



SHIRE OF KONDININ

NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

KONDININ SHIRE COUNCIL

Will be held on Wednesday 20th September 2023 at the
Karlgarin Country Club

12:00PM Synergy Presentation

1PM Lunch

2:00PM-3:00PM Informal Agenda Discussion

3:00PM Ordinary Council Meeting

David Burton
14th September 2023
CHIEF EXECUTIVE OFFICER

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006

All communications are to be addressed to the CHIEF EXECUTIVE OFFICER
ceo@kondinin.wa.gov.au

STATEMENT OF COMMITMENT TO INDIGENOUS AUSTRALIANS

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

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

SHIRE OF KONDININ QUESTIONS FROM THE PUBLIC

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

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

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

SHIRE OF KONDININ
DISCLOSURE OF FINANCIAL/IMPARTIALITY & PROXIMITY INTEREST

To: *Chief Executive Officer*

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

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

Item No	Details of Interest

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

Councillor's Signature _____ Councillor's Name _____ Date _____

NB:

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

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

Office Use Only:

Date/Initial

1. Particulars of the declaration given to the meeting

2. Particulars recorded in the minutes

Signed by Chief Executive Officer

Or President (when the declaration belongs to the CEO)

SHIRE OF KONDININ DISCLAIMER

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

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

Signed on behalf of Council



David Burton

Chief Executive Officer

Order of Business

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

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

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

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

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Synergy Presentation

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/ INFORMATION REPORT

7.1 MINUTES OF COUNCIL MEETING- 16th August 2023

RECOMMENDATION:

That the minutes of the Council Meeting held on the 16th August 2023, be confirmed.

7.2 INFORMATION REPORT- September 2023

RECOMMENDATION:

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

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

- 9.1.1 Vacant Crown Land- South West Native Title Settlement
- 9.1.2 Community Water Supply Program Funding

9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 List of Accounts- August 2023
- 9.2.2 Financial Reports- July 2023
- 9.2.3 Financial Reports- August 2023

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 Christmas Administration Hours
- 9.4.2 Proposed Amendment Local Law- Final Adoption
- 9.4.3 Review of Delegated Authority
- 9.4.4 Discovery Centre Update
- 9.4.5 Extended Trading Hours for Shire

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 VACANT CROWN LAND – SOUTH WEST NATIVE TITLE SETTLEMENT

Applicant: N/A
Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 13th September 2023
Disclosure of Interest: Nil
Attachments: Maps, List of Properties

OFFICER RECOMMENDATION:

That Council:

AUTHORISES the Chief Executive Officer to prepare a submission to the Department of Planning, Lands and Heritage regarding the Shire of Kondinin interest and consent for the two parcels of land in question.

Summary

The Shire have been requested to provide comment to the Department of Planning, Lands and Heritage with regards to land within the Shire of Kondinin 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.

Two parcels of land in the Shire of Kondinin in the north-eastern portion of the Shire are currently being considered for the part of the settlement for the Ballardong People Agreement Area. The parcels are:

- Polygon ID Number (PIN) # 642970 comprising 23556.9286ha of Vacant Crown Land in the Greater Western Woodlands with the majority located in the Shire of Yilgarn; and
- Polygon ID Number (PIN) # 1095453 comprising 37198.8340ha of Vacant Crown Land in the Greater Western Woodlands with the majority located in the Shire of Yilgarn.

Location maps of the two parcels of land are shown as attachments to this Report.

The Shire of Kondinin has been requested to provide comment on the two 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

The two parcels are located in the north-eastern portion of the Shire's boundaries on heavily vegetated areas of land outside of the Shire's farming and urban development areas. Only a small portion of both parcels are located in the Shire of Kondinin.

In light of this, and the Shire having no obvious interest in the land, there appears no reason to object to the transfer of these two parcels under the South West Native Title Settlement.

Statutory Environment

Land Administration (South West Native Title Settlement) Act 2016

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2022-2023

- "1.3 *Celebrate our pioneers, community members and protect our heritage*
Shire owned heritage buildings and places of interest are maintained and managed appropriately
- 4.2 *We are a compliant and resourced Local Government"*

Voting Requirement

Simple Majority

9.1.2 **COMMUNITY WATER SUPPLY PROGRAM FUNDING**

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 13th September 2023
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION:

That Council:

1. **SUPPORTS** an application for funding through the State Government's Community Water Supply Program for;
 - (a) Submersible pump and associated pontoon, generator set and cable at the Hyden CBH drainage basin to improve the irrigation of the Hyden Sporting Precinct; and
 - (b) Tank and submersible pump and associated pontoon, generator set and cable at Karlgarin Town Dam Community Water Supply Site to improve access and storage to water for community use; and
2. **SUPPORTS** an allocation of 30 percent contribution (cash and in-kind) towards the proposed works.

