public easement benefiting the Shire of Kondinin on Lots 108 & 109 on DP 60365 Hyden-Kondinin Road, Karlgarin.

Background

The Shire's Administration have been approached by the Karlgarin Progress Association about providing public access to the original Karlgarin Town Site, located on what is now Lot 108 Hyden-Kondinin Road, Karlgarin. The Karlgarin Progress Association were gifted money for the preparation of interpretive signage to recognise the historic site. As an extension to the work undertaken as part of the Karlgarin Centenary, the signage and the stone proposed to be installed ties in with the granite seating located at Stafford Park and the Karlgarin Hall.

A surveyor was engaged by the Karlgarin Progress Association to survey the site and devise an area for the easement which could be accessed off the existing driveway entering Lots 108 & 109 Kondinin-Hyden Road, Karlgarin. The area is approximately 0.404686 ha (1 acre) and extends from the drive way to Lots 108 & 109 Kondinin-Hyden Road west along the existing fence line to the salmon gum tree. A fence is proposed to prevent access to the adjacent paddock. The Deposited Plan has been prepared and submitted to Landgate. To finalise this process solicitors are required to prepare and lodge the deed of easement to place on the title.

Prior to this last step being undertaken, the Karlgarin Progress Association is seeking confirmation from the Shire of Kondinin that they agree to be the benefits of the easement and responsible for all management. As this is an easement, the tenure will remain the same as it is now for Lots 108 and 109, however the deed of easement placed on the title will stipulate that the Shire of Kondinin remain responsible for the easement. This was viewed as a much more efficient and cost effective process than a full subdivision.

It is considered that this proposal will not place any undue impact on the Shire and appears will be the most efficient and cost effective way to provide public access to this important historic site.

Statutory Environment

Land Administration Act 1997

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

“1. COMMUNITY

1.3 Celebrate our pioneers, community members and protect our heritage”

Voting Requirement

Simple majority

9.1.7 PROPOSED VESTING OF RESERVE 21469

Applicant:	N/A
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	14 th July 2022
Disclosure of Interest:	Nil
Attachments:	Aerial Tenure Map, Aerial Vesting Map, Tank Location Map

RESOLUTION #3968

Moved: Cr Brett Smith

Seconded: Cr Murray James

That Council:

1. SUPPORTS Reserve 21469 (Lot 301 on DP66258) being vested to the Shire of Kondinin; and
2. SUPPORTS the purpose of Reserve 21469 (Lot 301 on DP66258) being amended to include 'Water'.

Carried: 8/0

Summary

The purpose of this report is to seek approval from Council to endorse Reserve 21469 (Lot 301 on DP66258) being vested to the Shire of Kondinin and the purpose to be amended to include 'water', so as to enable to installation of a water tank/s and associated infrastructure.

Background

The Shire's Administration have been in discussions with Council, as well as the Department of Water and the Water Corporation about improving the access to the community water supply at McCann's Rock. The preferred location to install tanks and associated infrastructure is on location 'C' on the map attached which is the site of the former cricket oval. This site is on Crown Reserve 21469 (Lot 301 on Deposited Plan 66258) which is an unmanaged/unvested reserve and set aside for the purpose of 'Recreation.'

To enable the installation of a tank/s and associated infrastructure on the site, the purpose of the reserve needs to be amended to include 'water' and the reserve needs a vesting, which it is proposed to be the Shire of Kondinin.

To formalise this change, a council resolution is required in regards to any land vested to a Local Government authority.

The matter is currently with the Department of Planning, Lands and Heritage who are undertaking due diligence to progress the matter.

Once the land tenure is amended, the Shire of Kondinin can then go back to the Department of Water to arrange the installation of tank/s and associated infrastructure at the site.

It is considered that this proposed location of the tanks and associated infrastructure will provide an improved location to access water by reducing trucks on McCann's Rock Road, and limit the area around the picnic area for local visitors and tourists.

Statutory Environment

Land Administration Act 1997

Policy Implications

Nil

Financial Implications

Nil.

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

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS

Applicant: Shire of Kondinin
Author: Manager Corporate Services - Vince Bugna
Disclosure of Interest: Nil
Date: 11th July 2022
Attachment(s): List of Accounts 01/06/2022 to 30/06/2022

RESOLUTION #3969

Moved: Cr Paul Green

Seconded: Cr Tom Mulcahy

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

• Municipal Fund payment cheque numbers 19187 to 19203	= \$	18,586.94
• Municipal EFT15329 to 15491	= \$	608,989.16
• Direct Debit – NAB Credit Cards – DD18772.1	= \$	5,465.77
• Direct Debits – Transport – Kondinin Office	= \$	28,636.50
• Direct Debits – Transport – Hyden Office	= \$	21,324.25
• Direct Debits – Other	= \$	21,201.23
• EFTPOS Merchant Fees	= \$	1,118.93
• Bank Fees – NAB Connect & Tyro	= \$	148.31
• Payroll	= \$	113,033.89

TOTALS : = \$ **818,504.98**
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 pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

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

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

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

- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared;*
- and*
- (b) *recorded in the minutes of that meeting.*

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL IMPLICATIONS

All payments made to the Shire creditors have been in accordance with the 2021/22 Adopted Budget.

