



SHIRE OF KONDININ

NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

KONDININ SHIRE COUNCIL

Will be held on Wednesday 21st September, 2022 at the
Kondinin Council Chambers

2:00pm Informal Agenda Discussion

3:00pm Council Meeting

David Burton
16th September 2022
CHIEF EXECUTIVE OFFICER

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006
All communications 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 of 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 completion registering attendance and question/s.

- Members of the public should ideally register their attendance and question with the Council before the meeting before close of business the day prior to the scheduled meeting. This can be done;
 - a. In person at the Shire of Kondinin Office (120 Graham St, Kondinin)
 - b. By emailing the Executive Support Officer on 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 prior to the commencement of the meeting. If you have not registered in advance it can be completed at this time. However, members of the public will also still be able to attend the meeting and provide required details at the meeting if they have not been able to register in advance.
- The Presiding Member will open Public Question Time and, if necessary, provide a brief summary on the rules, regulations and procedures of Public Question Time:
 - a. The person asking the question is to state their name prior to asking the question.
 - 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. In order 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 of 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 totally comprehensive.
 - h. The priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day immediately preceding the meeting) and secondly, 'questions from the floor'.
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- 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 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 (in accordance with 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

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 prior to 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 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 Councillors 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 an interest is to be declared and complete the declaration form at the same time.
- 6 Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of Council. Where Councillors request consideration of such approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decided upon the Councillors application.

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

Office Use Only:	Date/Initial
1. Particulars of 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 Shire of Kondinin for any act, omission or statement or intimation occurring during Council/Committee meetings or during 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 entities' 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 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 0:00pm.

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

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

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/ INFORMATION REPORT

7.1 MINUTES OF COUNCIL MEETING- 17th August 2022

RECOMMENDATION:

That the minutes of the Council Meeting held on the 17th August 2022, be confirmed.

7.2 INFORMATION REPORT- September 2022

RECOMMENDATION:

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

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

9. ITEMS

9.1 **MANAGER OF PLANNING & ASSETS**

9.1.1 Development Application- Proposed Telecommunication Tower at Lot 2 Munday Loop, Hyden

9.1.2 Amended Agreement for Bore on Lot 25921 on DP 160038 Kondinin- Hyden Road, Kondinin

9.2 **MANAGER OF CORPORATE SERVICES**

9.2.1 List of Accounts

9.2.2 Financial Reports

9.2.3 Sundry Debtors Write-offs

9.2.4 Kondinin Caravan Park Fees & Charges

9.3 **MANAGER OF WORKS**

9.4 **CHIEF EXECUTIVE OFFICER**

9.4.1 Proposed Repeal Local Law

9.4.2 Cemeteries Local Law

9.4.3 Proposed Dogs Local Law

9.4.4 Fencing Local Law

9.4.5 Proposed Public Places and Local Government Property Local Law

9.4.6 BFB Proposed Local Law

9.4.7 Christmas Administration Hours

9.4.8 GECZ WALGA

9.4.9 Bush Fire Brigade Members

9.4.10 Prohibitive Burning Period

9.4.11 Review of Delegations

9.4.12 Contribution to St Johns

9.4.13 Hyden Centenary Budget alteration

9.4.14 Change of Venue

9.5 **ENVIRONMENTAL HEALTH OFFICER**

9.6 WORKS COMMITTEE

9.6.1 Future Road Works Programs

9.6.2 Plant Replacement 10 Year Program

9.7 HOUSING & BUILDING COMMITTEE

9.7.1 10 Year Housing Programs

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 DEVELOPMENT APPLICATION – PROPOSED TELECOMMUNICATION TOWER AT LOT 2 MUNDAY LOOP, HYDEN

Applicant:	Lot 2 Operations Pty Ltd
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	13 th September 2022
Disclosure of Interest:	Nil
Attachments:	Supporting Documentation; Plans

OFFICER RECOMMENDATION

That Council:

APPROVES the application for the proposed Telecommunication Tower and associated Communication Hut to be installed at Lot 2 Munday Loop, Hyden as shown in the plans attached received on the 12th August 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) If required 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) The Applicant shall hold a permit to clear any native vegetation to make way for the development unless they are exempt under the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and
- 6) 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.

Summary

The proposed Telecommunication Tower and associated Communication Hut is consistent with the objectives of an Urban Development 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 telecommunications infrastructure to the locality providing significant benefits to local residents and businesses through the provision of high speed wireless internet services. 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 2 on DP 069082 Munday Loop, Hyden for the purposes of telecommunications infrastructure. Access to the tower will be via Munday Loop.

The subject lot is located on the corner of Munday Loop and Burke Crescent and bounded directly by vacant undeveloped lots, apart from one industrial zoned lot on the south-east corner of the subject lot. The proposed tower is located approximately 600m to the nearest residential dwellings along Smith Loop.

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*. An advert was placed in the Hyden Householder and letters were sent to landowners within 300m of the proposed development. There was one (1) formal submission received during the advertising period in support of the development.

ASSESSMENT

Land Owner:	Lot 2 Operations Pty Ltd
Applicant:	Lot 2 Operations Pty Ltd
Zoning:	Local Planning Scheme No.1 – Urban Development
Lot Area	4001m2
Existing Land Use	Vacant

Local Planning Scheme No.1

The subject land is zoned ‘Urban Development’ 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 an ‘Urban Development’ zone are:
- *To allow for a variety of uses such as may be found in a small country town but subject to the preservation of local amenities and character*
 - *To ensure that the subdivision and development of land in the zone proceeds in accordance with the details of a Structure Plan.*
 - *To allow a variety of uses in the zone.*

The proposed ‘Telecommunications Infrastructure’ supports the above objectives of this zone by introducing a new land use to the locality which will assist to develop a further variety of land uses within the Hyden Town Site that depend on high speed wireless internet services.

The minimum setback requirements for development in an urban development zone is not specifically prescribed in the Shire’s Local Planning Scheme No.1 and is to be determined by the local government in each particular case. The setbacks proposed are shown in the site plan attached to this Agenda Report which are considered to be appropriate to the development and the immediate surrounds.

The proposal has also been assessed against the provisions State Planning Policy 5.2 relating to Telecommunication Infrastructure, confirming that the benefit that this proposed development will provide to the locality outweighs any perceived visual impact on the area, which considering the proposed location 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

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 AMENDED AGREEMENT FOR BORE ON LOT 25921 on DP 160038
KONDININ-HYDEN ROAD, KONDININ**

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 13th September 2022
Disclosure of Interest: Nil
Attachments: Current Agreement; Amended Agreement

OFFICER RECOMMENDATION

That Council:

APPROVES the amended agreement for the bore and associated infrastructure on Lot 25921 on DP 160038 Kondinin-Hyden Road, Kondinin to be adopted and signed with a Common Seal by Order of Council.

Summary

The existing agreement for the management of the bore and associated infrastructure on Lot 25921 was established in 2011 between the Shire of Kondinin and the previous land owners as a means to create an alternative water supply to the Shire and local farmers during periods of drought and extreme water shortages.

Since the agreement has been put in place, the land has changed ownership instigating updating the document. For the reasons outlined below it is recommended that Council approve the amended agreement.

Background

As outlined in the current agreement attached the drilling of the bore and associated infrastructure was largely covered by the Shire of Kondinin and the on-going costs to operate the bore were to remain the responsibility of the Shire. The access to the water was to be via the overhead standpipe located on Kondinin-Hyden Road at the edge of the lot boundary.

Since this arrangement has been put in place a number of factors have changed:

- The land has changed owners;
- The overhead standpipe has become defunct to most users;
- Ingress and egress from the overhead standpipe on the Kondinin-Hyden Road has proved to be unsafe from this location with poor visibility;
- The Shire have a new license agreement with the Water Corporation to access water from Yeerakine Dam;
- The Shire have installed standpipe controllers with 1.5", 2.0" and 3.0" tap connections based on a user pays arrangement for the majority of community water supplies and Water Corporation standpipes improving the access to water more evenly across the Shire.
- The Shire of Kondinin is actively working with the Department of Water and the Water Corporation to improve storage and capture at community water supplies on crown vested land to create alternative options for farmers in times of severe water shortages.

