



MINUTES OF ORDINARY MEETING HELD AT KONDININ ON 14TH FEBRUARY, 2018

1. DECLARATION OF OPENING /ANNOUNCEMENT OF VISITOR

The Shire President Cr Meeking welcomed those present and declared the meeting open at 3.00pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr S Meeking (Shire President)	Cr G Lynch (Deputy Shire President)	Cr A Smoker
Cr R Growden	Cr B Browning	Cr M James
Cr S Jones	Cr R Butler	Cr K Mouritz

Leave of Absence: Nil

Apologies:

Staff:	Mr J. Read (CEO)	Mr A. George (DCEO)	Mr V. Bugna (MOF)
	Mrs T. Young (MPD)	Mr M. Burgess (MOW)	Mr I. Holland (ETSO)
	Mr W. Pearce (EHO)		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

4. PUBLIC QUESTION TIME

NIL

5. APPLICATIONS FOR LEAVE OF ABSENCE

NIL

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

NIL

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of Council Meetings – 15th November and 20th December, 2017

RESOLUTION 3145

Moved Cr Growden

Seconded Cr Jones

That the minutes of the Council Meetings held on 15th November and 20th December, 2017 be confirmed. Subject to the following changes on the first page of the December minutes:

That “. He advised that he was not prepared to move the minutes.” be deleted and replaced with “and as such the minutes of the November 2017 meeting could not be confirmed.”

CARRIED 9/0

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

NIL

9 REPORTS OF COMMITTEES AND OFFICERS

- 9.1 Finance Report
- 9.2 Manager of Planning & Development Report
- 9.3 CEO Report
- 9.4 Manager of Works Report
- 9.5 EHO Report
- 9.6 Building Surveyor Report
- 9.7 Hyden & Kondinin Swimming Pool Manager’s Reports
- 9.8 Building Maintenance & Ranger Report

A guest from the public joined the meeting at 3:12pm

V. Bugna joined the meeting at 3.24pm

9.1 FINANCIAL REPORT

9.1.1 Financial Reports

Name of Applicant: Manager of Finance
Author: Manager of Finance
Voting: Simple
Date: 6th February, 2018

SUMMARY/COMMENT: The financial statements for the period ending 31 December 2017 and 31 January 2018 are attached.

RESOLUTION 3146
Moved Cr Lynch **Seconded Cr Mouritz**
 That the Financial Reports for the period ended 31st December 2017 and 31st January 2018 as presented be accepted.
CARRIED 9/0

Cr Butler left the meeting at 3.29pm and returned at 3.33pm

9.1.2 List of Accounts

Name of Applicant: Manager of Finance
Author: Manager of Finance
Voting: Simple
Date: 6th February 2018

SUMMARY/COMMENT: A list of accounts is attached.

RESOLUTION 3147
Moved Cr Butler **Seconded Cr Growden**
 That Muni Cheques 18309 – 18342, Muni EFT8826 – 9009, Trust Cheques 637- 638, Trust EFT8883 – 8884, Transport Direct Debits, Other Direct Debits, Payroll and Bank Fees (for the months of December 2017 \$1,241,499.48 and January 2018 \$770,735.54) totalling \$2,012,235.02 be endorsed.
CARRIED 9/0

Cr Smoker left the meeting at 3.47pm and returned at 3.51pm

9.1.3 Capital Items Progress

Name of Applicant: Shire of Kondinin
Author: CEO
Voting: Simple
Date: 14 December, 2017

SUMMARY/COMMENT:
 Expenditure on capital items for 2017-2018

Programme	Description	Budget	Notes
Governance	Council Chamber Chairs	10,000	Completed
Governance	Solar Panels Shire Admin Building	20,000	Commenced
Governance	Server & Computers Upgrade	50,000	Commenced
Governance	OKN Vehicle Changeover	55,000	Completed
Governance	KN0 Vehicle Changeover	42,000	
Governance	KN04 Vehicle Changeover	35,000	
Health	Yeerakine Lodge Extension	921,902	Commenced
Housing	Employee House, Kondinin (Bal C/F)	283,000	Commenced
Recreation & Culture	Sporting Precinct Landscaping, Kondinin	25,000	Completed
Recreation & Culture	Tables for Public Halls	5,000	Completed
Recreation & Culture	KCRC Kondinin Sports Club Extension	820,000	Commenced
Recreation & Culture	Solar Panels Hyden Pavilion	30,000	Commenced
Recreation & Culture	Hyden & Kondinin Oval Retic' Upgrades	80,000	Completed

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Recreation & Culture	Solar Panels Kondinin S/Pool Building	30,000	Commenced
Recreation & Culture	Hockey Field Upgrade, Kondinin	20,000	Completed
Transport	East Hyden Bin Rd Construction (RRG)	277,905	Completed
Transport	Mt Walker Road Construction (RRG)	226,217	Completed
Transport	Aylmore Rd (Own Resources)	60,700	Completed
Transport	Kondinin Lake Nth Rd (O'Res)	53,900	Completed
Transport	Hyden Norseman Rd (R2R \$60K + O'Res)	106,882	Completed
Transport	Kondinin Town St's (R2R \$310K + O'Res)	464,844	Commenced
Transport	Gibson Road (R2R)	23,558	
Transport	Narembeen Sth Rd (R2R)	62,732	
Transport	Notting Karlgarin Rd (R2R)	54,109	Completed
Transport	Spurr Rd (R2R)	65,375	
Transport	WANDRRA AGRN743 (Bal C/F)	266,395	Commenced
Transport	Accommodation Units (Hyden Depot)	10,000	
Transport	New Bus Parking Facility (Hyden Depot)	11,108	Completed
Transport	KN56 Vehicle Changeover	17,000	Completed
Transport	KN63 Vehicle Changeover	70,000	Completed
Transport	KN51 Vehicle Changeover	28,000	Completed
Transport	KN2108 Vehicle Changeover	95,000	Commenced
Transport	Purchase Mowers (x2)	25,000	
Transport	KN78 Hamm 3412 Roller Changeover	130,000	Completed
Economic Services	Wave Rock Pathway Reseal	26,964	Commenced
Economic Services	Karlgarin Centenary Project	20,000	
Economic Services	Wave Rock Tourist Precinct Improvement	50,000	
Economic Services	Kondinin Pioneer Wall (C/F)	15,080	Completed
Economic Services	Hyden Main Street Beautification	100,000	Commenced
Other Prop & Services	KN54 Vehicle Changeover (2x)	70,000	
TOTAL		\$4,827,671	

FOR INFORMATION

9.1.4 Compliance Audit Return and 2017/18 Budget Review

Applicant: Shire of Kondinin
Author: MOF/CEO
Date: 7th February, 2018
Disclosure of Interest: Nil

SUMMARY/COMMENT:

Attached for Councillors information is the Compliance Audit Report for the period 1/1/2017 to 31/12/2017, which report is a requirement of the Department of Local Government. The report has been completed by the CEO and is required to be reviewed by Council's Audit Committee and then presented by the Audit Committee to the Council of the Shire of Kondinin, with any recommendations that the Committee may require Council to consider. Normally the Committee would review the report and recommend to Council that the report be received and accepted. The report is then submitted to the Director General of the Department of Local Government. Also, it is a requirement under the Local Government (Financial Management) Regulations 1996 that each local government carry out a budget review of its current year budget mid financial year to make necessary adjustments in the interest of achieving a balanced (zero balance) at the end of the financial year, 30 June, 2018. The Shire's Manager of Finance, together with the CEO, has conducted the review and made the necessary adjustments to the various budget account items where appropriate. The attached Review of Budget Report – notes 4 and 5 details these accounts that have been affected.

