



SHIRE OF KONDININ

NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

KONDININ SHIRE COUNCIL

Will be held on Wednesday 16th October 2024 at
Kondinin Council Chambers

2:00PM Informal Agenda Discussion

3:00PM Ordinary Council Meeting

David Burton
11th October 2024
CHIEF EXECUTIVE OFFICER

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006
All communications are to be addressed to the CHIEF EXECUTIVE OFFICER
ceo@kondinin.wa.gov.au

STATEMENT OF COMMITMENT TO INDIGENOUS AUSTRALIANS

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

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

SHIRE OF KONDININ QUESTIONS FROM THE PUBLIC

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

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

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

**SHIRE OF KONDININ
DISCLOSURE OF FINANCIAL/IMPARTIALITY & PROXIMITY INTEREST**

To: *Chief Executive Officer*

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

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

Item No	Details of Interest

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

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

NB:

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

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

Office Use Only:	Date/Initial
1. Particulars of the declaration given to the meeting	_____
2. Particulars recorded in the minutes	_____
Signed by Chief Executive Officer Or President (when the declaration belongs to the CEO)	_____

SHIRE OF KONDININ DISCLAIMER

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

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

Signed on behalf of Council



David Burton

Chief Executive Officer

Order of Business

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

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

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

Councillors:	Cr Kent Mouritz (President) Cr Darren Pool Cr Kerrie Green	Cr Bruce Browning Cr Paul Green	Cr Brett Smith Cr Murray James
Staff:	David Burton (CEO) Mark Burgess (MoW)	Vince Bugna (MCS) Sophia Davis (ESO)	Tory Young (MPA)
Apologies:	Cr Beverley Gangell (leave of absence)		

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 – 18th September 2024

RECOMMENDATION:

Moved: Cr

Seconded: Cr

That the minutes of the Council Meeting held on the 18th of September 2024, be confirmed.

For:

Against:

Carried:

7.2 INFORMATION REPORT- October 2024

RECOMMENDATION:

Moved: Cr

Seconded: Cr

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

For:

Against:

Carried:

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

- 9.1.1 Endorsement of Supporting Documentation – Proposed Kondinin Wind Farm (DAP18/0477)

9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 List of Accounts
- 9.2.2 Financial Reports September 2024

9.3 MANAGER OF WORKS

- 9.3.1 General Update

9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 Discovery Centre Update
- 9.4.2 Local Government Elections – WALGA Policy
- 9.4.3 Review of Delegated Authority
- 9.4.4 CEO Review – CONFIDENTIAL

9.5 COMMUNITY DEVELOPMENT OFFICER

9.6 ENVIRONMENTAL HEALTH OFFICER

9.7 COMMITTEE MEETINGS

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 ENDORSEMENT OF SUPPORTING DOCUMENTATION – PROPOSED KONDININ WIND FARM (DAP18/0477)

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 10th October 2024
Disclosure of Interest: Nil
Attachments: Planning Report

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

ENDORSES the Planning Report attached in support of the conditions of development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on the 9th November 2018 for a Renewable Energy Facility on 19 freehold agricultural lots located approximately 5km north and north-east of the Kondinin townsite comprising up to 46 wind turbines, a 125ha solar farm, energy storage and all associated transmission corridors and infrastructure.

For:

Against:

Carried:

Summary

This report is for Council to endorse the documents submitted thus far in support of the conditions of development approval that was determined by the Mid-West/Wheatbelt JDAP at its meeting on the 9th November 2018 for a Renewable Energy Facility on 19 freehold agricultural lots located approximately 5km north and north-east of the Kondinin townsite comprising up to 46 wind turbines, a 125ha solar farm, energy storage and all associated transmission corridors and infrastructure.

Background

The Mid-West/Wheatbelt JDAP at its meeting held on the 9th November 2018 provided conditional support for a Renewable Energy Facility on 19 freehold agricultural lots located approximately 5km north and north-east of the Kondinin townsite and comprising up to 46 wind turbines, a 125ha solar farm, energy storage and all associated transmission corridors and infrastructure.