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 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: 14th July 2022
Attachment(s): Monthly Financial Report for the period ended 30 June 2022

RESOLUTION #3970

Moved: Cr Brett Smith

Seconded: Cr Paul Green

That Council receive the attached reports entitled Monthly Financial Report (Containing the Statement of Financial Activity) for the period ended 30 June 2022.

Carried: 8/0

SUMMARY

To present to Council the Monthly Financial Report for the period ended 30 June 2022.

BACKGROUND

The monthly Financial Report (Containing the Financial Activity) is presented in accordance with the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996. Regulation 4(4) states that, *a statement of financial activity, and the accompanying documents (notes) referred to in sub regulation (2), are to be –*

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

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulation 1996

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 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 June 2022 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> • Cash at Bank The Shire’s total cash as at 30th June 2022 was \$7,136,946 comprising the 75% payment from Federal Government of Financial Assistance Grants (FAGS) for 2022/23, \$2,771,992 in cash backed reserves (restricted), \$23,380 in Trust account (restricted), \$47,139 LCDC funds and \$2,001,972 term deposit investments. 	Page 11 – Note 3 Cash and Financial Assets
<ul style="list-style-type: none"> • Receivables Rates and Rubbish – \$3,549,223 or 97% collected this financial year, and Other receivables (Sundry Debtors) down to \$46,380. 	Page 14 – Note 6 Receivables
<ul style="list-style-type: none"> • Current Liabilities YTD balance is \$1,607,096 which includes \$503,262 Advanced payment/unspent LRCI grants, \$471,136 of employees’ annual and long service leave (Reserves funded - \$365,689 balance to date), Loan repayment provision of \$74,641 and a total of \$558,056 for Creditors Invoices processed in June and paid in July, Gst and other payables. 	Page 10 – Note 2 Net Current Funding Position Page 15 – Note 7 Cash Reserves
<ul style="list-style-type: none"> • Closing Funding Surplus(Deficit) YTD actual is \$3,177,204 – composed of \$7,410,284 Current Assets less \$1,607,096 Current Liabilities and \$2,625,985 Net Adjustments to Net Current Assets. 	Page 10 – Note 2 Net Current Funding Position Page 6 – Statement of Financial Activity (Statutory Reporting Programs) Page 8 – Statement of Financial Activity (By Nature or Type)
<ul style="list-style-type: none"> • Significant Capital Projects: <ol style="list-style-type: none"> 1. Roadworks having \$3.5M budget is 99% completed at 30th June 2022. 2. Land & Buildings of \$1.7M budget is 40% completed. Most LRCI Program phase 3 projects will be carried forward in the next financial year’s budget. 3. Plant and Equipment replacement of \$1.4M budget is 79% completed while the balance for x1 Side Tipper and x2 Hilux will be carried forward in the 2022/23 budget. 4. Furniture and Equipment – all been completed. The difference is due to savings in actual purchase. 5. Other Infrastructure is 65% completed. The difference is due to variations on LRCI projects, footpaths and Wave Rock Precinct Improvement budgets barely spent during the financial year. 	Page 2 – Monthly Information Summary Page 21 to 24 – Note 12 Capital Acquisitions

In relation to material variances, refer to page 9, Note 1 – Explanation of Material Variances.

VOTING REQUIREMENTS

Simple Majority

9.2.3 PROPOSED DIFFERENTIAL RATES

Applicant: Shire of Kondinin
Author: Finance/Administration Officer - Heather Lockyer
Authorising Officer: Manager Corporate Services – Vince Bugna
Disclosure of Interest: Nil
Date: 12th July 2022

RESOLUTION #3971**Moved: Cr Paul Green****Seconded: Cr Murray James**

That Council:

Apply to the Minister for Local Government pursuant to Section 6.33(3) of the Local Government Act 1995, seeking approval to apply the proposed differential rate between (UV) mining tenements and (UV) rural and the proposed minimum rates, advising the Minister that no objections were received within the public consultation process.

Carried: 8/0**SUMMARY**

In accordance with section 6.33(3) of the Local Government Act 1995, the Shire of Kondinin advertised its intention to levy a differential rate on mining tenement Unimproved Value (UV) properties which is more than double the general UV Rate that applies to farm land.

The Shire advertised in the newspapers (West Australian – Saturday, 18th June 2022 and Narrogin Observer – Thursday, 23 June 2022) and placed a notice on the Shire website calling for any objections to the proposed rates and the minimum payments. No objections or comments were received by the closing date (Monday, 11th July 2022, 4pm).