Summary

This report is for Council's support for an application for funding through the State Government's Community Water Supply Program.

Background

The Shire of Kondinin have been actively working with the Department of Water and Environmental Regulation to improve water capture and security across the Shire. Key projects that have recently been finalised and currently being developed are:

- The Humps – new bore and associated infrastructure to reduce reliance on scheme water connected to the existing tank; - COMPLETED
- Karlgarin C Site – new tank and associated infrastructure to increase storage and access to water at this site; - IN PROGRESS
- Karlgarin Dam – improved catchment management – ON-GOING
- King Rocks Dam – installed 3 x 275KL tanks and progress towards vesting site with the Shire of Kondinin; - COMPLETED
- McCann's Rock – reallocation of stand pipe controller and new tank storage and associated infrastructure at the former cricket oval on McCann's Rock Road; - IN PROGRESS (Tank installed)
- A new replacement pump with associated generator set at the Kondinin North CBH Dam; - COMPLETED
- A pump and associated infrastructure to pump between the three Kondinin Town dams; - COMPLETED

- A new replacement tank at The Humps to replace the two small poly tanks now damaged and leaking; - COMPLETED
- An additional 275KL Tank at Karlgarin Dam Community Water Supply Site – IN PROGRESS

All the above projects are being funded and project managed collaboratively between the Shire of Kondinin and the Department of Water and Environmental Regulation.

The Community Water Supply Program is open again and the Shire have been in liaison with the Department of Water and Environmental Regulation to confirm the following projects suitability for this current round.

The works proposed are;

- A submersible pump and associated pontoon, generator set and cable at Karlgarin Dam to pump more water from the dam into the Karlgarin Community Water Supply tank;
- An additional 275KL tank for storage at the Karlgarin Community Water Supply site (in addition to the 275KL tank that currently on order, and the one existing), resulting in three (3) storage tanks at the site; and
- A submersible pump associated pontoon, generator set and cable Hyden CBH to pump water from the new drainage basin to the two Shire dams east and west of the CBH site.

The Community Water Supply Program is a State Government initiative administered by the Department of Water and Environmental Regulation. The program's objective is to assist broad-acre farming communities in establishing or improving non-potable water supplies.

For a project to be considered, it must provide clear benefits to the community.

The priority funding objectives for the program are to provide non-potable water supplies to:

- increase public amenities through the irrigation of open spaces, such as ovals, gardens and parks
- establish or upgrade strategic emergency farm water supplies for livestock
- reduce reliance on scheme water

The projects listed above are considered to meet the objectives of the Community Water Supply Program and therefore it is recommended that Council supports the application/s for funding.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The Shire can apply for up to \$100,000 for grant round with a commitment to 30 per cent in cash and/or in-kind contribution to the project.

Indicative costings have been received for the 1 x 275KL tank (\$24,000) and 2 x submersible pumps and associated pontoon, generator set and cable (\$35,000 each).

Sufficient funds are available in the Shire's 2023-2024 Budget to provide 30 percent in-kind support, through use of Shire's equipment and work crew personnel and where required minor cash contribution to the projects in the construction pads and associated works to assist in the installation of the infrastructure.

Strategic Implications

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

"COMMUNITY

Recreational and social spaces encourage active and healthy lifestyles

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

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

Voting Requirement

Simple majority

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 6th September, 2023
Attachment(s): List of Accounts 01/08/2023 to 31/08/2023

OFFICER RECOMMENDATION:

That Council:

RECEIVES the attached report – List of Accounts Due & Submitted to Council for the month of August 2023:

• Municipal Fund payment cheque numbers 19340 to 19346	= \$ 37,777.69
• Municipal EFT17344 – 17524	= \$1,012,937.59
• Direct Debits – Transport – Hyden Office	= \$ 17,653.80
• Direct Debits – Transport – Kondinin Office	= \$ 8,794.60
• Direct Debits – Credit Cards DD20164.2	= \$ 3,274.07
• Direct Debits – Other	= \$ 28,845.54
• EFTPOS Merchant Fees	= \$ 1,271.93
• Bank Fees – NAB Connect & Tyro	= \$ 311.26
• Payroll	= \$ 218,058.52