The approval was granted with a series of conditions that are currently being addressed by the Applicant. The document attached provides a summary of the conditions and the supporting documentation that has been prepared to date to address the conditions.

As noted in the Planning Report attached, the Project will be constructed in stages with the supplementary management plans and documents prepared as attached to address Stage

One of the Project, which consists of 21 x 6.2 MW wind turbines, with an installed capacity of 130.2 MW. The project will have an operational footprint of approximately 260ha.

The Shire's Planning Officer has read the documentation attached and generally in support of the documentation provided, with a couple of minor comments to be referred to the Applicants.

Construction and Operational Management Plan – Attachment 3

Section 4.4 – with reference to water available at King Rocks and Yeerakine Dam this is not guaranteed and will need to be negotiated with the Shire of Kondinin and the Water Corporation respectively in more detail and incorporated into a more formal Water Sourcing Strategy that is required as a condition of planning approval.

Throughout document – Notting-Karlgarin Road is spelt incorrectly.

Water Sourcing Strategy – Attachment 10

This requires more updated and greater detail before being formally endorsed by the Shire of Kondinin.

Information on the infrastructure at the community standpipes needs to be updated.
E.g. Lovering Road, Hyden

Statutory Environment

Planning and Development Act 2005 (WA)

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

'CIVIC LEADERSHIP

2.1 Support the diverse industry across the Shire

ECONOMY

2.1 Support the diverse industry across the Shire'

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
Authorising Officer: David Burton, Chief Executive Officer
Disclosure of Interest: Nil
Date: 9th October, 2024
Attachment(s): List of Accounts 01/09/2024 to 30/09/2024

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council **RECEIVE** the attached report – List of Accounts Due & Submitted to Council for the month of September 2024:

• Municipal Fund payment cheque numbers 19439 to 19444	= \$ 44,602.21
• Municipal EFT19110–19267-19380	= \$ 592,981.97
• Direct Debits – Transport – Hyden Office	= \$ 25,581.95
• Direct Debits – Transport – Kondinin Office	= \$ 13,928.90
• Direct Debits – Credit Cards DD21673.1	= \$ 3,485.11
• Direct Debits – Other	= \$ 52,427.19
• EFTPOS Merchant Fees & Tyro	= \$ 1,855.63
• Bank Fees – NAB Connect	= \$ 31.00
• Payroll	= \$ 139,544.59
TOTAL	<u>= \$ 874,438.55</u>

For:

Against:

Carried:

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 2024/25 Annual Budget.

Strategic Implications

Shire's Strategic Community Plan 2022 – 2032

'4. Civic Leadership

4.1 Skilled, capable and transparent team:

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

4.2 We are a compliant and resourced Local Government:

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

Voting Requirements

Simple Majority

9.2.2 FINANCIAL REPORTS

Applicant: Shire of Kondinin
Author: Vince Bugna, Manager Corporate Services
Authorising Officer: David Burton, Chief Executive Officer
Disclosure of Interest: Nil
Date: 10th October 2024
Attachment(s): Monthly Financial Report for the period ended 30 September 2024

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council **RECEIVE** the attached reports entitled Monthly Financial Report (Containing the required Statement of Financial Activity and Statement of Financial Position) for the period ended 30 September 2024.

For:

Against:

Carried:

Summary

To present to Council the Monthly Financial Report for the period ended 30 September 2024.