BACKGROUND

Due to the increase in unimproved values across the farming and mining areas of the Shire we were able to decrease the rate in the dollar for both areas. With the decrease in the rate in the dollar we are still able to have a modest rates revenue increase. Council now need to apply to the Minister for Local Government for approval to impose a differential general rate on UV – Mining which is more than twice the lowest UV - Rural rate.

Land Category	Rate – cents in the dollar (\$)	Minimum Payment \$
GRV – Town Sites	12.2684	450
GRV – Mining	24.5350	450
UV – Mining	28.9846	450
UV – Rural	1.3409	450

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.33(3), section 6.35

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The outcome of this recommendation will allow council to move forward with the Budget to be presented.

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

9.2.4 FEES & CHARGES 2022/23

Applicant: Shire of Kondinin
Author: Executive Service Officer – Leandre Genis
Authorising Officer: Manager Corporate Services – Vince Bugna
Disclosure of Interest: Nil
Date: 11 July 2022
Attachments: Fees & Charges 2022/23 - Revised List

RESOLUTION #3972

Moved: Cr Bruce Browning

Seconded: Cr Brett Smith

That Council:

ACCEPTS the revised Fees and Charges for 2022/23 financial year as presented.

Carried: 8/0

SUMMARY

To present to Council for adoption the revised list of Fees and Charges 2022/23 to include a Freedom of Information (FOI) application.

BACKGROUND

The Freedom of Information Act allows for certain fees and charges for a FOI Application. These fees and charges have been changed (marked in Red).

STATUTORY ENVIRONMENT

The Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Increase revenue for fees and charges for the Shire

STRATEGIC IMPLICATIONS

Strategic Community Plan 2022-2032

“4. CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government.”

VOTING REQUIREMENTS

Absolute majority

9.3 MANAGER OF WORKS

NIL

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 GECZ WALGA MEETING

Applicant:	Shire of Kondinin
Author:	David Burton – Chief Executive Officer
Authorising Officer:	David Burton – Chief Executive Officer
Date:	11 July 2022
Disclosure of Interest:	Nil
Attachments:	Minutes from Meeting

Mrs Tory Young left the meeting at 4:17pm.

RESOLUTION #3973

Moved: Cr Tom Mulcahy

Seconded: Cr Brett Smith

That Council notes and endorses the recommendations of the GECZ WALGA meeting that was held in Merredin on 28th June 2022.

Carried: 8/0

Summary

This report is for Council to note actions and recommendations from the Great Eastern Council Zone of Western Australian Local Government Association (GECZ WALGA) Meeting held via videoconference on 28th June 2022.

Background

GECZ WALGA is our regional representation for matters presented to WALGA or state-wide considerations of WALGA on behalf of the industry.

Comment

The following items were discussed at the WALGA Zone Meeting.

Mr Vince Bugna left the meeting at 4:20pm and did not return.

4. GUEST SPEAKERS / DEPUTATIONS

- 4.1 Mark Holland from South-West WA Drought Resilience Adoption and Innovation Hub provided an update on the activities of the hub.
- 4.2 Andrew Ducas from the Water Corporation presented to the Zone on the Water Corporation's operations in the region.
- 4.3 Rob Dickie and David Paton from CBH Grain presented to the Zone and outlined the supply chain improvements and the ASCI projects that support it.

5. MEMBERS OF PARLIAMENT

- Hon. Steve Martin MLC, Member for Agricultural Region, presented to the Zone.

6. AGENCY REPORTS

- 6.1 Department of Local Government, Sport and Cultural Industries
- 6.2 Wheatbelt Development Commission
- 6.3 Main Roads WA
- 6.4 Wheatbelt RDA

7. MINUTES

- 7.2.1 Roadworks during a Total Fire Ban
- 7.2.2 Emergency Management – Shared Resources.
- 7.3.1 Budget 2022-23 – Subscriptions and Expenditure
- 7.3.2 Zone Conference

8. ZONE BUSINESS

- 8.1 Proposed Advocacy Position for Management of Volunteer Bushfire Brigades
- 8.2 WALGA Best Practice Governance Review Update
- 8.3 Meeting Attendance Protocols - Online Attendance
- 8.4 Office of Auditor General

9. ZONE REPORTS

- 9.1 Presidents Report
- 9.2 Local Government Agricultural Freight Group
- 9.3 Wheatbelt District Emergency Management Committee
- 9.4 Regional Health Advocacy Group
- 9.5 WALGA Roadwise

10. WALGA Reports

11. EMERGING ISSUES

- 11.1 Biosecurity Management in WA
- 11.2 CEACA Information Session

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

4. CIVIC LEADERSHIP

- 4.1 *Skilled, capable and transparent team*
We are inclusive and our communities feel heard
We engage with the community on key projects and we provide regular, transparent communication"

Voting Requirement

Simple Majority

9.4.2 REMOVAL OF CAVEAT ON PROPERTY

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 11 July 2022
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION #3974

Moved: Cr Brett Smith

Seconded: Cr Kerrie Green

That the Chief Executive Officer organise for the removal of the caveat on Lot 24 and Lot 30 on the corner of McPherson Street and Marshall Street Hyden owned by the Hyden Progress Association for the purpose of amalgamating the two lots.