TOTAL **= \$1,328,925.00**

Summary

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

Background

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

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

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

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

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

Statutory Environment

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Public Consultation

Nil

Financial Implications

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

Strategic Implications

Shire's Strategic Community Plan 2022 – 2032

"4. Civic Leadership

4.1 Skilled, capable and transparent team:

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

4.2 We are a compliant and resourced Local Government:

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

Voting Requirements

Simple Majority

9.2.2 FINANCIAL REPORTS

Applicant: Shire of Kondinin
Author: Manager Corporate Services - Vince Bugna
Disclosure of Interest: Nil
Date: 8th September 2023
Attachment(s): Monthly Financial Report for the period ended 31 July 2023

OFFICER RECOMMENDATION:

That Council:

RECEIVES the attached reports entitled Monthly Financial Report (Containing the Statement of Financial Activity) for the period ended 31 July 2023.

Summary

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

Background

The monthly Financial Report (Containing the Financial Activity) is presented in accordance with the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

Regulation 4(4) states that, *a statement of financial activity, and the accompanying documents (notes) referred to in sub regulation (2), are to be –*

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

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

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulation 1996

Policy Implications

Nil

Public Consultation

Nil

Financial Implications

In accordance with the approved material variances of 10% or \$10,000 whichever is the greater within the monthly Statement of Financial Activity during the 2023/24 financial year.

Strategic Implications

Shire's Strategic Community Plan 2022 – 2032

4. Civic Leadership

4.1 Skilled, capable and transparent team:

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

4.2 We are a compliant and resourced Local Government:

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

Reporting Officer's Comment

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

Item	Reference
<ul style="list-style-type: none"> Cash at Bank The Shire's total cash as at 31st July 2023 was \$8,265,052. This includes the advanced 100% payment from Federal Government of Financial Assistance Grants (FAGS) for 2023/24, \$3,401,039 in cash backed reserves (restricted), \$48,739 LCDC funds and \$569,656 term deposit investments. 	Page 9 – Note 6 Cash and Financial Assets
<ul style="list-style-type: none"> Receivables Rates and Rubbish – \$3,995,090, and Other receivables of \$1,639,216 (gst inclusive) include \$1.32m – Remote Road Upgrade Pilot Program for Hyden Norseman Road, \$177,437 RRG recoup from Main Roads and \$15,951 recoup from Kulin Shire for Medical Centre operating expenditures. 	Page 16 – Note 10 Receivables
<ul style="list-style-type: none"> Current Liabilities YTD balance is \$1,589,049 which includes \$441,332 of employees' annual and long service leave, Loan repayment provision \$153,663, Gst and other payables \$994,054. 	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
<ul style="list-style-type: none"> Closing Funding Surplus (Deficit) YTD actual is \$9,131,205 – composed of \$14,009,206 Current Assets less \$1,589,049 Current Liabilities and \$3,288,952 Net Adjustments to Net Current Assets. 	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
<ul style="list-style-type: none"> Significant Capital Projects: Roadworks having \$4.9m budget is 6% completed in July mainly Hyden Norseman Road (RRUPP) 	Page 7 – Key Information Page 11 to 14 – Note 8 Capital Acquisitions

In relation to material variances, "timing difference are due to the monthly spread of the budget not matching in comparison to the actual spread of revenue or expenditure. Timing difference will not result in a forecast adjustment. Where the material variance is flagged as "permanent", this indicates that a forecast adjustment to the annual budget is required. – Page 6, Note 3 – Explanation of Material Variances.

Voting Requirements

Simple Majority

9.2.3 FINANCIAL REPORTS

Applicant: Shire of Kondinin
Author: Manager Corporate Services - Vince Bugna
Disclosure of Interest: Nil
Date: 11th September 2023
Attachment(s): Monthly Financial Report for the period ended 31 August 2023

OFFICER RECOMMENDATION:

That Council:

RECEIVES the attached reports entitled Monthly Financial Report (Containing the Statement of Financial Activity) for the period ended 31 August 2023.