Background

The monthly Financial Report (Containing the Financial Activity and Financial Position) 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 (WA)

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 2024/25 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 September 2024 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> • Cash at Bank The Shire's total cash as at 30 September 2024 was \$8,546,239 – composed of \$4,160,765 reserve accounts (restricted), \$51,265 LCDC fund, \$2,197,161 term deposit investments and \$2,137,048 general fund (Muni, OCDF & Petty cash). 	<p>Page 9 – Note 6 Cash and Financial Assets</p> <p>Page 10 – Note 7 Reserve Accounts</p>
<ul style="list-style-type: none"> • Receivables Rates and Rubbish – \$3,896,264 while \$331,787 equivalent to 8% has been paid. Other receivables of \$226,261 – composed of \$194,959 sundry debtors, \$35,526 GST receivable and (\$4,224) impairment of receivables. 	<p>Page 16 – Note 10 Receivables</p>
<ul style="list-style-type: none"> • Current Liabilities YTD balance is \$1,490,323 which includes \$501,221 of employees' annual and long service leave provision, \$247,238 Current portion of borrowings (payable within 12 months), \$364,342 unearned Capital Grants/Contributions and \$377,522 of GST and other payables. 	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity</p>
<ul style="list-style-type: none"> • Closing Funding Surplus(Deficit) YTD actual is \$4,432,994 – composed of \$9,435,704 Current Assets less \$1,490,323 Current Liabilities and \$(3,512,387) Net Adjustments to Net Current Assets. 	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity</p>
<ul style="list-style-type: none"> • Significant Capital Projects: <ul style="list-style-type: none"> ✓ Roadworks has been budget for \$3.8m this financial year of which 17% completed for two months operation. ✓ Plant and equipment have a budget of \$1.093m – acquisitions in progress. 	<p>Page 7 – Key Information</p> <p>Page 11 to 14 – Note 8 Capital Acquisitions</p>

<ul style="list-style-type: none"> ✓ Land and buildings have a total budget of \$3.04m for WACHS housing, Kondinin Pavilion upgrade and staff housing – in progress. 	
<ul style="list-style-type: none"> • Grants, Subsidies and Contributions <ul style="list-style-type: none"> ✓ Operating grant of \$298,653 has been received from Main Roads WA for Road Maintenance. ✓ General purpose and road grants 1st quarter allocation received was \$79,092. ✓ Capital grant of \$176,704 (including GST) invoiced to MRWA equivalent to 40% advance payment for RRG Lovering Road. 	<p>Page 21 – Note 15 Grants, Subsidies and Contributions</p> <p>Page 22 – Note 16 Capital Grants, Subsidies and Contributions.</p>

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

Voting Requirements
Simple Majority

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 DISCOVERY CENTRE UPDATE

Author: CEO - David Burton
Authorised Officer: CEO - David Burton
Date: 2nd October 2024
Disclosure of Interest: Nil
Attachments: Minutes from Working Group Meeting

OFFICER RECOMMENDATION:

Moved: Cr

Seconded: Cr

1. Supported by Cr _____, Cr _____ and Cr _____

That item No. 2 from Resolution #4413 from the September 2024 Ordinary Meeting of Council be **RESCINDED**.

2. **APPROVES** the Chief Executive Officer to proceed with a funding application under Growing Regions Funding with the information being presented to Council prior to lodgement if possible;

3. That Council **NOTES** the updated information and supports the actions taken / to be taken.

For:

Against:

Carried:

Summary

This report is to provide information and updates in relation to the Discovery Centre Project (the 'Project') and responses to the Business Plan.

Background

Since 2018, the Shire of Kondinin has been working with the Hyden CRC (HCRC) and the Hyden Progress Association (HPA) for construction of a Centre in Hyden for the CRC and to promote tourism for the Shire and region.

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

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

Funding through the Federal Growing Regions Funding is available now and will be the final round of funding under the current funding stream. It is likely that other funding may be available but details and timeframes are not known and no indication of future funding has

been made.

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

As required under Section 3.50 of the *Local Government Act 1995 (WA)* a Business Plan was drafted and released for public submission.¹ A copy of the 13 submissions received were provided for Council consideration at the September 2024 OCM. Staff will draft a response to the submissions and consider hosting a community workshop to address community concerns and queries in the future.