As a result of these changes listed above, the following recommendations are proposed to amend the document.

- Access to the bore water be available to the Shire only for emergency purposes, as it is not practicable to allow the public to traverse private property to reach the tanks connected to this bore. Other options are available for local farmers to access water in the vicinity in times of severe water shortages;

- On-going costs for the power and the servicing of the bore to be shared between the Shire and the landowners; and
- The overhead standpipe be removed as it is not suitable for the user and in the case of a fire the Shire and/or local farmer / DFES / volunteer firefighter would draw water direct from the tanks at a much faster speed.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The Shire currently pays approximately \$1,200 per annum for the electrical bills to service the pump to the bore and approximately \$3,210 to service the bore and associated infrastructure. The amended lease proposes to share these costs equally between the Shire and the land owner.

Strategic Implications

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

"1. COMMUNITY

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: 12th September, 2022
Attachment(s): List of Accounts 01/08/2022 to 31/08/2022

OFFICER RECOMMENDATION

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

• Municipal Fund payment cheque numbers 19218 to 19227	= \$ 13,264.16
• Municipal EFT15602 to 15750 (ex EFT15642)	= \$304,712.59
• Trust EFT15642	= \$ 4,000.00
• Direct Debits – Transport – Kondinin Office	= \$ 9,607.75
• Direct Debits – Transport – Hyden Office	= \$ 22,951.35
• Direct Debits – Other	= \$ 23,768.30
• EFTPOS Merchant Fees	= \$ 982.28
• Bank Fees – NAB Connect & Tyro	= \$ 153.49
• Payroll	= \$121,704.35

TOTALS : = \$501,144.27

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 2022/23 adopted Budget.

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 2022 – 2032

"4. Civic Leadership

4.1 Skilled, capable and transparent team:

- We engage with the community on key projects and we provide regular, transparent communication

- The capability of our organisation is continually improved

4.2 We are a compliant and resourced Local Government:

- External audits and reviews confirm compliance with relevant Local Government legislation

- Financial sustainability in achieving community aspirations"

VOTING REQUIREMENTS

Simple Majority

9.2.2 FINANCIAL REPORTS

Applicant:	Shire of Kondinin
Author:	Vince Bugna, Manager Corporate Services
Disclosure of Interest:	Nil
Date:	14 th September 2022
Attachment(s):	Monthly Financial Report for the period ended 31 July 2022

OFFICER RECOMMENDATION

That Council receive the attached reports entitled Monthly Financial Report (Containing the Statement of Financial Activity) for the period ended 31 July 2022.

SUMMARY

To present to Council the Monthly Financial Report for the period ended 31 July 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 2022/23 financial year.

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 2022 – 2032

4. Civic Leadership

4.1 Skilled, capable and transparent team:

- We engage with the community on key projects and we provide regular, transparent communication

- The capability of our organisation is continually improved

4.2 We are a compliant and resourced Local Government:

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

REPORTING OFFICER’S COMMENT

The highlights of the August 2022 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 2022 was \$6,749,751 comprising the \$2,772,086 in cash backed reserves (restricted), \$25,743 in Trust account (restricted), \$47,139 LCDC funds and \$3,904,787 term deposit investments, ODCF and Muni operating funds. 	Page 9 – Note 4 Cash and Financial Assets
<ul style="list-style-type: none"> • Receivables Rates and Rubbish – \$197,748 running balance as at 31st July as budget adopted in August, and Other receivables (Sundry Debtors) down to \$31,305. 	Page 12 – Note 7 Receivables
<ul style="list-style-type: none"> • Current Liabilities YTD balance is \$1,372,475 which includes \$503,262 Advanced payment/unspent LRCI grants, \$418,002 of employees’ annual and long service leave (Reserves funded - \$365,689 balance to date), Loan repayment provision of \$179,210 and a total of \$272,001 for Sundry Creditors. 	Page 8 – Note 3 Net Current Funding Position Page 13 – Note 8 Cash Reserves
<ul style="list-style-type: none"> • Closing Funding Surplus(Deficit) YTD actual is \$3,312,754 – composed of \$7,237,282 Current Assets less \$1,372,475 Current Liabilities and \$2,651,056 Net Adjustments to Net Current Assets. 	Page 8 – Note 3 Net Current Funding Position Page 5 – Statement of Financial Activity (By Nature or Type)

In relation to material variances, refer to page 7, Note 2 – Explanation of Material Variances.

VOTING REQUIREMENTS

Simple Majority

9.2.3 Sundry Debtors Write-Off

Applicant: Shire of Kondinin
Author: Ellen Valenta, Senior Administration Officer
Authorising Officer: Vince Bugna, Manager Corporate Services
Date: 12th September 2022
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

That Council:

Approve to write off the balance of Sundry Debtors amounting to \$6,848.24 as per the listed schedule below.

Summary

To seek Council approval to write off outstanding amounts owed to the Shire by Sundry Debtors. In accordance with Section 6.12 of the Local Government Act 1995, the Council is empowered to write off monies owing to the Shire of Kondinin.

Background

The attached schedule entitled “Sundry Debtors for Write Offs as at the 31st July 2022 details monies owing by sundry debtors that are recommended to Council for write off.

Some of these outstanding debts have been in the Shire records for more than two years. And some are no longer in existence or whereabouts unknown to Shire. The age of the debts and lack of supporting evidence raises some doubt over the recoverability of these debts. The costs to continue to research/investigate and pursue debts would be likely to exceed the actual amount of the debts.

Debtor Name	Total amount for Write Off	Reason
Kinetic Pipeline Systems	\$6,145.28	Relates to Diesel Usage for Drainage Jobs done back in 2019. We have sent reminders and once sending the company to the Debt Collection Agency we received communication back to say he will not be paying the invoice due to the contract which stipulated that the client is to pay for diesel. Contract was checked and the client was correct.
My Austravel Pty Ltd	\$ 353.00	Relates to Wave Rock entrance fees from June 2018. This company was sent statement, letters threatening legal action, then told if not paid would be refused entry . All correspondence is now being returned and have no address to chase the company.
Matt Nel	\$ 330.00	Chalet Accommodation from June 2021. We have tried several times to contact Mr Nel with the contact details we had without success, he has been put on our List so cannot stay without first making payment of outstanding amounts.
Shannon Collard	\$ 19.96	Lost Library Items from February 2021. Mr Collard has been send several reminders with no reply and has been put on our “No longer allowed to borrow items” until the items are either returned or payment is made.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

The provision for Doubtful Sundry Debtors has a balance of \$7,649.64 as at 31st July 2022. Amount to be written off is \$6,848.24, leaving a balance of \$801.40.

Strategic Implications

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

"4. Civic Leadership

4.2 We are a compliant and resourced Local Government

Voting Requirement

Absolute Majority

9.2.4 KONDININ CARAVAN PARK – REVISED FEES & CHARGES 2022/2023

Applicant: Shire of Kondinin
Author: Kirstie Pool, Community Development Officer
Authorising Officer: Vince Bugna, Manager of Corporate Services
Date: 12th September 2022
Disclosure of Interest: Nil
Attachments: Nil

OFFICER'S RECOMMENDATION:

That Council:

ACCEPTS the revised Fees and Charges for the 2022/2023 financial year with a review to be conducted on Friday, 30th of September 2022.

Summary

To present to Council for adoption the revised list of Fees and Charges 2022/23 to include an amended fee structure that Council raised a concern about at the August 2022 Council meeting.

Background

At the Ordinary Council meeting of April 2021, Council voted on a similar item for the increase of chalet charges. Below is the resolution that was carried:

RESOLUTION 9732

Moved: Cr Mulcahy

Seconded: Cr Browning

THAT Council increase its chalet charges by \$10 for a single night stay and \$20 increase per weekly stay on top of its current charges for the 3 chalets of Kondinin Caravan Park and adjust the fees and charges for the 2021/22 budget.