Carried: 8/0

Summary

For Council to consider the removal of the Caveat lodged on Lot 24 and Lot 30 on the corner of McPherson Street and Marshall Street, Hyden.

Background

In December 2018, Council resolved to lodge a caveat on Lot 24 and Lot 30 on the corner of McPherson Street and Marshall Street, Hyden for the purpose of the land being transferred to the Shire for the Hyden Visitors Centre.

RESOLUTION 3320

Moved Cr Lynch

Seconded Cr Jones

THAT Council;

- 1. Endorse the proposed Hyden Visitor Centre project in principal subject to funding and budgetary allocations.**
- 2. Authorise the Administration to have legal documentation prepared to secure the transfer of 4 McPherson Street, Hyden and 36 Marshall Street, Hyden once all debt has been released.**
- 3. Authorise the administration to lodge a caveat on 4 McPherson Street, Hyden and 36 Marshall Street, Hyden to prevent sale once legal documentation is prepared.**
- 4. Authorise administration to continue to work with the working group to prepare a scope of works for the proposed project.**

CARRIED 5/2

In the process of looking at the Hyden Interpretive/Visitors Centre, it was noted that the construction would be over the two Lots. As this is not permitted, the Hyden Progress Association have progressed with an application to amalgamate the two lots. In order for the amalgamation to proceed, the caveat is required to be withdrawn.

A draft contract of sale was also endorsed by Council for the lots pending a successful grant application.

RESOLUTION 3473

Moved Cr Smoker

Seconded Cr Growden

THAT Council;

- 1. Endorse the draft Contract of Sale between the Hyden Progress Association and the Shire of Kondinin;**
- 2. Authorise the Chief Executive Officer and the Shire President to execute the document on behalf of Council;**
- 3. Authorise the Shire’s common seal to be affixed to the document.**
- 4. Authorise an independent valuation as per section 12(C) prior to the contract being signed.**

CARRIED 7/1

Comment

Once the caveat has been withdrawn, the amalgamation of the two lots into one can be completed.

As the land is in a prime location on Hyden, the Shire may wish to lodge a caveat on the new Lot to ensure that the property is retained for the purpose of the Interpretive/Visitors Centre to ensure that the property is not sold to another owner and for another purpose.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There will likely be legal fees for the removal of the caveat and lodgement of a new caveat on the amalgamated property. At this time, the costs are not known, but should be minimal.

Strategic Implications

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

“2. ECONOMY

- 2.3 Coordinated planning and promotion of the visitor and tourist experience
Complete the Hyden Visitors Centre with additional funding”*

Voting Requirement

Simple Majority

9.4.3 HYDEN ENTRANCE SIGNS

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 11 July 2022
Disclosure of Interest: Nil
Attachments: Design and Quote.

OFFICER RECOMMENDATION:

That the Chief Executive Officer organise for the purchase of three (3) signs for the entrance to the Hyden Townsite.

Amendment proposed:

RESOLUTION #3975

Moved: Cr Paul Green

Seconded: Cr Tom Mulcahy

That the number of signs to be purchased be changed to two (2).

Carried: 7/1 (Cr Bruce Browning opposed)

Following this amendment being made the below resolution was passed:

RESOLUTION #3976

Moved: Cr Paul Green

Seconded: Cr Tom Mulcahy

That the Chief Executive Officer organise for the purchase of two (2) signs for the entrance to the Hyden Townsite.

Carried: 7/1 (Cr Bruce Browning opposed)

Summary

For Council to consider the purchasing of new Entrance signs to the Hyden Town site as part of the Hyden Centenary Celebrations.

Background

As part of the Hyden Centenary Celebrations, the Hyden Progress Association (HPA) has been considering new entrance signs to the Hyden Townsite for the 3 entry roads.

The initial design was provided for by representatives of the Hyden Progress Association for consideration by the Shire. As part of the Purchasing Policy process, additional quotes were sought, along with designs. This information was provided to the representatives of the HPA and a change was made for a different design based on the preference of the HPA.

Two smaller sizes of signs were considered and the cost for these has been included in the attached quotes along with the final design chosen by the representatives of the HPA.

The author has received information from the HPA that they are happy to have the signs in the smaller size due to the cost of the larger signs.