RESOLUTION 3148
Moved Cr James **Seconded Cr Browning**
THAT Council:

1. **Adopt the Compliance Audit Return for the period 1/1/2017 to 31/12/2017, as reviewed by the Council’s Audit Committee for submission to the Department.**
2. **Adopt the 2017/18 budget review conducted for the six (6) months period ended 31 December 2017, as reviewed by the Council’s Audit Committee for submission to the Department.**
3. **Authorise the CEO to amend the 2017/18 budget in accordance with the attached “Review of Budget Report” for the period ended 31st December 2017.**

CARRIED 9/0
By Absolute Majority

A. George left the meeting at 4.07pm and returned at 4.09pm
V. Bugna left the meeting at 4.08pm
T. Young joined the meeting at 4:10pm

9.2 Manager of Planning and Development Report

9.2.1 Grants, Events and Projects Update

Grants Summary 2017 – 2018

Project	Source of Funding	Grant Amount	Shire Contribution	Status / Comment
Sport 4 All – KidSport Program	Department of Sport and Recreation	\$850.00	In kind Only	In Progress - New Agreement signed for 1 st July to 31 st December 2017 for reduced amount of \$850.00. Kidsport is now only for Registration Fees.
National Stronger Regions Fund (NSRF) – Yeerakine Lodge Extension	Regional Development Australia	\$600,000	\$171,902	In Progress – Deed of Agreement has been finalised with the Federal Government with the date to complete construction being July 2018. Progress Report #1 submitted on 28 th April 2017; Progress Report #2 submitted on 28 th July 2017 and Progress Report # 3 submitted on 30 th November 2017. Project ACorp Construction was awarded the tender at the 19 th July 2017 Council Meeting. Building Permit was issued on 8 th August 2017. Work currently progressing on schedule.
Extension to Kondinin Community Recreation Centre	Department of Sport and Recreation (Community Sporting and Recreation Facilities Fund) & Wheatbelt Development Commission (Regional Grants Round)	\$100,000 (DSR) \$185,000 (WDC)	\$385,000	In Progress – Both Grant Applications submitted to the Northam Offices of the DSR and the WDC respectively on Friday 16 th September 2016. KCRC has confirmed \$150,000 towards the project. DSR have confirmed \$100,000 towards the project. WDC have confirmed \$185,000 towards the project. Funding Agreements both been signed and submitted and regular progress reports to both grant authorities are being submitted. First invoice of \$100,000 has been issued to the WDC on 2 nd February 2018. Construction Drawings and associated documentation were certified with Certificate of Design Compliance on the 11 th January 2018. Tender being advertised from 17 th January to 16 th February 2018, with the view of reporting item to a Special Meeting of Council in late February / early March 2018. Three (3) potential tenderers attended the site visit on Tuesday 30 th

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January 2018.				
Wheatbelt South Aged Care Alliance	Building Better Regions (Federal) Fund	TBA	Approximately \$80,000 per unit plus the cost of land value, site works, landscaping, etc.	Submitted A joint application was submitted and prepared by the Shire of Wickpin as the lead agency to The Building Better Regions Fund which closed on 19 th December 2017.
Thank a Volunteer	Department of Local Government	\$1,000	In-kind	Approved – 2 x events were held in Kondinin and Hyden to recognise the volunteers in the respective communities. Advertising of nominations closed on the 23 rd January 2018. Award Ceremony in Kondinin were held on Friday 2 nd February 2018 and Hyden on the 26 th January 2018 to tie in with Australia Day. Thank you to Councillor Lynch and Councillor Butler who presented at the respective award ceremonies.
TOTAL		\$ 886,850	\$ 556,902	

Events Summary

Date	Event	Target Audience	Location and Status
JANUARY 2018			
24 th January	Noongar Sports Day <i>Well attended day enjoyed by all children.</i>	School Children	Kondinin Swimming Pool
26 th January	Australia Day Celebrations <i>Well attended day, including games, sausage sizzle and evening movie.</i>	Whole Community	Kondinin Swimming Pool
26 th January	Australia Day Celebrations & Thank A Volunteer Awards & Citizenship Ceremony <i>Very well attended day enjoyed by all.</i>	Whole Community	Hyden Swimming Pool
FEBRUARY 2018			
2 nd February	Thank a Volunteer and Meet & Greet – Kondinin <i>Well attended evening.</i>	All	Kondinin Country Club
MARCH 2018			
23 rd March	A Night in the Community Garden with chef Sophie Budd	All	Kondinin Community Garden

Community Development Project Summary

Project	Status
Kondinin Community Garden	ON GOING - Busy Bees being held at the end of each month. Currently progressing entry signage, new gate and a money deposit box and have purchased outdoor drums for nature play area all to be installed shortly.
Wave Rock Improvements	IN PROGRESS - Working with Hyden Councillors and Works Manager. Discussions have been made with the Department of Parks and Wildlife who have suggested that the Shire apply for the Lotterywest Trails Grant in two parts. The first part to assist in the funding of a design for new pathway and boardwalk and associated plantings and interpretative signage. The second part would be for the construction itself. Matter to be progressed during the 2017/2018 financial year. MPD attended Trails Seminar on 10 th November for guidance on funding options. DCEO currently arranging new bins to be installed around Wave Rock.
Hyden Streetscape Project for 2022 Centenary	IN PROGRESS – Concept Plan adopted by Council at its Ordinary Meeting on the 20 th December 2017. More detailed Implementation Plan and Costings to be prepared in 2018 for consideration in 2018/2019 Budget. Drainage main priority to start with.
Karlgarin Streetscape Project for 2020 Centenary	IN PROGRESS - Meeting held with Karlgarin Progress Association secretary on 15 th December 2016 to discuss ideas for the centenary, including pioneer wall opposite the former shop and story boards. CEO and Manager of Planning and Development attended Karlgarin Progress Meeting on 22 nd February 2017 in which this project was discussed in detail. Various ideas were discussed and it was agreed that a sub-committee be created to progress the matter. Sub-Committee met on 7 th September 2017 at Karlgarin gazebo. Productive ideas discussed which are being followed up on. Key ideas: information boards on the gazebo; and artistic centre piece to be installed next to the gazebo. Currently looking at artist to engage to complete this latter idea. The running of the day was also discussed to be held on the long weekend in October 2020. Artist Impressions have been received from Forever Shining for a 'giant gilgie'. Quotations currently being sourced.
Roe Tourism	ON GOING - Working with the Executive Officer from Roe Tourism and the CDO from the Shire of Bruce Rock to compile information to Market Creations to create a website for Roe Tourism. Branding and new Logo was completed by Daniela Varone. Project part of surplus funding from WDC from another project undertaken by Roe Tourism several years ago. Matter of free passes to Wave Rock to be discussed at 19 th February Roe Tourism Meeting.
New Entrance Signage at Shire Boundaries	IN PROGRESS - Working with Shire's Works Manager and Cr Butler to complete and install new signage on the Shire's boundary and remove outdated signage to streamline across Shire. Working with individual communities of Hyden, Karlgarin and Kondinin for personalised entrance signage to towns. To be progressed in early 2018.

Town Planning Projects and Matters Update

Project	Status
Amendment No.8 to Town Planning Scheme No.1	Minister for Planning approved Scheme Amendment No.8 of the Shire's Local Planning Scheme No.1 on the 20 th December 2017 for the purpose of: <i>Reclassifying portion of Lot 330 of DP 50605 Clayton Street, Hyden from 'Local Scheme Reserve – Public Purpose: Education' to 'Residential R30' and amending Scheme Map 3 of 6 of the Shire of Kondinin's Local Planning Scheme No. 1 accordingly.</i> This change in zoning will now enable the development of additional residential dwellings adjacent to Whispering Gums Retirement Village which is also located on Lot 330 Clayton Street Hyden, subject to funding and development approval.