Carried by Absolute Majority 7/0

Following the discussion at the August 2022 Council meeting, a concern was raised about the current charges at Kondinin Caravan Park chalets which have been considerably cheaper in comparison with other accommodation in Kondinin. An item was presented to council in the month of August 2022 wherein a procedural motion was carried to lay the item on the table until the following month's Council meeting because Council requested additional information such as quotes for what other accommodation in Kondinin costs to be able to compare the prices with the Shire's Chalets.

The Shire's Administration Officer & Community Development Officer researched local accommodation prices and other Shire-run caravan parks. The information gathered are detailed below:

Kondinin Town	Facilities	Rates
Kondinin Caravan Park (Shire)	Chalet 1&3(Disable) = 2 bedroom, 1 bath, full kitchen	\$90 for 1 person \$115 for 2 adults \$145 for 4 adults & 2 children
Kondinin Caravan Park (Shire)	Chalet 2 = 2 bedroom, 2 bath, full kitchen & laundry	\$90 for 1 person \$130 for 2 adults \$165 for 2 adult & children
Kondinin Roadhosue	Single room with bathroom & kitchenet	\$90 for adult
Kondinin Roadhosue	double room with bathroom & kitchenet	\$115 for 2 adults
Kondinin Hotel	Single Room with bathroom & kitchenet	\$95 for 1 adult
Kondinin Hotel	Double Room with bathroom & kitchenet	\$130 for 2 people
Kondinin Hotel	2 Bedroom with bathroom & kitchen	\$180 for 4 adults
Windy Hill	1 bedroom, bathroom & Kitchen	\$120.15 for 2 adult \$166.36 for 2 adult & 2 children
Smudges Shack	2 Bedroom with bathroom & kitchen	\$115.53 for 2 adults \$150.19 for 2 adults & 2 children

Other Shire run accommodation similar to our chalets	Facilities	Rates
Brookton Caravan Park (Shire Run)	2 bedroom, bathroom + Washing machine	\$185 for 2 adults \$185 for 2 adults & 2 children
Quairading Caravan Park (Shire Run)	2 bedroom & bathroom	\$137.50 for 2 adults \$157.50 for 2 adults & 2 children
Bruce Rock Caravan Park (Shire Run)	2 bedroom & bathroom	\$135.00 for 2 adults + \$15 per extra person
Koorda Yalambee Units	2 bedroom, bathroom + Washing machine	\$135.00 per night (paying for the unit)
Beacon/ Bencubbin Caravan Park (Shire Run)	2 bedroom, bathroom + Washing machine	\$145 per night (paying for the unit)

The Room Manager program currently used do not allow for the method of increase as presented in our previous fee schedule. It is only programmed to use an increase of a set amount per adult and/or child. Below is our current schedule of fees and charges:

Caravan Parks			
Powered Sites		per night	\$ 25.00
Unpowered Sites		per night	\$ 15.00
Weekly Rate			\$ 130.00
Self Contained Chalet - Chalet 2 inc Linen		Single	\$ 95.00
(2 x double beds)		Couple	\$ 130.00
	(use of 2 rooms)	Family (max of 4 guests)	\$ 165.00
Weekly Rate		Single	\$ 530.00
	(use of 2 rooms)	Double	\$ 770.00
		Family (max of 4 guests)	\$ 970.00
Chalets 1 & 3 (disabled)		Single	\$ 90.00
(1 x double bed and 1x bunks)		Couple	\$ 115.00
		Family (max of 4 guests)	\$ 145.00
Weekly Rate		Single	\$ 500.00
		Double	\$ 620.00
		Family (max of 4 guests)	\$ 740.00
Porta Cot			\$ 10.00
Washing Machine		Coin Operated	\$ 5.00
Dryer		Coin Operated	\$ 5.00

Below is a summary of the increased proposed fees and charges for the Room Manager program:

Caravan Parks			
Powered Sites		per night	\$25.00
Unpowered Sites		per night	\$15.00
Weekly Rate			\$130.00
Self Contained Chalet - Chalet 2 inco Linen		Single & double per night	\$145.00
(2x double beds) (use of 2 rooms)		for extra person	\$15.00
Chalet 1 & 3 (disabled)		single & double per night	\$135.00
(1 x double bed and 1 xbunks)		for extra person	\$15.00
Porta Cot			\$10.00
Washing Machine		Coin Operated	\$5.00
Dryer		Coin Operated	\$5.00
Shower at Caravan Park			\$5.00

Chalet 1 & 3	Single & double (base booking) @\$135
Chalet 2	Single & double (base booking) @\$145
All 3 Chalets	\$15 per additional person

The proposed increase will result in chalet 1 & 3's rates to increase with \$45 and chalet 2 with \$50 per extra adult.

This is also more in line with what other Shire-run caravan parks are charging for their self-contained chalets and cottages.

We further recommend the discounted prices for bookings of more than 7 days be removed, as other Shire-run caravan parks do not include this in their fees and charges. Should a request arise for booking a Chalet for longer than a month, it will be referred to Council for approval and determination of the relevant fee to charge for such a stay.

Statutory Environment

The Local Government Act 1995

Policy Implications

Nil

Financial Implications

Increased 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 Requirement

Absolute majority

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Proposed Repeal Local Law – Final Adoption

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Date:	25 August 2022
Disclosure of Interest:	None
Attachments:	Proposed Repeal Local Law Letter received from Hon Alannah Mactiernan MLC

OFFICER RECOMMENDATION

That Council –

1. Resolves to make the Repeal Local Law as per the attached draft;
2. Authorise the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorise 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 Agriculture and Food; 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 consider the final adoption of the Repeal Local Law in accordance with the Local Government Act s.3.12.

Background

The Local Government Act requires the following statements be made in the agenda and minutes of the meeting –

- Purpose – to revoke old local laws no longer having relevance.
- Effect – revocation of outdated requirements and local laws.

The proposed local law repeals –

- a number of bylaws now inconsistent with legislation (eg: Appointment of Employees. Long Service Leave),
- several that have been superseded by other legislation (eg: Brick Areas, Pounds), or
- no longer are relevant (eg: Distribution of Water, Pest Plants)

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.

A notice was placed in the Hyden-Karlgarin Householder Newsletter on 27 April 2022, with the submission period for public comment closing on 24 June 2022. Notice was also given on the Shire's website as required by the Regulations, and in social media, office and library notice boards.

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

- Dept of Local Government, Sport and Cultural Industries
- Minister for Agriculture and Food.

The DLGSC advised that they had no comment regarding the proposed local law.

The Minister for Agriculture and Food noted that caltrop is not a pest plant under the *Biosecurity and Agriculture Management Act 2007*, and that if there is a future need to support ratepayers in relation to control of pest plants, Council may wish to re-enact the local law.

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
- 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*

Policy Implications

None

Financial Implications

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

Strategic Implications

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

“4. CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government”

Voting Requirement

Absolute majority

9.4.2 Proposed Cemeteries Local Law – Final Adoption

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Date: 25 August 2022
Disclosure of Interest: None
Attachments: Proposed Cemeteries Local Law

OFFICER RECOMMENDATION

That Council –

1. Resolves to make the Cemeteries Local Law as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. Authorise the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorise 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 consider the final adoption of the Cemeteries Local Law in accordance with the Local Government Act s.3.12.

Background

The Local Government Act requires the following statements be made in the agenda and minutes of the meeting –

- Purpose – to provide for the management of cemeteries within the district and create offences for non-compliance.
- Effect – to provide for the management and control of cemeteries.

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.

A notice was placed in the Hyden-Karlgarin Householder Newsletter on 27 April 2022, with the submission period for public comment closing on 24 June 2022. Notice was also given on the Shire's website as required by the Regulations, and in social media, office and library notice boards.

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

- Dept of Local Government, Sport and Cultural Industries –
The DLGSC submissions covered multiple areas. One substantive matter was raised, with other comments being –
 - of a context or technical nature, punctuation and grammar.
 - clarification of provisions, re-wording etc

The substantive matter was a suggestion to delete proposed clause 2.5 –

2.5 Historical Indigenous areas

- (1) No interments or memorials are permitted in the portions of the cemetery identified by the Board under clause 2.2, except with the specific approval of the Board, as records of burials in this area are unobtainable, or pre-date establishment of the district.