Comment

In initial discussions, the costs of the signs and budgetary constraints were considered with the possibility of two signs being purchased for the highway entrance and a third sign being purchased at a later date.

Staff believe that all three signs can fit with the budget rather than making two purchases. The staff have considered the signs in the Budget for 2022/2023 and believe that all three entrance signs can be included as part of the budget deliberations.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The costs of the smaller signs is \$37,000 each, so the cost for two (2) signs will be \$74,000 or if the Shire does all three (3) signs, \$111,000. This will need to be included in the 2022/2023 Budget.

Strategic Implications

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

“1. COMMUNITY

- 1.3 *Celebrate our pioneers, community members and protect our heritage
Shire owned heritage buildings and places of interest are maintained and managed appropriately*

2. ECONOMY

- 2.1 *Support the diverse industry across the Shire
Townsite entrances, Shire verges and aesthetics are tidy, green and welcoming*

4. CIVIC LEADERSHIP

- 4.1 *Skilled, capable and transparent team
We are inclusive and our communities feel heard
We engage with the community on key projects and we provide regular, transparent communication”*

Voting Requirement

Simple Majority

9.4.4 VACANT CROWN LAND – NATIVE TITLE

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 11 July 2022
Disclosure of Interest: Nil
Attachments: Map, List of properties.

RESOLUTION #3977

Moved: Cr Bruce Browning

Seconded: Cr Kerrie Green

That Council authorises the Chief Executive Officer to prepare a submission to the Department of Planning Lands and Heritage with regards to the Shire of Kondinin's interest or consent in the blocks in question.

Carried: 7/1 (Cr Brett Smith opposed)

Mrs Leandr  Genis left the meeting at 4:32pm and returned at 4:36pm.

Summary

Council has been requested to provide comment to the Department of Planning, Lands and Heritage with regards to land within the Kondinin Townsite and potential transfer as part of the South West Native Title Settlement.

Background

The State of Western Australia has committed to allocating 320,000 hectares of Crown land to the Noongar People to create the Noongar Land Estate, in accordance with the six registered Indigenous Land Use Agreements (ILUA) for the South West Native Title Settlement (the Settlement) as shown on the attached map.

Various parcels of land in the Kondinin Townsite are currently being considered as part of the settlement for the Ballardong People Agreement Area.

The Shire of Kondinin has been requested to provide comment on the parcels of land in relation to any interest or Shire infrastructure on the land or any future use as follows:

- Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
- Does the Shire have any interest in the land?
- Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
- Is the land parcel subject to any mandatory connection to services?
- Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
- Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
- Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?

- Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
- Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

Comment

While the Shire of Kondinin is supportive of the South West Native Title claim, some of the lands listed are in use for Shire purposes or may be used for future Aged Persons Housing for all residents of Kondinin. As such, the Shire may wish for these lands to remain under the Management Orders of the Shire and be retained as vacant crown land for future development for Aged Housing. This will require some processes to ensure that the area is zoned correctly.

For other land areas in the Shire, the transfer of the land to the Noongar people will allow the land to be developed for housing for our indigenous residents, but can also be sold off as freehold (as advised by DPLH). As such, the land can still be developed but would be purchased from the Body Corporate in charge of the land rather than from the State government.

The Shire is also able to provide comment on the land transfer and may wish to include a condition that the land is used for a residential property within a timeframe. This may encourage the construction of additional housing in the town.

Concern has been raised that there are only limited blocks in town for development and Council may wish to include a comment that if all the blocks are transferred, then it may inhibit further growth in the town when there is a known shortage of housing. This may limit our ability to attract professionals such as nurses for the hospital.

Statutory Environment

Land Administration (South West Native Title Settlement) Act 2016

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

"1. COMMUNITY

- 1.3 *Celebrate our pioneers, community members and protect our heritage
Shire owned heritage buildings and places of interest are maintained and managed appropriately*

4. CIVIC LEADERSHIP

- 4.2 *We are a compliant and resourced Local Government"*

Voting Requirement

Simple Majority

9.4.5 Councillor Training 2021/2022

Applicant: Shire of Kondinin
Author: Leandré Genis- Executive Support Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 13 July 2022
Disclosure of Interest: Nil
Attachments: Training Report

RESOLUTION #3978

Moved: Cr Tom Mulcahy

Seconded: Cr Brett Smith

That the training report for Councillors for 2021/2022 be noted and displayed on the Shire of Kondinin Website.

Carried: 8/0

Summary

To receive the information on Councillors Training for the 2021/2022 financial year.

Background

As part of Policy GOV-008 Council Member Continuing Professional Development, there is a requirement for the CEO to keep a record of conferences and training and a report to be prepared each financial year. This report is to be published on the Shire website within 1 month after the end of the financial year.