	The decision has been publically advertised, listed in the government gazette and relevant agencies and representatives from the Hyden Lions Club and the Whispering Gums Retirement Village advised of the outcome.
Local Planning Policy No.3 – Sea Containers	A report and draft policy has been presented to the Ordinary Meeting of Council on the 14 th February 2018 seeking Council endorsement to advertise the new draft policy relating to Sea Containers.
Local Planning Policy No.4 – Signs and Advertising	A report and draft policy has been presented to the Ordinary Meeting of Council on the 14 th February 2018 seeking Council endorsement to advertise the new draft policy relating to Signs and Advertising.

RESOLUTION 3149

Moved Cr Butler

Seconded Cr Browning

That Council Receive the Manager Planning and Development’s update on Grants, Events and Projects;

CARRIED 9/0

9.2.2 Local Planning Policy No. 3 Relating to Sea Containers – Approval to Advertise Policy

Applicant: Shire of Kondinin
Author: Manager Planning and Development
Date: 9th January 2018
Disclosure of Interest: Nil
Attachments: Draft Local Planning Policy No. 3 – Sea Containers

Overview

Part B of the Shire of Kondinin Local Planning Scheme No.1 being the deemed provisions set out in *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2* provides for the preparation of local planning policies to apply generally or to a particular class or classes of matters and throughout the Scheme area or in one or more parts of the Scheme area. The subject Policy is intended to apply to the use and installation of sea containers throughout the Scheme area, that being the whole of the Shire of Kondinin.

In recent years there has been an increased use of sea containers for storage purposes across the Shire of Kondinin. Sea containers provide a cheap and secure way of storing goods, but have the potential to adversely affect the amenity of an area, particularly in residential and rural residential zones, given their industrial design and often poor location and condition.

The Shire’s Local Planning Scheme No.1 makes no direct reference to sea containers, which has made it difficult for Council to regulate their installation.

As such, on reviewing a number of policies relating to Sea Containers in like Shires, this Policy has been prepared to provide guidance for Council and land owners in the use and siting of sea containers in the Shire of Kondinin.

As outlined above the Policy is intended to be applied across the whole Shire, however an audit of the existing sea containers in Kondinin has been undertaken and documented below to provide further context to the Policy and when planning approval would be required.

Examples of existing Sea Containers in Kondinin



Property located in Residential Zone under LPS No.1. Under draft Policy would need to comply with Special Requirements of Table 1, i.e. painting and screening and would need to be required to be fitted with an internal emergency door release and appropriate ventilation mechanisms as per the standard requirements of the draft Policy.



Property located in Residential Zone under LPS No.1. Under new Policy would need to comply with Special Requirements of Table 1, i.e. painting and screening and would need to be required to be fitted with an internal emergency door release and appropriate ventilation mechanisms as per the standard requirements of the draft Policy.



Property located in local reserve – medical services under LPS No.1. Would not require planning approval under draft Policy clause 4.1 (e) as is being used as part of construction works on site.



Property located in General Industry Zone under LPS No.1. Would not require planning approval under draft Policy as complies with all requirements in Table 1 and general requirements of Policy.

Summary

In light of the above, it is recommended that the Council authorises the Chief Executive Officer to advertise the draft Local Planning Policy No.3 relating to Sea Containers for a period of 21 days before being reported back to Council with any submissions received during the public advertising period.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2

Policy Implications

Nil

Financial Implications

Sufficient funds are allocated in the 2017/2018 budget towards town planning matters.

Strategic Implications

The following extract from the Shire's Community Strategic Plan 2016 – 2026 supports this matter.

'1.1 A vibrant and attractive place to live that offers choice and a liveable environment

1.1.1 Promote the Shire of Kondinin as a great place to live, work, visit and invest

1.1.2 Encourage greater housing diversity and standards that meets the needs of a broader demographic profile.'

Voting Requirement

Simple Majority

RESOLUTION 3150

Moved Cr Growden

Seconded Cr Lynch

That Council **AUTHORISES** the Chief Executive Officer to advertise the draft Local Planning Policy No.3 relating to Sea Containers as shown in the Attachment to this report pursuant to Schedule 2 cl.4 of the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*

CARRIED 9/0

9.2.3 Local Planning Policy No.4 Relating to Signs and Advertising- Approval to Advertise Policy

Applicant: Shire of Kondinin
Author: Manager Planning and Development
Date: 11th January 2018
Disclosure of Interest: Nil
Attachments: Draft Local Planning Policy No. 4 – Signs and Advertising
 Schedule 1 of Town Planning Scheme No. 1 – Exempted Advertisements

Overview

Part B of the Shire of Kondinin Local Planning Scheme No.1 being the deemed provisions set out in *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2* provides for the preparation of local planning policies to apply generally or to a particular class or classes of matters and throughout the Scheme area or in one or more parts of the Scheme area. The subject Policy is intended to apply to the use and installation of signs and advertisements throughout the Scheme area, that being the whole of the Shire of Kondinin.

Currently under Part A of the Shire’s Local Planning Scheme No.1, Schedule 1 provides a list of signs and advertisements in which planning approval is not required. Historically, this was to be read in conjunction with the *Local Government Model By-Laws (Signs Hoardings and Billposting) No. 13* which was created under the Local Government (Miscellaneous Provisions) Act 1960. This By-Law was superseded by local laws made under the Local Government Act 1995.

A review of various local government authorities has revealed that generally speaking, a local planning policy relating to Signage and Advertising has been adopted by Councils to provide the provisions required for proposed signage that is not exempt under Schedule 1 of the Local Planning Scheme Part A.

A review of other local government policies relating to signs and advertising has been undertaken, together with consideration to the Main Roads Advertising Policy – *Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves*, in the preparation of this Policy.

Summary

In light of the above, it is recommended that the Council authorises the Chief Executive Officer to advertise the draft Local Planning Policy No.4 relating to Signs and Advertising for a period of 21 days before being reported back to Council with any submissions received during the public advertising period.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015
 Planning and Development Act 2005
 Main Roads (Control of Advertisements) Regulations 1996

Policy Implications

Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves

Financial Implications

Sufficient funds are allocated in the 2017/2018 budget towards town planning matters.

Strategic Implications

The following extract from the Shire’s Community Strategic Plan 2016 – 2026 supports this matter.

‘1.1 A vibrant and attractive place to live that offers choice and a liveable environment

1.1.1 Promote the Shire of Kondinin as a great place to live, work, visit and invest.’

Voting Requirement

Simple Majority

RESOLUTION 3151

Moved Cr Lynch

Seconded Cr Butler

That Council AUTHORISES the Chief Executive Officer to advertise the draft Local Planning Policy No.4 relating to Signs and Advertising as shown in the Attachment to this report pursuant to Schedule 2 cl.4 of the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 9/0

9.2.4 Re-Surfacing of 2 x Acrylic Netball Courts & 1 x Acrylic Tennis Court in Kondinin

Applicant: Shire of Kondinin
Author: Manager Planning and Development
Date: 7th February 2018
Disclosure of Interest: Nil

Summary/Comment

The Kondinin Netball Club approached the Shire of Kondinin in 2017 seeking consideration of the re-surfacing of the 2 x Kondinin Netball Courts. A further catalyst for the re-surfacing was an incident of graffiti on the courts in late 2017 and the damage to the court surface as a result of the attempted removed of the graffiti.