Comment

The application for the Federal Growing Regions Funding requires a declaration that the Project be shovel ready at the time that funding is issued. Based on information from the current Architects, the ability to meet the deadline for the documentation is not achievable even if the Shire started early at its own cost. As such, it is recommended that Resolution #4413, that Council approves the CEO to proceed with a funding application under the Growing Regions Funding with the information being presented to Council prior to lodgement if possible, be rescinded by Council.

The updated Cost Benefit Analysis (sent to Council members in late September) indicated a positive impact of the Centre for the Shire of Kondinin

Table 1 CBA Summary Table

Summary	4%	7%	10%
Costs	\$13.57	\$13.04	\$12.63
Benefits	\$35.08	\$27.19	\$21.71
NPV	\$21.52	\$14.15	\$9.08
BCR	2.59	2.09	1.72

Extract from Analysis Report

Staff are looking at obtaining quotes and indications of cost and timeframe for the required documentation to provide some additional details for the application of funding for the Regional Partnerships and Precincts Program (RPPP) funding. If Round 1 funding is approved, we can proceed with Round 2, being the application for funding for the facility. If Round 1 fails then a further application can be made for the documentation. Funding under the RPPP is available until the funds are exhausted.

To strengthen the RPPP application, the consideration of a map showing the tourist items in Hyden forming a precinct was considered advantageous. Staff are currently working on a draft Precinct Master Plan for this. Some final drawings may be required for the Precinct Plan.

The Working Group met with State government Representatives to consider funding from State Government. This process does take time (this also would not have been able to be made by the Growing Regions Funding Application shut off). It should be noted with the RPPP funding, there is no limit to amount of funding being sought, based on a contribution. Therefore, the Shire could seek additional funds for the project in January/February for the March 2025 assessments.

¹ Business Plan for Trading Undertaking: Construction of Wave Rock (Katter Kich) Discovery Centre, July 2024.

Policy Implications

Nil

Financial Implications

Proper drawings will be required for the Precinct Master Plan but this should be under \$5,000. The rest of the works should be able to be undertaken in-house.

Consultation

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

Strategic Implications

Strategic Community Plan 2022-2023

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

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

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

Voting Requirement

Simple Majority

9.4.2 LOCAL GOVERNMENT ELECTIONS – WALGA POLICY

Author: CEO - David Burton
Authorised Officer: CEO - David Burton
Date: 2nd October 2024
Disclosure of Interest: Nil
Attachments: WALGA Notice

OFFICER RECOMMENDATION:

Moved: Cr

Seconded: Cr

That the Shire of Kondinin **RECOMMENDS** that WALGA adopt the following Local Government Election Advocacy Positions:

- 1) Participation: Council supports voluntary voting at Local Government elections;
- 2) Terms of Office: Council supports four-year terms with a two-year spill;
- 3) Voting Methods: Council supports Optional Preferential Voting for general local government elections;
- 4) Internal Elections: Council supports First Past the Post for internal elections;
- 5) Voting Accessibility: Council supports the option for elections to be held through postal, or in-person voting; and
- 6) Method of Election of Mayor/President: Council supports the current requirements.

For:

Against:

Carried:

Summary

This report is to consider a response to a review of the Western Australian Local Government Association’s (WALGA) current and proposed Local Government Election Advocacy Positions. The purpose is to seek the Council’s recommendation for WALGA’s upcoming State Council meeting in December 2024.

Background

The Local Government Amendment Act 2023 introduced several reforms, effective before the 2023 Local Government elections. These reforms included:

- Optional Preferential Voting (OPV)
- Extended election periods due to postal service delays
- New candidate information publication rules
- Provisions for backfilling extraordinary vacancies
- Public election of Mayors or Presidents for larger Local Governments
- Abolishing wards for smaller Local Governments
- Alignment of council sizes with population sizes.