Comment

Since the Elections in 2021, it has been compulsory for Council members to attend training in order to fulfil their obligations under the Local Government Act 1995. As part of this, it is also recommended that Council continue their ongoing professional development by attending training sessions or conferences to gain additional knowledge and better serve their Local Governments.

During the 2021/2022 Financial Year, training was limited due to restrictions as a result of the COVID 19 restrictions, however some members did attend the WALGA Conference. As part of the 2021 Elections, new Council Members have attend training online to complete requirements as per the listing. As movement around the state has eased with COVID restrictions being lifted, the Shire may look at training locally for all members and members from other Shires to reduce costs.

Statutory Environment

Nil

Policy Implications

Shire Policy GOV-008

Financial Implications

The attendance of training and conferences by Members is expected as part of ensuring Councillors are given the best knowledge to service their Councils. As such, funds are factored into the budget process for this attendance.

Consultation

Council Members

Strategic Implications

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

“4. CIVIC LEADERSHIP

4.1 Skilled, capable and transparent team

Elected member are trained and feel supported

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

Voting Requirement

Simple Majority

9.4.6 CONSIDERATION OF CHANGE OF NAME

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 11 July 2022
Disclosure of Interest: Nil
Attachments: Information from Working Group and Costing Sheet

RESOLUTION #3979

Moved: Cr Bruce Browning

Seconded: Cr Kerrie Green

That the Chief Executive Officer -

1. Does not proceed further with the process of the name change of the Shire at this time due to the cost and other projects;
2. Advises the Hyden Progress Association of the decision of Council;
3. Thanks the Working Group for their assistance;
4. Advertises for public submissions for the changing of the Shire slogan to “Home of Wave Rock”; and
5. Work towards finalising the new logo for the Shire.

Carried: 5/3 (Cr Paul Green, Kerrie Green & Cr Brett Smith opposed)

Mrs Tory Young returned to the meeting at 5:01pm.

Summary

For Council to consider the process and costings for the possible change of name for the Shire from the Working Group.

Background

The Shire had received a request from the Hyden Progress Association to consider the changing of the name of the Shire to something more inclusive as it was felt that the Shires dynamics had changed and a significant portion of the Shire and population were beyond the area of Kondinin, therefore the name may not be representative of the Shire as a whole.

In October 2021, the Shire ran a simple poll, with little information, to see the level of interest in changing the name of the Shire. The outcomes of this poll would be followed by the following considerations:

More than 50%	Recommendation for Council to consider name change
Over 30%	Councils discretion to consider name change
Below 30%	Recommend Council not proceed with the name change.

During the process of the poll, several comments were noted about the cost with suggestions from the general public that it would be next to nothing to over \$1m, pending on the preference for or against the change. It was noted however, that several people did raise concerns about the cost (which was not included) as being a significant factor to a final decision. Concern was noted about the cost of a change when other items are considered ‘of greater importance’.

The result of the poll showed that there was significant interest in changing the name of the Shire:

Yes	130 votes	44.22%
No	164 votes	55.78%
Total	294 votes	

As a result of the interest in the following a resolution was made at the November 2021 Council meeting to look at the details of what would be required to change the name of the Shire so that an informed decision could be made. The working group contained members from each of the three towns Progress Associations to ensure a good cross section of the community, two Council members and staff as required.

Comment

The working Group looked at what would be required to be considered for the process of changing the name of the Shire to ensure public engagement and the level of involvement. It also looked at the preference of how items would be changed to ensure that the Shire met the needs and desires of the community.

Process:

The Working Group considered the process of selection of a name for the Shire and considered it appropriate for the following:

Recommendations of Name Change Working Group:

Steps to be taken for selecting new name

To establish options for names:

1. Shire to advertise requests for name considerations and why the name should be considered.
2. Shire to collate returns
3. Working Group to evaluate suggestions and provide recommendation to Council (2 names recommended)
4. Council to consider recommendation

For two preferred names:

1. Advertise two preferred options for comment.
2. Submissions reviewed by Working Group and recommendation to Council for preferred name (1 name)
3. Council to consider recommendation for selection of 1 name.

Once final names has been established:

1. Referendum to be conducted for definitive vote on changing the name of the Shire from Shire of Kondinin to Shire of (Preferred Name). –

The final Referendum can be completed by in house voting or through the WA Electoral Commission (WAEC). To ensure that the process has not been biased in any manner, it may be preferential for the process of the Referendum to be conducted through the WAEC.

The final Referendum will be binding for Council to either change the name or not as required under the Local Government Act 1995.

When considering the actions to be taken if the name change Referendum is successful, the working group considered what would need to be changes and how with regards to the Shire vehicles labelled with the “Shire of Kondinin (SOK)” and also any signage that may contain the Shire name or logo.

For the vehicles, it was considered that any vehicle that has the Shire name, that is not going to be changed within a two year period, should be changed with the name of the Shire and the New Shire plates. Any vehicle that will be changed in the two year period would be done when the vehicle is changed over.