Quotations from West Coast Synthetic Surfaces have been obtained to patch up the damaged section only and also to resurface the entire two courts. The total to surface and re-line the 2 courts has been quoted at \$23,500 and to just patch up the damaged section \$7,615.00. Given that the courts are in need of re-surfacing it is considered that it would be better value for money to re-surface both courts.

On a related matter, the Kondinin Community Recreation Council for some time have been looking to tidy up the area to the north of the netball courts in which the four old hard court tennis courts are located. Court Number 5 west of the synthetic tennis courts is still used during open days and ladies days, whilst the other 3 hard courts are never used. It has been proposed to tidy up this area by re-surfacing court 5 in acrylic surfacing the same as the netball courts, and the remaining three old hard courts and old fencing to be ripped up and the area used for car parking and landscaped. This would also make the hit up board being made more accessible as this is also still used. A new concrete pad for this would also be included in the project as the current one is no longer suitable.

This proposal has received strong support from the Kondinin Netball Club, Kondinin Tennis Club and the Kondinin Community Recreation Centre.

At the time of writing this report an updated quotation to include the acrylic re-surfacing of the tennis court is still being sought, however given it is roughly the same area as one of the netball courts it is estimated to be up to \$15,000. As such, the project cost including some incidentals is estimated at \$45,000. The Kondinin Tennis Club and the Kondinin Netball Club are both active sporting clubs in the Kondinin community with involvement from a broad demographic. The Kondinin Tennis Club provides a pennants team, hosts a yearly ladies day and teams event, offers social tennis, the junior hotshots program and tennis lessons from an accredited tennis coach. The Kondinin Netball Club currently has a strong junior and senior team, hosts a gala day each year and competes in the Corrigin Netball Association. Both clubs are strongly supported by the Kondinin Community Recreation Council who provides the overarching direction to ensure the long term viability of the Kondinin Sporting Precinct.

It is proposed that the Shire submit a CRSFF grant to the Department of Sport and Recreation in the small grant program that closes on the 31st March 2018 to seek 1/3 of the funding cost for the re-surfacing of the two Kondinin Netball Courts, the re-surfacing of one of the hard tennis courts and a new concrete pad for the hit up wall. In-kind support for the project will be provided from the Kondinin community to rip up the old remaining 3 tennis courts and fences and tidy up the area.

It is proposed that, subject to funding being obtained, the project be carried out in the 2018/19 financial year with a completion date no later than June 2019.

Statutory Environment

Nil

Policy Implications

Section 5.3.1 of the Shire's Policy Manual relating to Capital Works Programmes

Financial Implications

Provision will need to be made for Council's contribution of \$15,000 towards this project in the 2018/19 financial year's budget.

Strategic Implications

The following extract from the Shire's Community Strategic Plan 2016 – 2026 supports this project.

'1.3 A safe, healthy and active Shire

1.3.2 Embrace lifelong learning, social interaction and creativity

1.3.3 Provide a variety of quality sport, recreation and leisure services and facilities for all life stages across the three communities

1.3.4 Attract regular cultural events and activities to the Shire'

Voting Requirement

Simple Majority

RESOLUTION 3152

Moved Cr Smoker

Seconded Cr Jones

THAT Council support a contribution of \$15,000 in the 2018/2019 budget as a one third contribution of an estimated \$45,000 total project cost towards the acrylic re-surfacing of 2 x netball courts and 1 x tennis court at the Kondinin Sporting Precinct in an application to the Department of Sport and Recreation Community Sporting and Recreation Facilities Fund (CSRFF) 2018/19 Small Grant Round.

CARRIED 9/0

T. Young left the meeting at 4.30pm

The meeting was recessed from 4.30pm to 4.36pm

Wayne Green DFES Regional Superintendent and Merv Austic Executive Officer Volunteer Services joined the meeting and presented on CEO item 9.3.5

At 4.56pm W. Pearce (EHO) joined the meeting.

At 4.58pm Cr Browning left the meeting.

At 5.18pm W. Green and M. Austic left the meeting.

9.3 CHIEF EXECUTIVE OFFICER'S REPORT

9.3.1 Wave Rock Wardens

Applicant: Shire of Kondinin

Author: CEO

Date: 8 February, 2018

Disclosure of Interest: Nil

SUMMARY / COMMENT: It is necessary that Council formally appoint volunteer wardens for Wave Rock.

This has been the practice for many years and the wardens play an important role in assisting with the management of Wave Rock. The persons nominated have been selected and recommended by Sheenagh Collins as they all are associated with and work in the vicinity of Wave Rock.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATION

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

RESOLUTION 3153

Moved Cr Butler

Seconded Cr James

THAT Council appoint Ray Herring, Sue Richter, Kent Mouritz, Pam Williamson, Steve Jackson, Paul Price, Scott Pratzky and Sheenagh Collins (team leader) as Wave Rock Wardens for three (3) years from 14/2/2018.

CARRIED 8/0

9.3.2 Rental Agreement - Silo

Applicant: Shire of Kondinin

Author: CEO

Date: 8 February, 2018

Disclosure of Interest: Nil

SUMMARY / COMMENT:

Since the Shire of Kondinin agreed to take ownership of the various heritage shops in Gordon Street opposite the Shire Office in Kondinin, it has been necessary to review rent arrangements with tenants. The Kondinin Lions Club and Harvest Place rental arrangements have remained the same as prior to the Shire taking ownership of the shops. Because they are volunteer organisations that use the premises one day per week their rent can be considered modest, as is the hairdresser's rent who also occupies the premises for a short time once per week. All tenants pay for electricity consumption however water is paid for by the Shire.

The business owned by Marnie Tonkin known as Silo sells various products including local arts and crafts and opens five and a half days per week. Recently Marnie requested to move into another shop area rather than the shared arrangement with the hairdresser. She requested that a two way air conditioner be installed as well as the back door reinstated and the ceiling be repaired. This repair and installation has been done and a rental agreement drafted by the Shire's administration regarding her tenancy with a weekly rent charge of \$100.00 plus GST proposed. Marnie has advised that the business cannot afford \$100.00 per week and has requested that it be substantially reduced to say \$50.00. While administration considers \$100.00 plus GST weekly rent for a full time business occupying the premises reasonable, Marnie advised that she will be forced to close the business unless it is reduced to a more affordable level. The business is welcomed in the Kondinin town site and offers locals and visitors the opportunity to purchase such gift items, etc. not available elsewhere in the town. Council's determination of this matter is sought.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATION

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

RESOLUTION 3154

Moved Cr James

Seconded Cr Growden

THAT Council determine \$50.00 as a suitable weekly rent amount for the small business 'Silo' occupying a Shire owned shop area in Gordon Street, Kondinin.

CARRIED 8/0

9.3.3 WA Local Government Grants Commission Visit

Name of Applicant: Shire of Kondinin

Author: CEO

Declaration of Interest: Nil

Date: 8 February, 2018

BACKGROUND / COMMENT:

As Councillors have been advised earlier by the CEO, the WA Local Government Grants Commission will be visiting the Shire of Kondinin at 11.30am 20 February, 2018. Councillors are encouraged to attend this important hearing.

The Shire of Kondinin's 2017/18 total Grants Commission grant received totals \$1,773,245.00. As can be seen, this is the largest grant we receive and it is important that the grant amount level remain or increase in future years and certainly not decrease. The grant is made up of two components – the General Purpose Grant (\$995,343.00) and the Roads Grant (\$777,902.00) for the 2017/18 year. The grant is paid to the Shire in several instalments; the first is a prepayment that we received in the (previous) 2016/17 year and the balance is paid quarterly throughout the 2017/18 year.

