



# SHIRE OF KONDININ SPECIAL MEETING

## AGENDA

To be held on **Tuesday 7<sup>th</sup> February 2023** in the **Kondinin Council Chambers**

*The Special Council Meeting will commence at 2PM*

# Order of Business

## 1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Shire President Cr Mouritz welcomed those present and declared the meeting open at 0:00am.

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

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

## 4. PUBLIC QUESTION TIME

## 5. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

## 6. MATTERS FOR CONSIDERATION

### 6.1 Manager Planning and Assets

#### 6.1.1 FURTHER REPORT - RELOCATION OF THE HYDEN RAILWAY BARRACKS

**Applicant:** Nil  
**Author:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Date:** 1<sup>st</sup> February 2023  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **OFFICER RECOMMENDATION**

That Council:

- 1) ACCEPTS the community quotation from the Hyden Progress Association of \$19,987 (incl. GST) received to undertake the relocation of the Hyden Railway Barracks;
- 2) NOTES that the quotation excludes any approvals that may be required to relocate the building; and
- 3) AUTHORISES the Chief Executive Officer to administer the necessary building permits required before works commence.

#### **Additional Information**

At the Ordinary Meeting of Council held on the 14<sup>th</sup> December 2022, this matter was presented to Council where it was resolved to lay the matter on the table to obtain a community quotation. The details of the report and original Officer Recommendation and Procedural Motion are outlined in italics below.

A community quotation from the Hyden Progress Association was submitted to the Chief Executive Officer on the 13<sup>th</sup> January 2023 comprising a quotation for the concrete pad (\$7,150) and the relocation of the barracks (\$12,837) totalling \$19,987 (incl. GST).

With the cost of the development under the prescribed \$20,000 for a registered builder, the Shire is able to accept the community quotation to undertake the works. In addition, sufficient funds are allocated to the project in the budget to be undertaken in the 2022-2023 financial year.

On Council's acceptance of the quotation, the Shire of Kondinin Administration shall arrange for the necessary permits to be issued, including obtaining the signatures of the land owners (Public Transport Authority) and engaging the Hyden Progress Association to carry out the works.

#### ***"OFFICER RECOMMENDATION***

*That Council:*

1. *ACCEPTS the one (1) quotation of \$41,448 (ex GST) received to undertake the relocation of the Hyden Railway Barracks;*

2. NOTES that the quotation excludes any repairs and rectification work to the existing structures and buildings and any approvals that may be required to relocate the building;
3. DEFERS the project for inclusion in the 2023 – 2024 Budget to enable time for the project to be completed and sufficient funds being allocated.

*This item was not voted on due to a procedural motion:*

**RESOLUTION #4052**

**Moved: Cr Tom Mulcahy**

**Seconded: Cr Kerrie Green**

*That Council approves that the Item lay on the table until a community quote can be prepared and submitted to the CEO for consideration.*

**Summary**

*This report is for Council to endorse the Request for Quotation and associated costings and amended time frames for the re-location of the Hyden Railway Barracks.*

**Background**

*The re-location of the Hyden Railway Barracks was first mooted several years ago. Being located on land vested in the Public Transport Authority under a lease with the Shire of Kondinin various approvals have been required prior to re-location.*

*On the preparation of the Structural Engineering Report and the approval from the Public Transport Authority, the Shire was then in a position to seek a quotation for the work. Of the four (4) quotations sought, three (3) declined to quote, resulting in just one (1) quotation received.*

*Council have allocated \$25,000 in the 2022 – 2023 Budget towards the re-location of the railway barracks. Based on the quotation received and expenses required to cover any approvals and to make good the building once relocated, it is estimated that the Council requires an additional \$30,000 to complete this project.*

*The contractor has advised that cannot guarantee that if engaged to undertake the work it could be undertaken in the 2023 – 2024 financial year. Given this, and the under-budgeted allocation in the 2022 – 2023 budget it is recommended that this project be put on hold until and considered inclusion in the 2023 – 2024 financial year.*

**Statutory Environment**

- Local Government Act 1995
- Functions and General Regulations 1996

**Policy Implications**

*Shire of Kondinin Policy – Purchasing FIN-005*

**Financial Implications**

*The Council allocated \$25,000 towards the relocation of the Hyden Railway Barracks in the 2022 – 2023 budget.*

*Based on the quotation received and additional works and approvals required to relocate the Hyden Railway Barracks, the Council will need to allocate at least another \$30,000 towards the project to complete it.*

**Strategic Implications**

*Supports the following section of the Shire's Strategic Community Plan 2022 – 2032:  
"2.3 Coordinated planning and promotion of the visitor and tourist experience"*