For signs that bear the Shire name, it was considered that these signs should be replaced. The option of placing a sticker over the old name was considered, but was dismissed as it may reflect poorly on the Shires reputation in looking at a cheaper option. While this will increase the cost, it will show the Shire in a better light.

Selection of a name:

The process of selecting a name that may be more marketable or more inclusive will be difficult as it may create a name that is once again, not encompassing of all the Shire. As such, it is noted that for suggestions of name changes, it needs to also have a reason why the name should be selected to assist the working group and Shire to reduce the names to a preferred two and then to one.

Some names that have been suggested have been “Shire of Wave Rock”. Which would be a marketable name and Wave Rock is a tourist icon, but does not reflect the whole Shire and also our major industry of agriculture. Another suggestion was an Indigenous name, however this would require significant consultation with local indigenous groups for the use of the name and may also create concern as people will not associate the name with the area.

The process of selecting a name that can be all inclusive without being obscure may be difficult.

Costs:

In considering the costs of the change of the Shire name, several major items used by the Shire would need to be altered to reflect the new name, including stationery and books (order books, etc.) used by the Shire. As some of these are statutory requirements, they would need to be changed to reflect the correct name of the Shire to be used or enforced.

While some stationary are printed in house, the templates would have to be altered with the details of the new Shire. Consideration of typesetting this information to ensure a professional look has been included for costings.

A large cost is included as the Shires Local Laws (currently under review) would need to be redone, including the local laws not under review. This would be a considerable cost as it will also require mandatory advertising. It may be possible to reference the old SOK local laws, but the costs will only reduce a little.

Any agreements that the Shire has for property, the management of property or any other agreements, would also need to be rewritten for the new Shire to ensure that the agreements are binding. This may also include legal advice which would increase the costs.

Some of the items are unknown as costings are not able to be obtained until the process has been started or items purchased, however allocations have been made to consider approximate costs.

While every effort has been made to determine the full cost of changing the name, it is something that is not common in Local Government and as such, staff have been reliant on what is required without being able to use a template or other Shire as a guide. As such, an amount has been allocated for contingencies which may differ significantly or not be used at all, once the process has been initiated. Every effort has been made to consider all costs, but obscure items remain unknown until the process has commenced.

The final listing of costs is still to go back to the Working Group for a final determination for Council, which will be done prior to the meeting. At this time, the costs of the name change are approximately \$300,000 when including all the considerations.

It should also be noted that if the Shire was to proceed with a name change, the impact on the Shire administration would be significant in processing all the changes that are required. An allocation has been considered for costs of staff time, however the impact of changing all the agreements, stationery and such items will severely impact the administrations efficiency throughout the initial 6-12 months as the items are changed. The cost of this interruption has not been included.

Summary

When the original poll was conducted, no cost for the change was considered, but was noted by many that this would be a significant determining factor, and the result was that 55.78% of the residents and ratepayers that voted, were against the change.

Consideration of an appropriate new name would also likely be a contentious issue and the selection of an appropriate name may be difficult or offer limited benefits.

Given that the costs are based on preferences and what has been identified, is significant and a preferred name may be difficult, it would be highly likely that the final Referendum would yield a similar result or even more opposing votes against the proposed name change.

At this time, the Shire is also looking at several significant infrastructure projects with upgrades to the Swimming Pool facility, the Hyden Recreation centre and the possibility of an Interpretive/Visitors Centre in Hyden which may be seen as greater priorities than a name change.

Council may consider that taking the proposal of the name change further at this time may not be warranted, but may be considered in the future when the Shire has no major projects being considered and is in a better financial position.

Option

As a fall back, the Shire may consider changing the slogan of the Shire of Kondinin from “Heritage of red soil riches” to “Home of Wave Rock” which will give an identifying aspect to the location of the Shire with a major WA icon. This may assist the marketability of the Shire and can be changed gradually with the logo as items are replaced. It would still be suggested that this be given public consultation before being adopted.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

If the Shire is to proceed with the process of selecting a new name for the Shire, the costs of consultation and reducing the name to a preferred option would cost approximately \$17-\$20,000 with the final determination of the Referendum. If the Referendum was positive towards the change, the financial impact would be significant as the Shire will be changing all the required items.

Risk Implications

The risk implications of Councils decision would be significant and should not be taken lightly particularly the risk of damage to the Shires reputation which can impact the Shire significantly for years to come.

The process of changing the name of a Shire is usually highly emotive for both sides of the argument and whether Council takes action or not will be questioned by some residents. How Council determines its action may diminish the risk for some, but for others it would still remain dubious.

Recently, the author was talking to a Council Member from the Shire of Dandaragan, who shifted their main administration office from Dandaragan to Jurien as it was growing significantly, and the Council Member commented that the shift (which occurred about 20 years ago) still angered a lot of residents in the Shire.