The larger a local government's population, remoteness, length of roads under its control, etc., etc. has bearing on the amount allocated to an individual local government. The Commission at this forthcoming meeting will dissect our allocation to ascertain if it ought to be increased, decreased or stay the same. The CEO has prepared a PowerPoint presentation on Council's behalf for the information of the Commission including challenges facing the Shire of Kondinin.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATION

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Financial benefits derive to the Shire of Kondinin from undertaking such contract works.

STRATEGIC IMPLICATIONS

Part Extract from the Shire's Community Strategic Plan:

1.1 Vision and Values; 1.1.1 Our Vision

'To have a thriving and sustainable future'

1.1.2 Our Mission

We will achieve our vision by;

- Providing leadership in the community,
- Having a positive outlook,
- Providing and facilitating appropriate facilities and services,
- Being forward looking, etc. etc.

VOTING REQUIREMENT

Simple majority

RESOLUTION 3155

Moved Cr Jones

Seconded Cr Butler

THAT Council receive the CEO's report regarding the WA Local Government Grants Commission visit on 20 February, 2018.

CARRIED 8/0

M. Burgess left the meeting at 5.35pm and returned at 5.38pm

9.3.4 Kondinin & Hyden Town Site Drainage Project

Name of Applicant: Shire of Kondinin

Author: CEO

Declaration of Interest: Nil

Date: 8 February, 2018

BACKGROUND / COMMENT:

The need to improve town site drainage of stormwater in our town sites has been required for many years. The Shire of Kondinin engaged consultants several years ago to prepare a plan to remedy the drainage problem for the Kondinin town site and more recently a study and plan was prepared by a consultancy group engaged by the Shire in respect of the Hyden town site. In the 2017/18 current financial year some \$421,000 Roads To Recovery road grant funding has been allocated to complete part of the Kondinin town site drainage project, which work has almost been completed in respect of Jones, Healey, Rankin and Gordon Streets. The Manager of Works has advised that it is preferable that continuation of the drainage project in respect of both Kondinin and Hyden town sites, including asphalt reseals, continue to completion over the next year. The total cost of this work (excluding the MRWA highway reserve areas through our town sites) is estimated at around \$1.7 million.

The standard and presentation of our town site streets, including stormwater drainage, can be considered an important and a priority local government responsibility. Main Roads WA is responsible for the cost of undertaking drainage works including re-seals to the main-road/highway through both town sites and discussions have been conducted with senior MRWA personnel regarding this. We are advised that MRWA recognise the need and have advised that they will make funding available for their part of the (highway) drainage (including asphalt reseals) project in both of our town sites.

Funding the estimated \$1.7 million is the challenge. This is particularly so following advice received from the federal government that Roads to Recovery grant monies are to be spent on improving road safety and town site drainage works most likely will not qualify. Therefore the cost of completing the drainage works in our town sites will require funding from Council's own resources or debt funding. The work can be completed during the 2018/19 financial year and debt funding spread over around seven (7) years. Interest rates for such funding would be 2.94% (WA State Treasury rate for 7 year term as at 31/1/2018). Repayments of \$1.7m debt over the seven years would cost approximately \$250,000 per year.

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATION

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

This report is subject to the Council agreeing in its 2018/19 budget to debt fund the estimated \$1,700,000 Kondinin and Hyden town site drainage program over a seven year term and construction of the works being undertaken during the 2018/19 financial year.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

RESOLUTION 3156

Moved Cr Growden

Seconded Cr Mouritz

THAT Council support the completion of the Kondinin and Hyden Town site drainage and asphalt reseal project during the 2018/19 financial year with project funding being considered during the 2018/19 budget deliberations with a view to the possible debt funding of the \$1,700,000 estimated capital cost of the works over a seven year loan term.

CARRIED 8/0

Cr James left the meeting at 5.51pm and returned at 5.54pm

Cr Butler left the meeting at 6.02pm and returned at 6.05pm

9.3.5 Kondinin Local Volunteer Emergency Services

Name of Applicant: Shire of Kondinin

Author: CEO

Declaration of Interest: Nil

Date: 8 February, 2018

BACKGROUND / COMMENT: It has been brought to my attention by several concerned residents of Kondinin that the operations of the Kondinin Volunteer Emergency Services Unit, which are responsible to DFES, is not functioning as required. For some time now relationships within the volunteer member group have been strained with some members placed on probation for two years as a result of an argument. The decision to place two volunteers on a lengthy probation was made by Wayne Green, DFES Superintendent based in Albany following DFES's investigation into the incident. On Friday 19 January, 2018, a bad traffic accident occurred about one kilometre north of the Kondinin town site. The local ambulance volunteers were alerted to the accident and attended quickly. However the local emergency services volunteers were forced to attend in their own vehicles because senior members were not available. The Kondinin Emergency Services unit was therefore not activated despite some five experienced volunteer members being in town and available to attend at the time. Available volunteer members were unable to gain access to the emergency services building housing the rescue vehicles and equipment as limited volunteer members have been given the key/pin to access the building. As a result local emergency volunteers were unable to assist at the accident. Instead, emergency volunteers had to come from Hyden and Kulin. Kondinin volunteers attended the accident in their own vehicles. This situation of local emergency volunteers not having access to the Kondinin DFES emergency services building and not being able to attend with rescue equipment, etc. in an emergency if Senior Volunteers are not available is of extreme concern and is considered totally unacceptable. Had the person involved in the accident died because Kondinin emergency volunteers were locked out of their building to quickly access the vehicles and rescue

equipment, a much more serious situation and enquiry would exist. The Shire of Kondinin has a responsibility to ensure that our local emergency services volunteers have access to the specialised vehicles and (rescue, etc.) equipment provided to assist in any emergency situation occurring in our area and also that the services are run effectively and efficiently.

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATION

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

RESOLUTION 3157

Moved Cr Smoker

Seconded Cr Growden

THAT Council continue to work with DFES to resolve local issues and thank Wayne Green and Merv Austic for their presentation.

CARRIED 8/0

9.3.6 CEO's General and Project Status Report

1) Staff Matters

Gary Valenta continues on Workers Compensation. Gary being unfit for work has been going on now for some eight months and is of concern.

The outside road construction crew has completed their annual leave and are currently undertaking the Kondinin town site drainage project while transitioning to the Lake Grace Shire's Magenta Road (3 kms) contract construction project.

The CEO position was advertised on 20 January, 2018 with applications closing 6 February, 2018.

2) The Humps Standpipe Upgrade (nee King Rocks Dam Upgrade) – Department of Water

July 2017 – A further teleconference was held on 10th July with the Water Corporation, Dept. of Water And Environmental Regulation (DoWER) to discuss the progress of utilizing the Humps dam and increasing the capacity of the nearby standpipe. The Water Corporation is commencing immediately the preparation of the license to use the water which will take approximately one month. The location of the new pipeline and tanks were discussed and agreed upon with the former to be clarified due to the indigenous heritage value of the area though the pipeline is proposed to be laid down an existing firebreak.

An additional 250,000 litre tank will be installed next to the existing tanks and all 3 will be linked to the new standpipe. Once the license is signed quotes will be sought for the infrastructure. DoWER will be funding all the proposed works.

August 2017 – the process has started with quotes being received for the proposed new tank, standpipe controller, pipeline and pump.

September 2017 – All quotes for work have now been received and are with the Water Corp/DoWER for their consideration and approval.

October 2017 – The funding for the project has been approved and we are waiting on the official notification and funding details so that we can commence the project. The draft License Agreement has been prepared and we are waiting on the final document.

November 2017 – The license agreement has been executed by all parties and the draft Deed of Agreement for the funding has been prepared. All being well the project should commence by the beginning of December.

December 2017 – The Deed of Agreement has been executed. The tank has been ordered and the pipe installation commenced.