Summary

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

Background

The monthly Financial Report (Containing the Financial Activity) is presented in accordance with the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

Regulation 4(4) states that, *a statement of financial activity, and the accompanying documents (notes) referred to in sub regulation (2), are to be –*

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

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

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulation 1996

Policy Implications

Nil

Public Consultation

Nil

Financial Implications

In accordance with the approved material variances of 10% or \$10,000 whichever is the greater within the monthly Statement of Financial Activity during the 2023/24 financial year.

Strategic Implications

Shire's Strategic Community Plan 2022 – 2032

4. Civic Leadership

4.1 Skilled, capable and transparent team:

- *We engage with the community on key projects and we provide regular, transparent communication*
 - *The capability of our organisation is continually improved*
- 4.2 *We are a compliant and resourced Local Government:*
- *External audits and reviews confirm compliance with relevant Local Government legislation*
 - *Financial sustainability in achieving community aspirations*

Reporting Officer's Comment

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

Item	Reference
<ul style="list-style-type: none"> Cash at Bank The Shire's total cash as at 31st August 2023 was \$8,800,458 – composed of \$3,458,725 reserve accounts (restricted), \$48,739 LCDC fund, \$2,573,914 term deposit investments and \$2,719,082 general fund (Muni, OCDF & Petty cash). 	Page 9 – Note 6 Cash and Financial Assets Page 10 – Note 7 Reserve Accounts
<ul style="list-style-type: none"> Receivables Rates and Rubbish – \$3,766,035, and Other receivables of \$118,931 – composed of \$72,094 gst receivable, \$22,000 DWER grant for CBH dam and other minor receivables. 	Page 16 – Note 10 Receivables
<ul style="list-style-type: none"> Current Liabilities YTD balance is \$1,440,988 which includes \$441,332 of employees' annual and long service leave provision, Loan repayment provision \$153,663, Gst and other payables \$845,993. 	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
<ul style="list-style-type: none"> Closing Funding Surplus (Deficit) YTD actual is \$8,044,488 – composed of \$12,832,115 Current Assets less \$1,440,988 Current Liabilities and \$3,346,638 Net Adjustments to Net Current Assets. 	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
<ul style="list-style-type: none"> Significant Capital Projects: Roadworks having \$4.9m budget is 23% completed as at 31st August 2023. 	Page 7 – Key Information Page 11 to 14 – Note 8 Capital Acquisitions

In relation to material variances, "timing difference are due to the monthly spread of the budget not matching in comparison to the actual spread of revenue or expenditure. Timing difference will not result in a forecast adjustment. Where the material variance is flagged as "permanent", this indicates that a forecast adjustment to the annual budget is required. – Page 6, Note 3 – Explanation of Material Variances.

Voting Requirements

Simple Majority

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 CHRISTMAS ADMINISTRATION HOURS

Author: ESO- Leandré Genis
Authorised Officer: CEO- David Burton
Date: 28 August 2023
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION:

That Council:

APPROVES that the Shire Administration Offices be closed for the Festive Season from close of business on Friday 22nd December 2023 and re-open on Wednesday 3th January 2024.

Summary

This report is for Council to consider the closure of the Administration Office during the Christmas/New Year period.

Background

As a general practice, the Shire Administration offices have been closed over the Christmas / New Year period as most residents are away or engaged in other activities, and the need for the administration office is low. This closure also allows staff to take some time to travel to be with families during the festive season, without the concern of having to rush back to work.

Comment

Taking into consideration that the use of the Administration Office during the Christmas / New Year period is significantly reduced, it is again recommended that the Administration Offices be closed for the period and that this be advertised to the general public.

It is recommended that the Administration Offices be closed from close of business from Friday 22nd December 2023 and re-open on Wednesday 3th January 2024. There are several public holidays in this period and other days will be covered by using staff annual leave or accrued time for the period.

The closure period does allow staff that are travelling, time to get to and from their destinations without rushing, leaving at the last minute, or taking the time off anyway, so it does provide a safer option for staff during the festive season with minimal impact to the Shire operations.

In any emergency situation, staff will be recalled as required for the Shire to manage the crisis.

Statutory Environment

Nil

Policy Implications

Policy Manual- Operating Hours ADM-004

Financial Implications

As staff are using public holidays or accrued leave, there is no financial implication as the time is already owed to staff.