- (2) Should evidence of previously unknown burials or use be discovered, the reporting requirements of section 15 or section 41 of the *Aboriginal Heritage Act 1972*, as the case may require, shall be complied with.

DLGSC noted –

Clause 2.5 states that no burial may occur in a restricted area without the Board's approval. However, this statement is redundant, since the Cemetery Act and local law provide that a burial cannot occur anywhere else in the cemetery without the Board's approval either.

If the Shire is concerned about a burial happening in a part of the cemetery for any reason, the Shire can simply not approve burials in that area.

Deletion of this clause means –

- a consequential amendment to clause 2.1(e) to remove reference to deleted clause 2.5, limiting the decision on approval for burials in restricted areas specifically to the CEO; and
- the need to adopt a policy determining any restricted areas, and any instruction to the CEO as per clause 2.1.

Although an important change, since the amended provisions are already covered by the Cemeteries Act or by other provisions of the proposed local law, they are not considered to be of significance requiring readvertising.

- One other submission –

Clause cl.3.5 – Refusal of application

Comment – Final determination to comeback to Council for decision – simple majority

Response –

- by virtue of cl.2.1 refusal is delegated to CEO, subject to Council directions (in a delegation or policy), which could include the requirement to refer any refusal to Council for decision;
- If change to cl.3.5 is made, any refusal is referral to Council as an automatic process;
- if every intended refusal has to be referred to Council before notification to the applicant, it could make the process very long;
- there may be occasions where a decision/refusal is needed quickly, and referral to Council could take weeks or a month or so (eg: over December/January period);
- wherever a discretionary decision is made (eg under 3.5) there is in common law a right of appeal, whether stated in the local law or not
- to enshrine right of objection in the local law, suggest that a similar clause to Fencing cl.7.1 be included –
 - a right that is initiated by the applicant in relation to any discretionary decision made
- this would mean that CEO still makes decision for refusal, but it is the applicant's right/duty to appeal if they wish;
- LG Act - dealing with an objection cannot be delegated to CEO, and is resolved by simple majority resolution of Council
 - Local Government Act*
 - s.9.6 Dealing with objection*
 - (1) The objection is to be dealt with by the council ... or by a committee authorised by the council to deal with it.*
- the right would then be clearly available for all decisions made, not just interments

Delegation of Power to CEO for this local law should exclude power for CEO to decide an

objection.

Recommendation – a new part for Objections and Review be inserted

Despite the new Part 10 being an important change, it enhances and clarifies the rights of individual, and does not alter other rights in law. Therefore, none of the suggested changes altered the intent of the provision amended nor placed additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

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
- 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*

Cemeteries Act 1986 –

- s.55 (1) – a Board may make local laws ... as are necessary or convenient for the purposes of this Act ...*
- (r) generally for the doing of all such acts and things as are necessary or may necessary or convenient for the effective administration of a cemetery.,*

Policy Implications

Future adoption of Council policy for the names and areas of Brigades consistent with Bush Fires Act s.41 and the proposed local law.

Financial Implications

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

Strategic Implications

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

"4. CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government"

Voting Requirement

Absolute majority

9.4.3 Proposed Dogs Local Law – Final Adoption

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Date: 25 August 2022
Disclosure of Interest: None
Attachments: Proposed Bush Fire Brigades Local Law

OFFICER RECOMMENDATION

That Council –

1. Resolves to make the Dogs Local Law as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. Authorise the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorise 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 consider the final adoption of the Dogs Local Law in accordance with the Local Government Act s.3.12.

Background

The Local Government Act requires the following statements be made in the agenda and minutes of the meeting –

- Purpose – to make provisions about the impounding, the number that may be kept on premises, the manner of keeping dogs and create offences for non-compliance.
- Effect – to repeal existing Dogs Local Law 1995 and provide for the controls of dogs within the district and impose penalties for non-compliance.

The proposed local law does not specify areas where dogs are prohibited, nor dog exercise areas. These are now required to be set by absolute majority decision of Council, and therefore cannot be in the proposed local law.

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.

A notice was placed in the Hyden-Karlgarin Householder Newsletter on 27 April 2022, with the submission period for public comment closing on 24 June 2022. Notice was also given on the Shire's website as required by the Regulations, and in social media, office and library notice boards.

At the close of the submission period, submissions had been received from Dept of Local Government, Sport and Cultural Industries. The substantive matter was a suggestion to delete proposed clause 1.8 dealing with the requirement to comply with the conditions of approval for keeping a kennel. It was noted that this matter is dealt with by the Dog Act. Deletion of this clause means –

- a consequential amendment to Schedule 2, removing reference to deleted clause 1.8 and
- amendment of cross-referencing in multiple clauses due to the deletion.

None of the suggested changes altered the intent of the provision amended nor placed additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

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
- 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*

Policy Implications

None to current local laws.

Future priority – in accordance with the Dog Act 1976, adoption of policy regarding –

- 31 Control of dogs in certain areas
 - (2A) prohibition in certain areas at certain times
 - (2B) dog exercise areas

Financial Implications

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

Strategic Implications

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

- 4. *"CIVIC LEADERSHIP*
 - *We are a compliant and resourced Local Government"*

Voting Requirement

Absolute majority

9.4.4 Fencing Local Law – Final Adoption

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Date:	25 August 2022
Disclosure of Interest:	None
Attachments:	1. Summary of public submission received 2. Proposed Fencing Local Law

OFFICER RECOMMENDATION

That–

1. in accordance with the Local Government Act s.3.12(2) and (3) and all other legislation enabling it, local public notice be given that Council intends to make a Fencing Local Law, and inviting submissions for a minimum 6 week period –
Purpose – to prescribe sufficient fences, the standard for construction of fences and create offences for non-compliance.
Effect – to establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance.
2. in accordance with the Local Government Act s.3.12(3), copies of the proposed local law be –
 - sent to the Minister for Local Government and Minister for Commerce,
 - made available to any other person requesting a copy.

Summary

To finalise the statutory process for adoption of a local law in accordance with the Local Government Act s.3.12.

Background

The Local Government Act requires the following statements be made in the agenda and minutes of the meeting –

- Purpose – to prescribe a sufficient fence and the standard for construction of fences and create offences for non-compliance.
- Effect – to establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance.

This proposed local law repeals the 1979 Bylaw, which –

- lists asbestos as an approved fencing material,
- limited capacity to approve a non-specified fence that may otherwise be appropriate,
- no capacity for Council to delegate to CEO or for authorised persons to be appointed,
- is limited to townsites of Kondinin, Hyden and Karlgarin.

There are a number of matters that Council should be aware of –

- (1) the local law applies to the whole of the district, however, certain types of fencing are restricted or permitted to particular land uses as defined by the Local Planning Scheme,
- (2) Definitions –
 - (a) Council, CEO or other specific position – the function, role or power cannot be removed from that position or role, nor over-ridden.
 - (b) Authorised person – an authorised person’s function and actions are defined by the local law and is not to be confused with a delegation. A delegation relates to decision, whereas and authorisation relates to an action.

The CEO may delegate power to a senior staff member to make decisions, but this does not include acting as an authorised person to issue infringements (as an example).

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

- Dept of Local Government, Sport and Cultural Industries –
The DLGSC submissions covered multiple areas. The comments being –
 - where reference is made to an Australian Standard, DLGSC noted that -
 - of a context or technical nature, punctuation and grammar.
 - clarification of provisions, re-wording etc

Concerning the Australian Standard referenced in clause 5.2(3), DLGSC noted –

The Department is aware that the local law contains references to Australian Standards.

The use of Australian Standards raises issues, since they are external documents and not always available for free viewing. While the Parliament's Delegated Legislation Committee is happy to allow references to Australian Standards, this is subject to the condition that:

- (a) The full citation of the standard is used at least once, either in the applicable clause or via an appropriate definition;*
- (b) The most up to date version of the standard is cited; and*
- (c) The local government contain advice on their website indicating where a free version of the standard can be viewed.*

The Shire should ensure this is the case prior to the local law being finalised and put to council.