**Voting Requirement**

*Simple majority."*

## 6.2 CHIEF EXECUTIVE OFFICER

### 6.2.1 Review of Councillors' Representation

**Applicant:** Shire of Kondinin  
**Author:** David Burton (CEO)  
**Authorising Officer:** David Burton (CEO)  
**Date:** 2 February 2023  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **OFFICER RECOMMENDATION**

That Council:

- 1) assess all information relevant to the Review of Councillor Representation included in the Officer's Report and in the attached Representation Report to the Local Government Advisory Board and endorse the document.
- 2) Instruct the Chief Executive Officer to advise the Local Government Advisory Board:
  - a) That in accordance with Schedule 2.2 of the Local Government Act, the Shire of Kondinin recommends to the Local Government Advisory Board that an order be made under S2.18(3) of the Local Government Act 1995 to reduce the number of offices of Councillor on the Council from nine (9) to seven (7).
  - b) That the reduction of offices of Council to eight (8) at the 2023 Elections and seven (7) at the 2025 Elections, providing a three to four split in the election cycle allowing a fair and equitable reduction in Council Members.
  - c) That in accordance with the direction of the Minister for Local Government, there be no wards for populations under 5000, the Shire of Kondinin will remain with the status quo and not implement wards for Council.

#### **Summary**

For Council to consider the submission to the Local Government Advisory Board on the Review of the Councillors' Representation.

#### **Background**

On the 20th of September 2022, the Minister for Local Government wrote to Local Governments regarding the impending Local Government Reforms and in particular the reduction in Councillor numbers in line with the reforms, with Local Governments with populations of less than 5,000 being required to have between 5–7 Councillors.

In addition, Local Governments within Band 3 and 4 will no longer be able to have wards. This does not impact the Shire of Kondinin as wards were removed several years ago.

A discussion paper for the Review was drafted based on Council's preference and circulated to the general public through newsletters and the Shire's social media pages. Although only 6 weeks were required for the review, additional time was allowed to ensure adequate time for responses due to the busy time of year.

Closing submissions for the discussion paper were due by close of business on 30<sup>th</sup> January 2023. No submissions were made.

The process for the voluntary pathway and timeframes is outlined below:

### **Voluntary Pathway**

Your local government may decide to implement these changes on a voluntary basis. This pathway will require the council to make the steps outlined below and could involve staging any larger changes in the number of councillors over two ordinary elections. This pathway provides the greatest possible lead time to plan for next year's ordinary elections.

If your council wishes to undertake this process, it should, by 28 October 2022 (completed):

- Advise the DLGSC of its intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023 (and in 2025, if applicable); and
- Initiate a Ward and Representation Review to determine the specific changes to the structure of the council for the 2023 and 2025 ordinary elections, to be completed by 14<sup>th</sup> February 2023.

I appreciate that significant effort is required to complete a Ward and Representation Review. The Ward and Representation Review would need to be initiated ahead of the 28 October 2022 date, and finalised by 14 February 2023, to ensure that the timeframes set out in the Act can be practically met.

While the Ward and Representation Review can consider the size of the council, and any wards, any changes should not diverge from the proposed reforms. Further information is attached to this letter to assist with this process.

### **Next Steps**

In line with the above, I request that council considers these matters and provides formal written advice on the preferred pathway to the DLGSC by 28 October 2022.

Given the timeframes already established in the Act, no extension to the dates specified in this letter will be possible.

### **Timeline and steps – local government ward and representation reviews**

The following steps will need to occur to allow all required local governments to meet the 30 June 2023 timeframe of publication in the Government Gazette of any proposed ward and representation review changes, ahead of the October 2023 local government elections. Please note that all stages that are currently followed for 'regular' reviews are included below.

Table 1 includes suggested timeframes that will need to be considered by all local governments that will be required to undertake a review ahead of the October 2023 elections.

All local governments should aim to have their completed reviews submitted to the Local Government Advisory Board (the Advisory Board) by no later than **14 February 2023**.

**Table 2 - Ward and representation review process – for local governments**

1	The Council resolves to undertake a ward representation review	variable
2	A comprehensive discussion paper is developed	variable
3	Council advertises that it is conducting a review and the associated public submission period opens (minimum 6	6 weeks

	weeks)	
4	The discussion paper is made available to the community for consideration and public submissions are invited on the matter	variable
5	Public submission period closes	variable
6	The Council assesses all submissions, considers options for change against the relevant factors to be considered, and drafts a report, which includes their decision, for the Local Government Advisory Board (the Advisory Board)	variable
7	The formal report is presented to Council on the outcome of the public submissions and the proposed ward and/or boundary changes	variable
8	Council resolves to adopt the report to the Advisory Board	variable
9	The preferred option is submitted to the Advisory Board via the formal report, for the Board's consideration and recommendation	variable
10	The Advisory Board considers the council's review report, and a recommendation is submitted to the Minister, which can either be accepted or rejected	variable

### Comment

Following the Council resolution at the September 2022 Ordinary Council Meeting, the CEO commenced the process in line with Council's decision.