Consultation

Nil

Strategic Implications

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

"4: Civic Leadership

4.2 We are a compliant and resourced Local Government

Financial sustainability in achieving community aspirations"

Voting Requirement

Simple Majority

9.4.2 **PROPOSED AMENDMENT LOCAL LAW – FINAL ADOPTION**

Applicant: N/A
Author: Chief Executive Officer – David Burton
Date: 6 September 2023
Disclosure of Interest: None
Attachments: Proposed Amendment Local Law

OFFICER RECOMMENDATION:

That Council:

1. **RESOLVES** to make the Amendment Local Law as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. **AUTHORISES** the President and CEO to sign and affix the Common Seal to the Local Law;
3. **AUTHORISES** the CEO to –
 - publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government and Minister for Emergency Services; and
 - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

Summary

To finalise adoption of an Amendment Local Law to amend the following local laws in accordance with the undertakings given to the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) –

- Bush Fire Brigades Local Law 2022
- Dogs Local Law 2022
- Public Places and Local Government Property Local Law 2022.

Background

The JSCDL advised of a number of matters that needed amendment and requested undertakings that these would be attended to within 6 months. These undertakings were resolved by Council on 15 March 2023.

Legislation requires that local laws are presented to Parliament for review, at which time they may be disallowed by the Parliament.

The Interpretation Act 1984 s.42 specifies the authority of each House of Parliament to review local laws and to pass a resolution to disallow.

The Joint Standing Committee on Delegated Legislation (JSCDL) has delegated power from Parliament to review local laws etc, and make a recommendation for disallowance if considered appropriate. The JSCDL will only review local laws after they have been published in the Government Gazette.

Public notice was given by four methods as required by the Local Government Administration Regulations r.3A, for public comment on the proposed local law. Notice was given –

- on the Shire's website as required by the Regulations, and in social media, office and library notice boards on 17 July 2023 and
- in local newspapers –
 - o The Echo on 17 July 2023, and
 - o Karlgarin Householder Newsletter on 19 July 2023.

At the close of the submission period, submissions had been received from –

1. Dept of Local Government, Sport and Cultural Industries –
The DLGSC submissions covered multiple areas. No substantive matters were raised, with other comments being –
 - of a context or technical nature, punctuation and grammar.
 - clarification of provisions, re-wording etc
2. No comment from Dept of Fire and Emergency Services was received as at date of writing this agenda item.
3. No public comment was received at date of writing this agenda item.

Once formally adopted by Council, the–

- the local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government and Minister for Fire and Emergency Services, and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note –

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- if a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment,
- the local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

Statutory Environment

Local Government Act 1995 –

- *s 3.12 – Procedure for making local laws*
- *s.3.13 – Significant changes require recommencement of proposal*
- *s.3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal*
- *s.3.15 – local public notice of the final adoption/making of a local law to be given*

Bush Fires Act 1954 –

s.43 – A local government shall by its local laws provide for appointment or election of captain...

s.62 – A local government may make local laws ... in relation to –

(b) the organisation, establishment ... of bush fire brigades ...

Policy Implications

None

Financial Implications

Advertising of adoption of the local law, publication in Government Gazette etc

Strategic Implications

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

"4: Civic Leadership

4.2 We are a compliant and resourced Local Government

Financial sustainability in achieving community aspirations"

Voting Requirement

Absolute majority

9.4.3 **REVIEW OF DELEGATED AUTHORITY**

Author: CEO - David Burton
Authorised Officer: CEO - David Burton
Date: 7th September 2023
Disclosure of Interest: Nil
Attachments: Delegation Register

OFFICER RECOMMENDATION:

That Council, by Absolute Majority:

APPROVES the Review of the Delegated Authority Register and confirms delegation of the powers of Council as per the Delegated Authority Register as at 20th September 2023.

Summary

This report is to consider a review of the Delegation Register for the current year.

Background

It is a requirement of the Local Government Act 1995, that Council reviews the Delegated Authority listing at least once every financial year.

It is common for this process to be completed in the early part of the financial year to ensure that it does not get missed creating a compliance issue.

Comment

Changes made to Delegations are listed as:

Delegation 1.2.11 Tenders for Goods and Services

- Item 3 and 10 – Amount changed to \$249,999 to reflect current provisions for Tenders as per Regulations requiring Tenders for all expenses over \$250,000
- Item 10 and 14 – Variation amount changed to 10% to reflect the normal consideration of changes to a contract without the need to re-tender. General industry acceptance is 10% (reference used as a possible GST rate variance)

Delegation 1.3.4 Infringement Notices

- Delegate reference corrected for Manager of Planning and Assets.