January 2018 – The Tank and Standpipe Controller have been delivered to the Shire.

3) Aged Housing

October 2017 – A Corp is making excellent progress in the construction of Yeerakine Lodge extension project. Brickwork is complete. Roofing construction has commenced. First progress payment has been made.

November 2017 – the roof has been completed and plumbing work has commenced. The electrical prelay is next closely followed by the installation of the gyprock walls. A problem has surfaced with the installation of the hot water ring main as the plans show that the existing ring main was of a larger size than was actually originally installed. This problem has been addressed by the hydraulic engineer with appropriate action being taken to solve the problem. This may result in a slight variation to cost. The second progress payment has been paid.

December 2017 – Work continues to carry on with the gyprock installed, tiling and painting have also commenced. Works will wind down over the Christmas period. Construction continues to be on schedule.

February, 2018 – Excellent progress is being made by ACorp with completion expected one month ahead of schedule.

4) Independent Living Units

February, 2018 – The Wheatbelt South Aged Housing Alliance is currently awaiting the outcome of its grant funding application with the federal government's Building Better Regions Fund (BBRF). The Shire of Kondinin component of this application involves two units at Westcourt in Kondinin and two units at Whispering Gums in Hyden. If successful, provision will need to be made in the 2018/19 and 2019/20 Shire budgets covering the Shire's required financial and in-kind contribution towards construction of these four units. The state government has recently advised the Alliance that the Wheatbelt Development Commission has some \$20 million grant funds available for aged housing with applications now open. The Alliance is currently considering applying for grant funding from this source as a backup if we are not successful with the BBRF. However the LGA's financial contribution is expected to be higher compared to that required under the BBRF. Both the Hyden Whispering Gums and the Kondinin Westcourt Committee's have advised that they would be keen to have additional housing units constructed over and above the current number proposed.

5) Staff Housing Construction– Repacholi Parade, Kondinin

February, 2017 - The Shire has completed the site sand pad and Kondinin Building Services (KBS) has commenced marking out the lot and security fencing it ready for construction commencement.

March, 2017 – Progress by KBS over the past month has been very little and slow due to KBS undertaking long overdue work at Kondinin IGA.

April, 2017 – Kondinin Building Services (KBS) have laid the concrete pad for the residence.

May, 2017 – KBS have commenced erecting the upright timber frames to the concrete pad.

June, 2017 – KBS have completed the window and door frames.

July, 2017 – KBS have completed brickwork. Progress is satisfactory although a late start has caused the whole program to be approximately 8 weeks behind.

August, 2017 – Good progress is being made by KBS with roof timbers installation almost complete. Doug Davey has advised that as he has accepted a full time MOW's position with Meekatharra Shire he cannot act as Project Manager for this project. The CEO has been monitoring and project managing this project in Doug's absence and will continue to do so until project completion.

September, 2017 – Roof timber construction is almost complete and we now await the colour bond roof installation.

October, 2017 – Slow progress has been made over the past three months. Still waiting on roof / ceiling timber construction completion. According to the work schedule, work is 30% - 40% complete currently, after some nine months since commencement.

November, 2017 – Good progress (51% complete) has been made in the last month with roof cover and internal wall lining and insulation completed, moving into undertaking internal fixing, joinery and cabinets.

December, 2017 – Steady progress continues to be made with glass windows installed, retaining wall constructed and internal walls, ceilings, bathroom areas, etc. well underway.

February, 2018 – The project is now 72% complete with the septic tank and leach drain concrete works on site and shortly to be installed.

6) Hyden Men's Shed & Hyden Bower Birds

February, 2018 – Cr Lynch has brought my attention to a proposal by the Hyden Progress Association that the land where the Hyden Bower Birds shop run by the Hyden Lions Club and the Hyden Men's Shed are

located be purchased from the private land owner Sheenagh Collins for \$90,000. It has been suggested that the purchase be made up of \$30,000 contributed each by the Shire, Hyden Progress and possibly Hyden Lions. It is unclear whose name is to appear on the title deed and this needs to be determined. The Shire awaits a formal proposal from the Progress Association and the Lions Club so that the matter can be formally considered by Council.

RESOLUTION 3158
Moved Cr Butler **Seconded Cr Jones**
THAT the CEO's General and Project Status Report be received.
CARRIED 8/0

9.4 MANAGER OF WORKS

9.4.1 GENERAL

Construction Crew

As Council would be aware we are well and truly into the upgrade of the drainage for Kondinin and also the design and construct of the roads to ensure better drainage for years to come.

This project is quiet intense due to ensuring business etc. can still operate whilst construction continues.

We will be moving to Lake Grace Feb 12 to start their RRG works. We expect to complete these works early March.

Plant Repairs

- KN 68 (L70 Loader) – New Pins and Bushes for front bucket
- KN 2111 (Side Tipper) – Brakes, Bearings, Bushes and torque rod replaced
- KN 2106 (Side Tipper) – Replace 2 boosters and adjust brakes
- KN 66 – Turbo Repairs
- KN 2107 – Replace Fork Rod

The new float is now under construction

Maintenance Grading

Bus Routes are now being done amongst other roads. Employees started back Mid-January after annual leave.

Maintenance

Very little has been done in this area as staff have been on leave and tied up with drainage.

Parks and Gardens

General maintenance is being undertaken.

General

Please see attached proposed programs for MRD, particularly in respect of Graham Street.

I will elaborate a little more if time permits.

Staff

Gary Valenta is presently on Workers Compensation. Gary has a Doctors certificate until early March.

9.4.2 PLANT REPORT

Rego	Make	User	Year	Begin Hrs/Km	Finish Hrs/Km	Comments
0 KN	Toyota - Prado	CEO	2018		1,041	New
KN 0	Holden Trailblazer	DCEO	2016	32,500	38,680	
KN 04	Subaru Outback	MOF	2017	21,178	27,595	
KN 49	Toyota - Prado	MOW	2018		6,908	New
KN 52	Subaru Forester	Doctor	2016			
KN 54	Subaru Forester	OFFICE	2016	33,335	38,129	
KN 51	Holden Rodeo - Dual Cab	Mick Pratzky	2017		655	New
KN 55	Colorado	Brian Lucas	2013	105,120	107,721	

MINUTES OF ORDINARY MEETING HELD ON 14TH FEBRUARY, 2018

KN 56	Toyota Hilux	P&G Kondinin	2017		388	New
KN 58	Prime Mover	Paul Chambers	2016	53,902	60,059	
KN 62	Prime Mover	Vacant	2016	34,527	41,815	
KN 77	Prime Mover	Eric Krakour	2016	46,549	51,874	
KN 61	Nissan Navara Single Cab	Dave Halliday	2013	103,333	105,805	
KN 57	Isuzu - Tray Top - Mtce Truck		2015	74,825	76,455	
KN 60	Isuzu - Tray Top - Dual Cab		2016	66,423	67,839	
KN 89	Isuzu - Tray Top - Dual Cab		2016	28,753	29,570	
KN 63	Isuzu - Tray Top	David Symcox	2017	1,468	3,800	
KN 73	Isuzu - Tray Top	Kondinin	2011	156,578	156,578	
KN 64	John Deere 670G - Grader	Gary Valenta	20156	1688	1688	
KN 65	John Deere 670G - Grader	Brian Lucas	2011	6,908	7,068	
KN 66	John Deere 670G - Grader	Dave Halliday	2013	6,735	6,899	
KN 67	Volvo L90F - Loader		2012	4,915	5,061	
KN 68	Volvo - Loader		1998	11,490	11,527	
KN 69	Massey Ferguson-Tractor	David Symcox	1999		1,907	
KN 70	Case - Tractor	Kondinin	2003	1,903	1,903	
KN 71	John Deere - Backhoe		1992			Need to sell
KN3031	Toro - Ride on Mower	Reel Mower	2015	2921	2921	Repaired
KN72	Bomag - Road Roller	Construction	2015	1258	1356	
KN78	Hamm - Vibe Road Roller		2017	20	60	
KN 76	Toro - Ride on Mower	Kondinin/Hyden	2009	2,158	2,201	
KN123	JCB Backhoe	Kondinin	2014	1,208	1290	
KN 112	John Deere - Ride on Mower	Kondinin	2006	1,191	1,192	
KN 79	Toyota - Community Bus		2008	129,245	130,297	
KN 59	Water Truck	Joe Eades	2016		23,549	
KN 93	Toyota – Community Bus	Hyden	2017	3,584	3,584	