#### • Response to Minister / Local Government Advisory Board

Correspondence was sent to the Minister for Local Government, The Department and the Local Government Advisory Board outlining:

- Council's decision to undertake the voluntary pathway
- Council had resolved to undertake a Review of Councillor Representation
- A discussion paper had been prepared for public comment
- That Council can meet the deadline of 14th February 2023
- Council's preference to reduce Council numbers from 9 to 7 by reducing one member at the 2023 Election and one member at the 2025 Election.

#### • Review of Councillor Representation

- A Discussion Paper was developed which was made available to the public for more than the six-week consultation period, to allow for the busy harvest and Christmas season, and covered all aspects of the review, and public submissions were invited on the matter. This was available via hard copies in the Shire Office reception area, Council's Website or by contacting the Shire to seek a copy.

#### • Advertising of Review of Councillor Representation

Council advertised that it is conducting a review in local newsletters and social media and notice boards.

#### • Assessment of Submissions

All submissions received will be presented for Council consideration. Council to assess all submissions, and options for change against the relevant factors to be considered, and draft a report, which includes their decision, for the Local Government Advisory Board.



## • Final Steps

The remaining steps are to be undertaken at the Special Meeting of Council held on 7<sup>th</sup> February 2023.

- The formal report presented to Council on the outcome of the public submissions.
- Council resolves to adopt the presented report to the Local Government Advisory Board.
- The preferred option is submitted to the Advisory Board via the formal report, for the Board's consideration and recommendation.

As no submissions were made in regards to the Representation Review, it should be taken that the general population are supportive of the Shire's position on how to achieve the required reduction in Council Members through the voluntary path rather than the statutory process.

### *Executive Summary:*

*The Minister for Local Government advised of the impending local government reforms requiring the reduction of Council Members for Band 3/4 Shires (Shire of Kondinin is a Band 4 Shire) with a population of less than 5,000.*

*The Shire considered the proposal at the September Ordinary Meeting of Council and resolved to consider:*

### *Resolution 4018*

*That the Chief Executive Officer advise the Department of Local Government Sports and Communities that the Shire of Kondinin's preferred option is to reduce the number of elected members from nine (9) to seven (7) by reducing the number of vacancies by one in 2023 and one in 2025 Local Government Elections.*

*Carried by Absolute Majority.*

A Review discussion paper (attached) was drafted considering the options and circulated through the community through December-January to allow sufficient time for the community to respond. No submission was received.

To proceed with the process of the voluntary reduction in Council Members, it is now required that the information be sent to the Local Government Advisory Boards advising of Council's preferred option.

No submissions to the discussion paper were received.

## **Statutory Environment**

*Local Government Act 1995 Schedule 2.2 7(1) & (2).*

### 7. Reviews

- (1) Before carrying out a review a local government has to give local public notice advising —
  - (a) that the review is to be carried out; and
  - (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
- (2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

*Local Government Act 1995 - Sect 2.18*

2.18. Fixing and changing number of councillors

1. When a local government is newly established the Governor, by order made on the recommendation of the Minister, is to —
  - a. specify the number of offices of councillor on the council of the local government; and
  - b. if the district is to have a ward system, specify the numbers of offices of councillor for the wards.
  
- (1) When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.
  
- (2) The Governor, on the recommendation of the Minister, may make an order —
  - (a) changing the number of offices of councillor on a council; or
  - (a) specifying or changing the number of offices of councillor for a ward; or
  - (b) as to a combination of those matters.
  
- (3) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

*Local Government Act 1995 - Sect 2.2*

2.2. Districts may be divided into wards

- (1) The Governor, on the recommendation of the Minister, may make an order —
  - (a) dividing a district into wards; or
  - (b) creating new wards in a district that is already divided into wards; or
  - (c) changing the boundaries of a ward; or
  - (d) abolishing any or all of the wards into which a district is divided; or
  - (e) as to a combination of any of those matters.
  
- (2) For the purposes of this Act —
  - (a) an order that divides a district into wards is to be regarded as establishing a ward system for the district; and
  - (b) an order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.
  
- (3) Schedule 2.2 (which deals with wards and representation) has effect.
  
- (4) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

**Policy Implications**

Nil

**Financial Implications**

The implications of this action will result in minor savings for the Shire in Councillor expenses.

## **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

## **7. BUSINESS OF AN URGENT NATURE**

## **8. CLOSURE**

Being no further business, the Shire President thanked Councillors and Staff for their attendance and declared the meeting closed at \_\_\_\_am.