This issue raised has been addressed by other local governments inserting on the local laws page of their website, advice to the effect –

Australian Standards quoted in Local Laws

Australian Standards (AS) are sometimes quoted in local laws to provide the basis for industry standards for the matter it relates to.

As noted in the local laws, these may be inspected at the Shire of Narrogin Administration Centre, free of charge, during business hours.

Please note, these Standards are copyright to Standards Australia, and accordingly –

- They are able to be discussed with the relevant employee in person or on the telephone; and*
- They can be inspected free of charge at the Administration Centre*

If we don't hold a current copy of the relevant Standard, we will obtain it for you to view.

Because of copyright, we will not –

- Email quotes of text taken from the Standard; nor*
- Permit photocopying or photos to be taken on a mobile phone etc.*

Should you need a copy of the Standard please contact Standards Australia www.standards.org.au. See their contacts page for an online enquiry form or telephone 1800 035 822 (free call) or 02 9237 6000 or post to GPO Box 476, Sydney NSW 2001.

Taken from <https://www.narrogin.wa.gov.au/your-shire/information-and-news/our-local-laws.aspx> on 20 August 2022

None of the comments are considered to be of significance requiring readvertising.

- One other submission that raised two points–
 - a) Clause 7.1 – Objections and review
 - b) Schedule 2 – Sufficient fence for rural and rural residential land

Response –

- Refer to Attachment 1 for detailed response to these matters raised

Recommendation – that changes not be made

No comment has been received from the Minister for Commerce.

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
- 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*

Diving Fences Act 1961 –

s.5 – Sufficient fence, in relation to a dividing fence or a boundary fence referred to in section 16, means –

- (a) any fence prescribed by a local law as a sufficient fence for the part of the local government district in which the dividing fence or boundary fence is, or is to be, erected;*

Policy Implications

None.

However, information concerning Australia Standards to be placed in an appropriate location.

Financial Implications

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

Strategic Implications

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

“4. CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government”

Voting Requirement

Absolute majority

9.4.5 Proposed Public Places and Local Government Property Local Law – Final Adoption

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton
Date:	25 August 2022
Disclosure of Interest:	None
Attachments:	1. Summary of submissions 2. Proposed Public Places and Local Government Property Local Law

OFFICER RECOMMENDATION

That Council –

1. Resolves to make the Public Places and Local Government Property Local Law as per the attached draft;
2. Authorise the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorise 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 consider the final adoption of the Public Places and Local Government Property Local Law in accordance with the Local Government Act s.3.12.

Background

The Local Government Act requires the following statements be made in the agenda and minutes of the meeting –

Purpose – to make provisions for the management of public places, thoroughfares and all local government property

Effect – to repeal existing local laws, establish necessary controls for public places, thoroughfares and local government property, provide for permitted and prohibited use and activities, and create offences for non-compliance

This proposed local law repeals 6 old local laws.

There are a number of matters that Council should be aware of –

1. the local law applies to the whole of the district, but some aspects are limited to townsites
2. street trading or trading within a reserve, will still require approval, but will now be from an authorised person, not necessarily a Council resolution, but under conditions and requirements set by policy adopted by Council
 - approval for street trading under this local law, and subject to any conditions that may be imposed by staff, does not set aside the requirements of either Public Health Act and Regulations or the Food Act and Regulations.
3. permits fees and charges to be set by resolution of Council in accordance with the Local Government Act
 - in particular, these fees and charges will apply to the areas specified such as at Wave Rock, giving a clear head of power for Council to do so
4. permits activities to be authorised or prohibited by sign at the public place or local government property

5. allows for Council to delegate many matters to the CEO
6. allows for the appointment of authorised persons, either by Council or by the CEO under delegated power, to manage and enforce the requirements of the local law
7. Definitions –
 - (c) Council, CEO or other specific position – the function, role or power cannot be removed from that position or role, nor over-ridden.
 - (d) Authorised person – an authorised person’s function and actions are defined by the local law and is not to be confused with a delegation. A delegation relates to decision, whereas and authorisation relates to an action. The CEO may delegate power to a senior staff member to make decisions, but this does not include acting as an authorised person to issue infringements (as an example).

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.

A notice was placed in the Hyden-Karlgarin Householder Newsletter on 27 April 2022, with the submission period for public comment closing on 24 June 2022. Notice was also given on the Shire’s website as required by the Regulations, and in social media, office and library notice boards.

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

1. Dept of Local Government, Sport and Cultural Industries –

1. Potential reforms

Recently, the Minister for Local Government expressed an interest in amending the Local Government Act 1995 to standardise the rules around alfresco dining and the activation of public spaces.

While the final form of this proposal is yet to be determined, it is possible that these reforms may impact local laws dealing with public spaces. The Shire should keep this in mind in the event that it proceeds with this local laws.

2. Clause 2.2 - Determinations

The Parliament’s Delegated Committee has advised that while they will allow determination devices in local laws, this is subject to the condition that the determination-making power not be delegated to local government staff.

While clause 2.2 clearly refers to the council making all decisions, this could still be interpreted as allowing the possibility of delegation.

Accordingly, it is suggested that a subclause be added clearly stating that the power to make determinations under this clause must not be delegated.

Despite the potential impact of point 1 above, it is suggested to continue with the proposed local law in its present format, and deal with any issues that may arise at some future date. There has been no indication from DLGSC of when the reforms or proposed new Local Government Act will be enacted.

No substantive matters were raised, and no amendments were suggested.

2. One other submission that raised quite a number of points on a range of matters. Refer to Attachment 1 for detailed responses to these matters raised. One change is suggested, which is to insert in proposed clause 2.7(1) –
 - *any other recreation activity.*

While this is covered or implied by other clauses, the addition is consistent with the purpose of determinations and is not considered a significant change requiring readvertising.

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
- 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*

Policy Implications

Future high priority – Adoption of policies concerning the collection of firewood from road reserves which are consistent with the Environmental Protection Act and the Native Vegetation Regulations.

Future other priority – adoption of policies concerning street trading, itinerant food vendors etc

Financial Implications

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

Strategic Implications

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

“4. CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government”

Voting Requirement

Absolute majority

9.4.6 Proposed Bush Fire Brigades Local Law – Final Adoption

Applicant:	N/A
Author:	Chief Executive Officer – David Burton
Date:	25 August 2022
Disclosure of Interest:	None
Attachments:	Proposed Bush Fire Brigades Local Law Letter from Hon Stephen Dawson MLC

OFFICER RECOMMENDATION:

That Council –

1. Resolves to make the Bush Fire Brigades Local Law as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries and Department of Fire and Emergency Services;
2. Authorise the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorise 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 consider the final adoption of the Bush Fire Brigades Local Law in accordance with the Local Government Act s.3.12.

Background

The Local Government Act requires the following statements be made in the agenda and minutes of the meeting –

- Purpose – to make provisions for establishment, management and administration of Bush Fire Brigades in accordance with the *Bush Fires Act 1954*.
- Effect – to align the requirements for Bush Fire Brigades with legislation and local practice.

The Bush Fires Act a local government to adopt a local law –

s.43 – Election and duties of officers of bush fire brigades

A local government which establishes a bush fire brigade shall by its local laws provide for appointment or election of captain, a first lieutenant and other officers, and shall prescribe their duties

The proposed local law–

- recognises that brigades are not independent, but are ultimately responsible to the local government;
- includes provision for appointment of brigade officers directly by Council if considered necessary or appropriate, similar to appointment of fire control officers (which are required to be by Council, and are not an elected position);
- while preserving the Council's legal capacity to manage and control brigades, it allows brigades as much autonomy as possible.

The local law does not address fire hazards, fire breaks etc. It is suggested that this be done by the preparation and adoption of a formal notice in accordance with the Bush Fires Act s.33 as a matter of priority. A notice has all the effect and weight of a local law, and is actionable through infringements or court action if necessary.