RESOLUTION 3159
Moved Cr Lynch **Seconded Cr James**
That the Works Manager's Report be received.
CARRIED 8/0

9.5 ENVIRONMENTAL HEALTH OFFICER

9.5.1 Kondinin - Animals, Environment and Nuisance Amendment Local Law 2018

Subject: Animals, Environment and Nuisance Amendment Local Law 2018
Applicant: Shire of Kondinin
File Ref: BB.6
Disclosure of Interest (Staff): nil
Disclosure of Interest (Member): nil
Author: Will Pearce, Environmental Health Officer/Authorised Officer
Attachments: Att. 1 Letter from JSCDL; Att. 2 Draft Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018; Att.3 Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2016 (edited); Att. 4 Schedule of amendments

SUMMARY
 To provide Council with suggested amendments to the *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016* due to identified issues.

BACKGROUND

At the Ordinary Council Meeting held on the 16 August 2017 Council resolved (Resolution 3074) to undertake the process for an amendment to the *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016*.

This amendment is the result of email correspondence dated 10 August 2017 from the Chair of the Joint Standing Committee on Delegated Legislation (JSCDL), The Honourable Ms Emily Louise Hamilton MLA (see **ATTACHMENT 1**). The correspondence identified the *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016* containing several errors that require an 'Amendment' local law to be made to rectify the identified issues.

COMMENT

The process for conducting an 'amendment' is identical to the previous process commenced in 2015 for the making of the original *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016*. There is a cost difference at gazettal where only the parts to be amended are listed, which is a considerable cost saving; staff time and advertising remain the same in keeping with the required process and advertising rates.

Notwithstanding the emergence of the *Public Health Act 2016*, the *Health (Miscellaneous Provisions) Act 1911* remains the appropriate 'amendment' local law statutory tool. Representations to the Department of Health for assistance and despite a fully staffed and funded team of officers dealing with the transitions and advice sought from the State Solicitors Office, no assistance was forthcoming other than the typical obligatory statement to 'get legal advice'.

Advice that was given was to create a new local law using only the *Local Government Act 1995* and whilst an option it would result in a gazettal fee of around \$4,000 whilst doing an amendment will be several hundred dollars. The Officer believes that an amendment local law using the *Health (Miscellaneous Provisions) Act 1911* is the appropriate mechanism in light of the Environmental Health Directorate recalcitrant position on this matter.

It is suggested that Council resolves to prepare the proposed Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 (the 'Local Law') as shown in **ATTACHMENT 2**.

In order to assist the understanding of the level of amendments as required and as recommended by the Officer, a highlighted edited version of the existing Local Law is provided for Council members to show the level of editing is shown in **ATTACHMENT 3**.

A schedule of amendments to also assist the understanding of the proposals is shown in **ATTACHMENT 4**.

To commence the process, the Shire of Kondinin President is required to read out aloud the purpose and effect of the proposed Local Law as described below:

PURPOSE: The purpose of the proposed Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Kondinin; and

EFFECT: The effect of the proposed Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

The proposed Local Law as presented comprises the JSCDL required amendments as well as further amendments identified by the reporting Officer. The proposed Local Law making process requires the following to be undertaken to meet statutory requirements being:

1. The giving of State-wide ('West Australian' newspaper) and local public notice (local paper and Notice boards) of the proposed Local Law, summarizing purpose and effect of the proposed Local Law for a period of at least 6 weeks since date of publication discounting public holidays;
2. A copy of the proposed Local Law is to be made available at the Shire office counter and provided to any person requesting a copy of the Local Law. Furthermore, copies of the Local Law are to be given to the Director, Environmental Health and the Honorable Minister for Local Government with evidence of state-wide advertising;
3. Consider any submissions received in regard to the proposed Local Law for presentation to Council where Council can resolve to 'make' the Local Law.

4. Council provides a signed and sealed Local Law to the Chief Health Officer for consent;
5. Local law when consented to by the Chief Health Officer is gazetted;
6. Copies of the Local Law as gazetted are given to the Honorable Minister for Local Government and the Chief Health Officer;
7. Give Statewide public notice of title and summary of purpose and effect of *Gazetted* Local Law; and
8. Provide Joint Standing Committee on Delegated Legislation of the WA Parliament with an 'Explanatory Memorandum' of the local laws and 10 copies of the Local Law as Gazetted.

The proposed Local Law will again be presented to Council after the minimum six weeks of advertising for consideration of submissions received and the decision made to endorse, or not, any changes to the proposed Local Law.

It is proposed that advertising will commence shortly after this Ordinary Meeting of Council and conclude on the 27 April 2018 thus allowing up to eight weeks advertising. Should all proceed to completion, and no 'significant changes' made (which could result in readvertising) the Local Law will be resolved on to 'make', should Council choose to do so, then signed and sealed by the Shire President and Chief Executive Officer. After the Local Law is gazetted, copies are provided to the Chief Health Officer and the JSCDL who will review the Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 and make, or not, a determination on its validity and/or refusal of the Local Law.

CONSULTATION

As presented in the 'Comments' section of this report.

STATUTORY IMPLICATIONS

Health (Miscellaneous Provisions) Act 1911;

Local Government Act 1995; and

Shire of Kondinin Animals, Environment and Nuisance Local Law 2016

FINANCIAL IMPLICATIONS

'West Australian' newspaper advertising estimated at \$800 and gazettal costs estimated at \$600.

POLICY IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

The Shire of Kondinin Strategic Community Plan 2016 – 2026:

'4. Provide good strategic decision making, governance, leadership and professional management.'

RESOLUTION 3160

Moved Cr Growden

Seconded Cr Lynch

THAT Council resolves:

1. To approve the proposed Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 for advertising as presented in ATTACHMENT 2; with the deletion of clause 6(2) and the renumbering of 6(3) to replace 6(2).
2. To give Statewide and local public notice and stating that:
 - I. The Shire of Kondinin proposes to make the Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018;
 - II. The purpose of the proposed Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Kondinin; and
 - III. The effect of the proposed Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.
3. To have copies of the proposed Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 made publicly available for inspection or to be obtained at any place specified in the Notice as required by Law;
4. To invite public submissions about the proposed Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 to be addressed to the Chief Executive Officer of the Shire of Kondinin before the close of business on the 27 April 2018 for consideration;
5. To provide a copy of the proposed Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 and Notice to the Hon. Minister for Local Government and the Chief Health Officer; and
6. To direct the Chief Executive Officer to prepare and execute the requirements of these resolutions and to prepare a report to Council detailing submissions from the community and the relevant government departments recommending any required or invited changes to the proposed Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 at the first most practicable Ordinary or Special Meeting of Council following the conclusion of the public advertising period.

CARRIED 8/0

President Meeking read aloud the two paragraphs beginning PURPOSE: and EFFECT on page 19.