Delegation 9.1.1 Illegal Development

- Delegate reference corrected for Manager of Planning and Assets.

Statutory Environment

Local Government Act 1995

5.46 Register of, and records relevant to, delegation to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Policy Implications

Nil

Financial Implications

Nil

Consultation

Nil

Strategic Implications

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

"4: Civic Leadership

4.2 We are a compliant and resourced Local Government

Financial sustainability in achieving community aspirations"

Voting Requirement

Absolute Majority

9.4.4 **DISCOVERY CENTRE UPDATE**

Author: CEO - David Burton
Authorised Officer: CEO - David Burton
Date: 13th September 2023
Disclosure of Interest: Nil
Attachments: Multiple documents for design and minutes

OFFICER RECOMMENDATION:

That Council:

NOTES the updated information in relation to the Discovery Centre Project.

Summary

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

Background

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

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

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

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

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

Comment

The working Group have been working with the Architects for changes to the design to ensure the needs of the various groups are being met. This has led to some different designs being tabled. Copies of the various concepts have been included for Councils information.

Advice of another stream of funding has been received. This new funding is allocated into two components and forms the Regional Precincts and Partnerships Program. Stream 1 is to allow for planning processes while Stream 2 is focused on delivering the outcome of the planning. As a partnership related funding, this may be able to be used for this project as it does relate to a partnership with the Shire, Hyden Progress and Hyden CRC. Further investigation into this funding is being done as we are not sure how much of the project may be able to be covered.

Representatives also met with Evan Hall, the CEO of Tourism Council of WA at the advice of Minister Saffioti's aides. Some good information was received from Tourism Council WA for the planning and funding of the project.

The group is also looking at communicating with other Ministers to raise the awareness of the project.

Policy Implications

Nil

Financial Implications

Nil until further into Project.

Consultation

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

Strategic Implications

Strategic Community Plan 2022-2023

“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

9.4.5 EXTENDED TRADING HOURS FOR SHIRE

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 13th September 2023
Disclosure of Interest: Nil
Attachments: 2023-24 Regional Extended Trading Package

OFFICER RECOMMENDATION:

That Council:

AUTHORISES the Chief Executive Officer to notify the Department of Commerce of the Shire of Kondinin's proposed extended Christmas trading hours for local retailers, commencing on Monday 27th November 2023 and concluding on Sunday 7th January 2024 inclusive, be 6.45am to 9.00pm Monday to Friday, 6.45am to 5.00pm on Saturdays and from 11.00am to 5.00pm on Sundays and public holidays, other than Christmas Day, which will be a closed day.

Summary

This report is for Council to consider altering the trading hours in the Shire to allow access during the festive/harvest season should retailers wish to make a change.

Background

In previous years the Department of Commerce has provided a trading hour's package to regional Local Governments based on current Perth hours. However, the majority of Local Governments have declined the offer in the past and applied for their own locally preferred Christmas trading arrangements.

Previously the package offered allowed general retail shops to trade from 8.00am to 9.00pm Monday to Friday, 8.00am to 6.00pm on Saturdays and from 11.00am to 6.00pm on Sundays and public holidays, other than Christmas Day, which will be a closed day.

The Shire of Kondinin is recommended to propose trading hours in accordance with community needs and based on existing opening times for community retailers it is suggested to bring Mondays - Fridays and Saturdays forward to 6:45am.

In the 2021/2022 and 2022/2023 years, the extended trading period was from the last Monday in November to the first Sunday in January, both dates inclusive. As is the case with all extended trading variations, the decision to open or not during the additional hours provided is at the discretion of individual retailers.

Comment

The extended trading hours are still up to the individual shop owners and is not something that is forced upon them. It does however allow for extended trading during the harvest/festive season should they wish to take up the extra trading hours.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There are no known financial implications for this item, however, if shops do increase their hours, it would be a financial consideration for them to look into.

Strategic Implications

Shire's Strategic Community Plan 2022 – 2032:

"2. ECONOMY

- *Support the diverse industry across the Shire*
- *Coordinated communication and promotion of business, employment and lifestyle opportunities occurs*

4. CIVIC LEADERSHIP

- *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*
- *We celebrate our community successes"*

Voting Requirement

Simple Majority

10 BUSINESS OF AN URGENT NATURE

11 CLOSURE