Since brigades are to be established, named and have their geographic area of responsibility determined by Council in accordance with the Bush Fire Act and the local law, it is suggested that Council consider the adoption of a policy naming the brigades and with a map of the area of each brigade. This does not affect in any way, the ability for brigades to cross the defined areas of responsibility, but does impact the chain of command within the specified area of responsibility.

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.

A notice was placed in the Hyden-Karlgarin Householder Newsletter on 27 April 2022, with the submission period for public comment closing on 24 June 2022. Notice was also given on the Shire's website as required by the Regulations, and in social media, office and library notice boards.

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

- Dept of Local Government, Sport and Cultural Industries
- Dept of Fire and Emergency Services.

The DLGSC submissions covered several areas. No substantive matters were raised, with the comments relating to cross-referencing.

The Minister for Emergency Services advised that DFES had no comment to make other than checking the clause referencing.

None of the suggested changes altered the intent of the provision amended nor placed additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

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
- 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.35A – *volunteer fire fighter means a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member,*

s.37 – *local government to insure “volunteer fire fighters”, plant and appliances etc.*

s.41 – *local government may establish brigades, and equip them in accordance with those local laws*

s.43 – *a local government which establishes a bush fire brigade shall by its local laws provide for appointment or election of captain, a first lieutenant and other officers, and shall prescribe their duties*

s.62 – *may make local law for –*

- *appointment, duties etc. of fire control officers*
- *organisation etc. of bush fire brigades*
- *matters affecting the exercise of any powers or duties conferred by the Act*

Policy Implications

Future adoption of Council policy for the names and areas of Brigades consistent with Bush Fires Act s.41 and the proposed local law.

Priority – Adoption of a firebreaks and fire control order in accordance with the Bush Fires Act s.33.

Financial Implications

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

Strategic Implications

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

5. *“CIVIC LEADERSHIP*

- *We are a compliant and resourced Local Government”*

Voting Requirement

Absolute majority

9.4.7 **CHRISTMAS ADMINISTRATION HOURS**

Applicant: Shire of Kondinin
Author: ESO- Leandré Genis
Date: 8 September 2022
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 23rd December 2022 and re-open on Tuesday 3th January 2023.

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 23rd December 2022 (allowing travel on the 24th December) and re-open on Tuesday 3th January 2023. There are several public holidays in this period and other days will be covered by staff by using 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

9.4.8 GECZ MEETING

Applicant:	Shire of Kondinin
Author:	CEO – David Burton
Authorising Officer:	CEO – David Burton
Date:	12 September 2022
Disclosure of Interest:	Nil
Attachments:	Minutes

OFFICER RECOMMENDATION

That Council notes and endorses the recommendations of the Great Eastern Country Zone meeting held at Merredin on 23rd August 2021.

Summary

This report is for Council to note actions and recommendations from the Great Eastern Country Zone (GECZ) Meeting held in Merredin on 23rd August 2021.

Background

GECZ is the regional WALGA Meeting including the Shires of Bruce Rock, Cunderdin, Kellerberrin, Kondinin, Koorda, Merredin, Mt Marshall, Mukinbudin, Narembreen, Nungarin, Tammin, Trayning, Westonia, Wyalkatchem and Yilgarn.

Comment

Items raised at the meeting included:

4 Guest Speakers

4.1 Melissa Spark, Regional Manager, WA Primary Health Alliance

4.2 Richard Burnell, Executive Director Corporate Services, DFES

4.3 Annette Balmer, Recovery Support Officer, National Recovery & Resilience Agency.

4.4 WALGA Update

8. Zone Business

8.1 Review of the Biosecurity and Agriculture Management Act 2007: Consideration of WALGA Discussion Paper

8.2 Local Emergency Management Arrangements (LEMA) Review project

8.3 WALGA Best Practice Governance Review Principles – AGM Item

9. Zone Reports

9.1 Zone President 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 Business 13

10.1 State Councillor Report

10.2 WALGA Status Report

10.3 Review of WALGA State Council Agenda's – Matters for Decision

10.3.1 State Council Agenda Items - 9 September 2022

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

The capability of our organisation is continually improved

4.2 We are a compliant and resourced Local Government

Financial sustainability in achieving community aspirations"

Voting Requirement

Simple Majority

9.4.9 BUSH FIRE BRIGADE FIRE CONTROL OFFICERS

Applicant: Shire of Kondinin
Author: CEO – David Burton
Authorising Officer: CEO – David Burton
Date: 12 September 2022
Disclosure of Interest: Nil
Attachments: Nil

OFFICER RECOMMENDATION

That Council endorses the Bush Fire Control Officers and Dual Bush Fire Control Officers as listed in the report.

Summary

This report is for Council to consider the appointment of Bush Fire Control Officers for 2022/2023.

Background

At the AGM of the Bush Fire Brigades, the Bush Fire Control Officers and Dual Bush Fire Control Officers were recommended as included in the report.

Comment

The Bush Fire Control Officers for the various brigades in the Shire of Kondinin are:

Chief Fire Control Officer & Fire Weather Officer

David Burton, CEO

Deputy Chief Fire Control Officer & Fire Weather Officer

Tom Mulcahy (East) FCO
Roger Northey (West) DFCO

Kondinin Town Brigade

Allan Nelson FCO
DFCO

Kondinin Brigade (West)

Glen Browning FCO
Kurt Spurgeon DFCO

Kondinin Brigade (East)

Neil Whyte FCO
Geoff Whyte DFCO

Karlgarin Brigade (North)

Murray James FCO
Peter Richter DFCO

Karlgarin Brigade (South)

Andrew James FCO
Craig Soper DFCO

Hyden Town Brigade

Ashley Rogers FCO

Hyden Brigade (North)

Paul Green FCO

Jeremy James DFCCO

Hyden Brigade (South)

Trevor Hinck FCO

Stephen James DFCCO

East Hyden Brigade (North)

James Falcone FCO

Dennis Gittos DFCCO

Forrestania Brigade

Forrestania Mine

General Manager (Duncan Sutherland)

The Dual Bush Fire Control Officers for the Shire of Kondinin and neighbouring Shires includes:

Shire of Corrigin

Glenn Browning Bruce Talbot (Shire of Corrigin)

Tim George (Shire of Corrigin)

Shire of Kulin

Neil Whyte

Trevor Hinck

James Falconer

Shire of Narembeen

Neil Whyte

Murray James

Paul Green

Shire of Yilgarn

Tom Mulcahy

James Falconer

Shire of Lake grace

Tom Mulcahy

Statutory Environment

Bush Fires Act

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

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

Resourced bush fire brigades and support to meet compliance and encourage participation”

Voting Requirement

Simple Majority

9.4.10 PROHIBITIVE BURNING PERIOD

Applicant:	Shire of Kondinin
Author:	CEO – David Burton
Authorising Officer:	CEO – David Burton
Date:	12 September 2022
Disclosure of Interest:	Nil
Attachments:	Nil

OFFICER RECOMMENDATION

- That the Prohibited Burning period currently from 15 November to 14 February be changed to 1 November to 14 February, and
- The Restricted Burning period from 19 September to 15 November changed to 19 September to 31 October.

Summary

This report is for Council to bring the Prohibited Burning period and Restricted Burning period in line with current practice.

Background

Previously, The Shire gazetted the dates for the Restricted Burning Period from 19th September to 15th November and the Restricted Burning Period from 15th November to 14th February.

Over the years, the dates were changed to come into line with the surrounding Shires, however, this was never formally adopted by the Shire.

This item is to correct this oversight.

Comment

In order to bring the Shire into line with the surrounding Shires and current practice, it is recommended that the Prohibited Burning period currently from 15 November to 14 February be changed to 1 November to 14 February, and the Restricted Burning period from 19 September to 15 November changed to 19 September to 31 October

This information will be sent to the Commissioner, Department of Fire and Emergency Services to be gazetted. This will then be enforceable by the Shire.