9.6 BUILDING SURVEYOR'S REPORT – DECEMBER 2018 & JANUARY 2018

A Building Permit was issued for Lot 1 Linto Road, Karlgarin for a Farm Shed.

FOR INFORMATION ONLY

9.7 SWIMMING POOL REPORT

HYDEN

December

Attendance: 1560

Water samples-taken or not: Yes all ok

Equipment Issues: Dolphin pool cleaner sent for service, Fire Extinguishers serviced

Property Issues: No issues, HURRAY

Activities for this month: School swimming lessons, Vac swim, emergency evacuation drills during vac swim, end of school party, birthday party, bronze medallion requalification

Activities for next month: water polo, Australia Day - Thank a Volunteer Ceremony and Citizenship

January

Attendance: 900

Water samples-taken or not: Yes all ok

Equipment Issues: Battery operated pool cleaner not working so replaced with cheaper unit and working well

Property Issues: East side fencing barbed wire needs tensioning

Activities for this month: Australia Day - Thank a Volunteer Ceremony and Citizenship

Activities for next month: Swim club, School swimming carnival 23 Feb, Early bird swimming 6-30 to 8-30 wed and Friday, Pool lifeguard practical assessment for Jenna Muir, Colouring comp for kids

Any Other Issue: 193 visitors for Australia Day and all went well

KONDININ

Water test: All good

Water meter: 10313

December Attendance: 1244

January Attendance: 708

Season Attendance: 2839

The centre was very busy throughout December, and January was certainly above average. There seemed to be many people visiting family and friends and the Kondinin Aquatic Centre was certainly the place to be!!! Another factor was due to the Kulin pool being closed. Our neighbours were suitably impressed with our facility with many great comments about the centre, particularly the water temperature. There were quite a few tourists coming in for a relaxing swim, with some not being quite prepared, and were more than happy to take some snaps for the album of the pool after spotting the centre from the roadhouse.

The last day of school on the 14th of December was a hit with all the kids having their last day of the school year at the centre. Simon organised some bouncy castles and games for the students as well as having our own inflatable out for the kids to enjoy.

Australia day was another fantastic fun day for the community, we had 53 people throughout the day. Tony did a fantastic job entertaining the kids with games and prizes. The movie night was another great turnout, with 43 people attending.

Vacswim was well attended from 16th December though to 22nd December. It was disappointing to see some of our local children at the pool not attending these valuable lessons. Taylor and Simone as always, did a fantastic job. A big thanks to all who made the effort and made time to bring their children in to attend these lessons. A special thanks to Jan who brought down her grandson Samuel from Perth, the second time in a row, especially for these lessons.

The inflatable arrived on the 13th December and was used almost every day throughout December and most days throughout January. The inflatable was returned to the Hyden facility 30th January.

Early morning Breakfast 20th December was well attended. Like most mornings this season, the weather was a little chilly but proved to be another great hit with the lady's attending.

Steph has gone on holidays for a couple of weeks and will not be attending the water aerobics, however the ladies all know the program inside out and are comfortable in doing their aerobics in her absence.

Swim club started on Wednesday 31st January as planned, again great attendance despite the busy day for students and parents on their first day of school. Again big thanks to all the parents and all involved in this very worthwhile program. Swim club is planned to run until the season end.

I have spoken to Lauren from the Hyden Primary School in regards to the Kondinin Aquatic Centre hosting the Hyden / Kondinin joint school carnival. Unfortunately the Kondinin Aquatic Centre's lap pool is only 4 lanes opposed to Hyden's 8 lane lap pool and is too small to host this event according to Lauren. She further explained that the joint carnival was an invitation to the Kondinin Primary School and there has never been an agreement to share the swim carnival between the two schools, to which I was unaware.

The Kondinin Aquatic Centre has been subject to some vandalism over the last couple of months. The anti-vortex cover which houses the hydrostatic relief valve was damaged on the 3rd January. Replacement part arrived 9th January and repaired the same day. After some investigating, reviewing CCTV footage, and

interviewing some of the persons involved in the damage to the cover by John Read and myself, it was determined that four youths were very likely involved. A ban was imposed on the youths from 17th January until the person(s) responsible came forward. After some time and persons involved changing stories, two youths came forward and admitted they had taken part in trying to break the cover with the other two suspected youths. The ban was extended to 1st February on all involved.

The disabled hand rail was discovered broken on the 11th January, located at the front of the centre. It appears that someone had jumped on the corner of the rail where there is sufficient leverage to break the cast iron bracket holding the rail to the uprights. I was not able to determine the person(s) involved in this incident. The replacement parts arrived on 16th January and repaired the same day.

One of the two chlorine pumps failed on 12th December at around 11.00am. A new replacement was acquired and installed by 1.00pm the same day. This is the second time this particular pump has failed. This could have been caused by a number of reasons; a faulty controller failing to shut off during a blackout earlier in the week causing damage to the pumps seals, or the pump may have failed due to filter sand ingress. Another possibility is the service centre that I had sent the pump to be serviced, only tested the pump and did not replace the seals after test showed the pump working to specifications. I plan to inspect the pump when time allows, to see if there are clues as to why the failure occurred.

Upcoming events: Movie night, early morning swimming & aerobics & Swim club

FOR INFORMATION ONLY

9.8 RANGER ACTIVITY AND BUILDING MAINTENANCE REPORT – DECEMBER 2017 & JANUARY 2018

The outcome of an investigation into complaints of dog attacks/rushes in Rankin St, Kondinin has resulted in the declaration of a Dangerous Dog. This status follows the dog should it move to another Local Government Area (LGA). The owner has been provided with and is complying with all Dangerous Dog requirements. This situation appears to have been resolved satisfactorily with thanks to the neighboring LGA that housed the dog, its owner for their cooperation and the individuals that lodged complaints and victim impact statements.

- 3 Infringements for dogs not on leash at Wave Rock
- 3 Infringements under the Bushfire Act at Wave Rock
- 1 Infringement under the Littering Act at Wave Rock
- 4 Dog Related Warnings Issued – 3 Kondinin, 1 Hyden
- 21 Receipts for Wave Rock entry
- 41 No ticket Displayed at Wave Rock
- Verbal Warnings Illegal Camping Hyden
- 2 Verbal Warnings re Dogs not on Leash
- Investigate Dog in Distress Jones Street Kondinin. Follow up required

General Maintenance

- | | |
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| <ul style="list-style-type: none"> • Kondinin Town Hall - floors prepared and sealed/polished for end of year school function. • Wave Rock - new signs installed in toilet booths along with squat stools and new bin • Wave Rock - enclosure's installed at main bbq/picnic areas as part of ongoing upgrades and BBQ area pressure cleaned • Wave Rock - repairs to copper logs and water fountain • Breakers - repairs to hand basin in public toilet • Repacholi - Shire house water leaks | <ul style="list-style-type: none"> • 84 Graham St – repairs to shower • Kondinin Public toilets - Urinals unblocked • Hyden Aquatic Centre - repairs to rear fence • Kondinin Sports Pavilion - replacing water inlet valve and flush cones • Karlgarin Bowls/Public toilet block - Inspect and locate water leaks • Kondinin caravan park - air conditioner chalet #2 • Kondinin Town hall - broken windows repaired (they have been smashed again) |
|--|---|

- over school holidays and reported to Police)
- Gordon St Shops - Painting
 - Hyden Sports pavilion – lighting

- 28 Repacholi parade – GROH house maintenance
- Check of repeaters, standpipes enviro toilets

FOR INFORMATION ONLY

10. BUSINESS OF AN URGENT NATURE

NIL

11. CLOSURE

Being no further business the Shire President thanked Councillors and Staff for their attendance and declared the meeting closed at 6.57pm.