In a similar manner, the cost of changing the name of the Shire may be seen as lesser value than some of the major projects that the Shire is currently considering and therefore not a priority at this time.

Strategic Implications

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

"1. COMMUNITY

- 1.3 Celebrate our pioneers, community members and protect our heritage
Shire owned heritage buildings and places of interest are maintained and manager appropriately*

4. CIVIC LEADERSHIP

- 4.1 Skilled, capable and transparent team
We are inclusive and our communities feel heard
We engage with the community on key projects and we provide regular, transparent communication*
- 4.2 We are a compliant and resourced Local Government
Financial sustainability in achieving community aspirations"*

Voting Requirement

Simple Majority

9.4.7 BENDERING LANDFILL MANAGEMENT PLAN

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 11 July 2022
Disclosure of Interest: Nil
Attachments: Final Bending Landfill Management Plan

RESOLUTION #3980

Moved: Cr Murray James

Seconded: Cr Bruce Browning

That Council endorse the final Bending Landfill Management Plan prepared by Talis Consultants for the Roe Regional Organisation of Councils (Roe ROC).

Carried: 8/0

Summary

Council is asked to endorse the final Bending Landfill Management Plan.

Background

The Shires of Kondinin, Corrigin, Kulin and Narembeen purchased 64 hectares of freehold land in the Shire of Kondinin for the Bending Landfill Site in 2007. The four shires signed an agreement with Avon Waste in 2018 for a seven year period for kerbside and commercial waste collection and recycling as well as management of the landfill site. The contract also provides for transfer of waste from local transfer stations and the use of hook bins.

The Bending Landfill site is registered as a Category 89 Prescribed Premises under Part V of the Environmental Protection Act. The Environmental Protection (Rural Landfill) Regulations 2002 apply to Category 89 Prescribed Premises in Schedule 1 Part 2 of the Environmental Protection Regulations 1987 for putrescible landfill site that accepts between 20 and 5,000 tonnes of waste per year.

In 2021 Roe Regional Organisation of Councils (Roe ROC) engaged Talis Consultants to produce a Landfill Management plan to outline the current and future landfill development options and closure requirements for the site in compliance with the WA Landfill Regulations.

The plan provides the Roe ROC shires with clear direction on operations and works required to facilitate the future development and rehabilitation of the landfill in accordance with the Western Australia Environmental Protection (Rural Landfill) Regulations, 2002, (Rural Landfill Guidelines).

These regulations outline requirements for the tipping area, covering and containing of waste, the control of surface water runoff, dust suppression, separation distances, disposing of asbestos and clinical waste and a post-closure plan.

The Site, a Category 89 Landfill, can accept the following waste types for landfilling, as defined in the Landfill Waste Classification and Waste Definitions 1996 (as amended 2019):

- Clean Fill;
- Inert Waste Type 1 – Contaminated Solid Waste meeting acceptance criteria for Class I and
- Class II Landfills
- Special Waste Type 1 - Asbestos

- Special Waste Type 2 – Biomedical Wastes; and
- Putrescible Waste.

The draft Landfill Management Plan was endorsed at the Roe ROC meeting on 22 July 2021 and delegates moved the following resolution:

*That the Landfill Management Plan drafted by Talis be received by ROEROC.
Management investigates further options including the feasibility and implementation of drilling the whole site.*

The delegates passed a resolution in support of additional costs to complete the Landfill Management Plan and update void modelling using newly provided trial pit information and update the lifespan calculations to feed into budget provision schedule. A modified capping design was also included following the decision to change the approach and move to stage 2 and 3 rather than raise the waste up to 2m in Stage 1.

The report was updated following the results of electromagnetic imaging of the site in May 2022.

Comment

The Landfill Management Plan will assist the Roe ROC shires in planning the future development of waste trenches of the Landfill site and associated costs.

Statutory Environment

Environmental Protection Act 1986

Environmental Protection (Rural Landfill) Regulations 2002

Environmental Protection Regulations 1987

Landfill Waste Classification and Waste Definitions 1996 (as amended 2019)

Policy Implications

Nil

Financial Implications

The proceeds from the Bendering Landfill site are distributed to shires at the end of each financial year.

Roe ROC delegates previously resolved that each shire would contribute \$5,000 per annum to a reserve for future provision for the Bendering Tip.

The predicted cost of capping works required to close stage 1 of the landfill site will be heavily dependent on the rate of waste intake.

Strategic Implications

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

"3. Environment

3.1 Maintain a high standard of environmental health and waste services"

Voting Requirement

Simple Majority

9.5 ENVIRONMENTAL HEALTH OFFICER

NIL

10. BUSINESS OF AN URGENT NATURE

NIL

11. CLOSURE

Meeting closed at 5:46pm