Statutory Environment

Bush Fires Act 1954

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

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

Resourced bush fire brigades and support to meet compliance and encourage participation"

3. ENVIRONMENT

3.2 We conserve and protect our natural environment."

Voting Requirement

Simple Majority

9.4.11 REVIEW OF DELEGATIONS

Applicant:	Shire of Kondinin
Author:	CEO – David Burton
Authorising Officer:	CEO – David Burton
Date:	13 September 2022
Disclosure of Interest:	Nil
Attachments:	DELEGATIONS LISTING

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 of 21st September 2022.

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

No changes have been recommended for the Delegations Register at this time.

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

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"

Voting Requirement

Simple Majority

9.4.12 CONTRIBUTION TO ST JOHNS

Applicant: Shire of Kondinin
Author: CEO – David Burton
Authorising Officer: CEO – David Burton
Date: 13 September 2022
Disclosure of Interest: CEO – Impartiality – St Johns Volunteer.
Attachments: Original Email, Follow up Email, Invoice

OFFICER RECOMMENDATION

That:

- The Council does not approve the waiving of fees charged on Invoice 7414; and
- The Chief Executive Officer advises the Kondinin-Hyden Sub Branch of St John's that the cost of Invoice 7414, any future costs of works done by the Shire, can be taken from the Shires rather than an invoice being forwarded.

Summary

This report is to consider the request from St John's Kondinin Hyden Sub Branch for waiving of fees.

Background

In November 2019 the Shire of Kondinin made Resolution 3500 as a result of the initial request from St Johns for assistance.

RESOLUTION 3500

Moved Cr James

Seconded Cr Mouritz

That Council

- 1) That council authorise Administration to open a reserve account titled St John Ambulance Capital Upgrades with the purpose of St John Ambulance Kondinin Hyden Sub Centre capital upgrades in the 2020/21 budget;
- 2) Include a \$50,000 allocation to the St John Ambulance Reserve Account in the 2020/21, 2021/2022 and 2021/2023 budgets for consideration

CARRIED 7/0

The initial request for assistance is included in the attachments. The initial request was for an amount between \$75,000 and \$100,000 and consideration of works.

Comment

The Shire has created a Reserve as per the resolution and currently it has \$100,000 as a contribution towards the project. A further \$50,000 will be added this financial year.

The Shire was asked to assist with the sand pad for the new building and invoice 7414 was raised and sent out for the works.

Advice from the Secretary of the Sub Branch was that the former CEO had indicated assistance with works (attached email), however, I would suggest that this would have been the Shire assisting as part of the \$150,000 contribution as the CEO had no delegated authority to waive fees as suggested.

The Sub Branch is now requesting that the Shire provide the \$150,000 for a contribution towards the building of the Kondinin and Hyden Sub-centre and any additional work that the Shire can do (waiving the fee of Invoice 7414). If this Council is accepting of this request, then it would make it difficult to budget as we are not sure how much in-kind work will be requested. The total contribution from the Shire could easily be in excess of \$200,000, making budget controls very difficult.

The CEO does not have delegated authority to waive this amount of a fee.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

For Council to waive this fee would be a reduction in income of \$27,679.95, but will also set precedence for other works to be done free of charge. As such, the financial implications are unknown.

Strategic Implications

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

“1. COMMUNITY

*1.6 Support emergency services planning, risk mitigation, response and recovery
St Johns Sub Centres are well resources and fit for purpose”*

Voting Requirement

Simple Majority

9.4.13 HYDEN CENTENARY BUDGET ALTERATION

Applicant: Shire of Kondinin
Author: Community Development Officer – Kirstie Pool
CEO – David Burton
Authorising Officer: CEO – David Burton
Date: 14 September 2022
Disclosure of Interest: Nil
Attachments: Emails and Letter, Budget 100

OFFICER RECOMMENDATION

That the \$6,000 allocated for the Hyden Centenary Fireworks go towards covering costs of the Shire for additional cleaning for the event, traffic control to assist with the installation of the lights and any other additional costs that will be incurred by the shire for the event.

Summary

This report is to consider the request from Hyden 100 for the change in the use of funds allocated for the Hyden Centenary.

Background

The original allocation for the Hyden Centenary approved by Council in August 2022 at the Ordinary Meeting had an allocation of \$6,000 for the Fireworks for the Hyden Centenary. The Hyden 100 Committee have now been able to find a sponsor for the fireworks and are requesting the funds to be allocated to the Performance and Dance WA (PADWA) event of a talent workshop which will be held before the Centenary with some of the participants modelling at the Hyden Centenary fashion show.

The Shire has also considered that for the weekend, additional cleaning will be required to ensure that all toilets at all Shire buildings and Wave Rock (including the additional toilets for the oval) are cleaned and stocked throughout the weekend to cater for the additional people in town. This will need to be done several times over the weekend.

The Hyden Progress Association has also requested a Shire Staff member for traffic control to complete the lighting for the PTA area as this was a requirement from Main Roads for the works to be carried out.

The Sponsorship for the PADWA event is already included in the advertising for the event and it also carries an entrance fee (as per the advertising brochure). The event may also be considered as more promoting future talent in Hyden, rather than celebrating the history of Hyden. Those attending may be part of the Fashion Parade for the Centenary, but it may not be all participants.

Comment

The Shire has made significant contributions toward the Hyden Centenary as highlighted in the August Minutes and costs are continuing to mount in the lead-up to the event. It is also highly likely that additional costs may be incurred for items that have been overlooked (such as the cleaning of toilets) which may lead to considerable costs for the Shire.

Total Costs for the Shire for the event as listed from the August meeting are in excess of \$200,000 including the new town entry signs.

Advice from the progress association is that community funding and donations is close to \$140,000, but this will have additional contributions as it gets closer to the event.

As noted in the emails, and letters, it is highly likely that there will be costs that have not been considered or may spring up at the last moment. If the Shire is to allocate the funds to the PADWA, then the costs of these additional items will need to be found from other budget areas. While the allocation is only small at the moment, the additional costs are still unknown until the event.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The allocation for the Fireworks was for \$6,000. This would cover the costs for additional cleaning and also traffic control assistance, but would not leave much. The residual can go towards other costs that may be incurred for the event.

Strategic Implications

The project meets the following objectives of the Shire’s Community Strategic Plan 2012-2032:

“Goal 1: Community

1.1 community members have the opportunity to be active, engaged and connected

1.1.2 We collaborate with the CRCs and local organisations to deliver community programs and activities

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

Voting Requirement

Simple Majority

9.4.14 MEETING CHANGE OF VENUE

Applicant:	Shire of Kondinin
Author:	CEO – David Burton
Authorising Officer:	CEO – David Burton
Date:	13 September 2022
Disclosure of Interest:	Nil
Attachments:	Nil

OFFICER RECOMMENDATION

That Council approve;

- 1) The October Ordinary Meeting of Council to be held at Karlgarin Country Club / Karlgarin Hall
- 2) Administration to advertise the change of place for the October Ordinary meeting of council.

Summary

This report is to consider changing the venue of the October Meeting to the Karlgarin Country Club or the Karlgarin Hall.

Background

Council has had meetings previously in the Karlgarin Country Club when meetings were held in Karlgarin.

Comment

At the August Meeting of Council, it was suggested that a meeting be held in Karlgarin to show support for all the towns in our Shire. Meetings previously have been held at the Karlgarin Country Club.

The Karlgarin Country Club is only operating on Thursdays at this time, staff will need to confirm if it can host the Karlgarin meeting or the Shire may opt for using the hall.

Having a meeting in Karlgarin does show support for all the towns in the Shire and also may allow residents to attend who may otherwise find it difficult to attend the Shire meetings.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Minimal cost for change of location.

Strategic Implications

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

"1. COMMUNITY

- 1.1 *Community members have the opportunity to be active, engaged and connected*
We hold well attended local events and activities

4. CIVIC LEADERSHIP

*4.1 Skilled, capable and transparent team
We are inclusive and our communities feel heard”*

Voting Requirement

Simple Majority

9.5 ENVIRONMENTAL HEALTH OFFICER

9.6 WORKS COMMITTEE

9.6.1 FUTURE ROAD WORKS PROGRAMS

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton Manager of Works – Mark Burgess
Disclosure of Interest:	Financial – Vehicles for CEO and MOW part of Salary package (as staff are not voting, they are not required to leave the meeting)
Date:	23 August 2022
Attachment(s):	Will be presented on the day

OFFICER/ COMMITTEE RECOMMENDATION:

That the future works program update be noted for consideration in the Long Term Planning for the Shire.

SUMMARY

To provide information on the projected road works programs for various funding for the Shire.

BACKGROUND

The attached 10-Year Road Works Program shows the works listed since the original program was drafted to consider the 2017/2018 financial year. This is to show Members how the program has been followed to consider works each year as part of the Budget Considerations.

The current 10-year program goes through until 2026/2027 and will need updating to bring it in line with the current planning for a 10-year program leading into the future and for considerations in the Long Term Financial Plans for the Shire.

It should be noted that Regional Road Group (RRG) funded projects must comply with the standards as required, this is usually based on movements on the roads and the formula for prioritising roads. This can limit the use of the funding.

Roads To Recovery (R2R) funding is a Federal Government Project that has been operating for many years. This does require the Shire to ensure that maintenance of roads is kept at a certain level for the funding to be approved. It does not limit the road that it can be used on, as long as it has not used R2R funding previously. This does allow the funding to be used on various roads. The current program is to expire on the 30th of June 2024. It is not known if the program will be expanded beyond this date but has been renewed on several occasions.

REPORTING OFFICER'S COMMENT

The current 10-year program will be updated further to represent the next 10 years of road works for consideration. This will feed into the Long Term Financial Plans for the Shire and assist in the long-term planning of works and asset preservation.

It should be noted that at times, funding opportunities do come along which can add to this program or allow work to be completed earlier. This can be seen with the Local Roads and Community Infrastructure Program (LRCI) funding and also the recent major increase in funding with the Remote Roads Upgrades Pilot Project. By having a planned long-term program, changes can be easily made when surplus funds are available or project restricted when funds or resources are limited, but ensure that the jobs are not simply forgotten about.

Road works is broken into several different programs including Regional Road Group (RRG), Roads to Recover (RTR) and General Funds.

RRG – Funded on a 2/3 grant 1/3 Shire basis and does require an MCA score for the works
RTR – Can be used on any road providing it has not been funded previously. This funding also requires the Shire to maintain its level of normal expenditure on the roads or funding may be reduced.

General Funds – Can be used at the Shire’s discretion.

The Shire has also received funding through a pilot project for the Hyden Norseman road to have a section sealed. This work will be completed over a 3-year period with RTR funds used to cover some of the Shire’s contribution to the project.

STATUTORY ENVIRONMENT

Local Government Act 1995

Adopted works program – budgetary constraints and potential cost increase implications.

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL IMPLICATIONS

The proposed program is reliant on funding being made available and any reduction in grants would impact on the proposed programs and the final actual program(s) scheduled.

STRATEGIC IMPLICATIONS

Shire’s Strategic Community Plan 2022-2032

- 2 Economy
 - 2.2 Safe and efficient transport network enables economic growth
- 4 Civic Leadership
 - 4.1 Skilled, capable and transparent team
 - 4.2 We are a compliant and resourced Local Government

VOTING REQUIREMENT

Simple Majority

9.6.2 PLANT REPLACEMENT 10 YEAR PROGRAM

Applicant:	Shire of Kondinin
Author:	Chief Executive Officer – David Burton Manager of Works – Mark Burgess
Disclosure of Interest:	Financial – Vehicles for CEO and MOW part of Salary package (as staff are not voting, they are not required to leave the meeting)
Date:	23 August 2022
Attachment(s):	Will be presented on the day

OFFICER/ COMMITTEE RECOMMENDATION:

That the Plant Replacement Program be noted.

SUMMARY

To provide information on the Plant Replacement Program for 2022/2023 and beyond.

BACKGROUND

The Plant Replacing Program is taken over a 10-year period to fit in with the Long Term Financial Plans for the Shire and to ensure that machines are replaced at regular intervals so that the Shire always has machines capable of performing the tasks as required.

REPORTING OFFICER'S COMMENT

The 10 year program does ensure that staff and members are aware of when larger machines will need to be replaced as this can create a large impost on the Council and the financial sustainability of the Shire.

Machines are replaced at regular intervals when it is considered the 'optimal' time to replace them, or when the Council has received the best value and to keep the vehicles longer, which may increase maintenance and running costs beyond the cost of replacing the machines.

The program also allows for the consideration of items to try and remove any major expenditure in a single year and try to balance the plant replacement over the 10-year program. While this is not always possible, every effort is made to reduce the impact. The program also allows for changes to be considered and the financial impacts. The use of Plant Reserve can be made available to assist in reducing the impacts of years of larger plant purchases and replenished in years of smaller plant purchases. This can reduce the impact on the budget to maintain a steady funding allocation.

For some plant items, the replacement date is only a consideration and at the time, a decision may be made to extend the life of the assets. This is common with some trailers.

STATUTORY ENVIRONMENT

Local Government Act 1995

Adopted works program – budgetary constraints and potential cost increase implications.

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL IMPLICATIONS

The proposed program is reliant on funding being made available and any reduction in grants would impact on the proposed programs and the final actual program(s) scheduled.

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 2022-2032

2 Economy

2.2 Safe and efficient transport network enables economic growth

4 Civic Leadership

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

VOTING REQUIREMENT

Simple Majority

9.7 HOUSING & BUILDING COMMITTEE

9.7.1 10 YEAR HOUSING PROGRAMS

Applicant:	Shire of Kondinin
Author:	Manager of Planning and Assets – Tory Young
Disclosure of Interest:	Financial/Proximity – CEO resides at 6 Hinck Street (as a staff member and non-voting officer, the CEO is not required to leave the room)
Date:	26 th August 2022
Attachment(s):	Power Point Presentation of Shire Housing 10 Year Housing Maintenance and Capital Work Plan Summary of Surrounding Shires Housing Arrangements

OFFICER/ COMMITTEE RECOMMENDATION:

That the 10 Year Housing Maintenance and Capital Works Plan be noted for consideration in the Long Term Planning for the Shire and staff investigate options for construction and funding programs to come back for consideration.

SUMMARY

To provide information on the current and projected expenditure on Shire housing and a summary of surrounding Shire's management of staff housing.

BACKGROUND

The Shire of Kondinin has a total of sixteen (16) houses that are dedicated to Shire staff (11 houses), contractors (3 houses) and currently two (2) houses that are rented to state government agencies.

The power point presentation attached to this report provides a detailed summary of each dwelling, including location, date of construction, actual and projected short term expenditure and rental arrangements.

The majority of the dwellings are in a fair to good condition, with the exception of three dwellings that are old and in poor structural condition. These three (3) dwellings are recommended to be disposed of by the Shire in the short term and replaced with new dwellings on vacant Shire lots in the Kondinin Town Site.

A summary comparing the management of Shire housing across like Shires has been compiled and attached to this report. The summary illustrates that each Shire takes a slightly different approach to the management of its housing stock for staff, but generally speaking staff housing is subsidised for all staff and executive staff via contract arrangements.

A ten (10) year housing maintenance and capital works program has been prepared as a working document to guide the Shire's Administration and Council in the forward planning for housing expenditure in the short to medium term. A copy of this document is attached to this report.

REPORTING OFFICER'S COMMENT

The purpose of this meeting and supporting documentation is primarily to provide an overview on the Shire's current approach to the management of its housing stock in the short to medium term. It is the intention that subsequent meetings of this committee look more strategically at the Shire's housing stock and consider the development of a Housing Replacement Plan. It is considered that this will better inform decisions relating to the management of the Shire's housing stock in the future.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL IMPLICATIONS

The proposed program is reliant on funding being made available and any reduction in grants would impact on the proposed programs and the final actual program(s) scheduled.

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 2022-2032

2 *Economy*

2.2 *Safe and efficient transport network enables economic growth*

4 *Civic Leadership*

4.1 *Skilled, capable and transparent team*

4.2 *We are a compliant and resourced Local Government*

VOTING REQUIREMENT

Simple Majority

10. BUSINESS OF AN URGENT NATURE

11. CLOSURE