Following the 2023 elections, WALGA conducted an analysis of five election cycles, focusing

on postal elections run by the WA Electoral Commission (WAEC). The report highlighted rising costs and a reduction in service quality. In response, WALGA has requested the Council's review and provide feedback on its current advocacy positions to guide its State Council deliberations.

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

WALGA has conducted comprehensive consultations with its Zones and member Councils, leading to the development of the proposed revisions to their Election Advocacy Positions. Councils are encouraged to consider these positions and provide formal feedback to be taken to the State Council for a position of WALGA.

Comment

The Elections Analysis Review and Report was presented to the State Council 4 September 2024, with the State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

To inform an item for the December meeting of the State Council, Council decisions are requested by Monday, 28 October 2024.

Local Governments will also be able to provide feedback through the November round of Zone meetings.

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

1.5.15 ELECTIONS

Position Statement: The Local Government sector supports:

1. Four-year terms with a two-year spill;
2. Greater participation in Local Government elections;
3. The option to hold elections through:
 - Online voting;
 - Postal voting; and
 - In-person voting.
4. Voting at Local Government elections to be voluntary; and
5. The first past the post method of counting votes.

The Local Government sector, in general, opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.

Background:

The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.

State Council Resolutions:

- February 2022 – 312.1/2022;
- December 2020 – 142.6/2020;
- March 2019 – 06.3/2019;
- December 2017 – 121.6/2017; and
- October 2008 – 427.5/2008.

Supporting Documents:

[Advocacy Positions for a New Local Government Act](#)

[WALGA submission: Local Government Reform Proposal \(February 2022\)](#)

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement: Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

State Council Resolutions:

- February 2022 – 312.1/2022;
- March 2019 – 06.3/2019; and
- December 2017 – 121.6/2017.

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement: The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and any other third-party provider including Local Governments to conduct postal elections.

Background:

Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

State Council Resolutions

- May 2023 – 452.2/2023;
- March 2019 – 06.3/2019;
- December 2017 – 121.6/2017; and
- March 2012 – 24.2/2012.

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

- (a) The sector continues to support voluntary voting at Local Government elections.
OR
- (b) The sector supports compulsory voting at Local Governments elections.

SOK Position: While compulsory voting will ensure better participation in elections, it will significantly increase the cost of elections as staff will be required to follow up on people who did not vote. For Absent owners, this may also create more 'red tape' as they will have to ensure their vote is counted. It is recommended for voluntary voting to continue.

2. TERMS OF OFFICE

- (a) The sector continues to support four-year terms with a two-year spilt;
OR
- (b) The sector supports four-year terms on an all in/all out basis.

SOK Position: The two-year split method allows for some continuity of members during a changeover. To have the 'all in/all out' method would strain administrative resources with a complete change of council and no continuity.

3. VOTING METHODS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections
OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

SOK Position: First past the post is an easier method of counting votes, however, it does allow for a dominant section of a multi town shire to monopolise Council, even though members should be representing the entire shire. For this reason, it is recommended the Shire support Preferential Voting. This may allow a more balanced representation for the Shire.

4. INTERNAL ELECTIONS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.
OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

SOK Position: Internal elections would be more for President or Chair for a committee. To simplify this process, the first past the post is recommended.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- (a) Electronic voting; and/or
- (b) Postal voting; and/or
- (c) In-Person voting.

SOK Position: While all 3 forms of voting are possible for the area, in-person or postal voting would be preferred. Electronic voting maybe concern for some of our senior residents.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors' method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors' method to all classes of local governments.

SOK Position: Current process for band 3-4 Shires is for the President to be elected from the Council Members. This is the preferred method for our Shire. Options (a) and (b) would support this.

Statutory Environment

Local Government Act 1995 (WA)

Policy Implications

Nil

Financial Implications

Elections do have a direct cost to the Shire, but the costs can vary with different methods. Budget allowances are made for election expenses.

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

9.4.3 REVIEW OF DELEGATED AUTHORITY

Author: CEO - David Burton
Authorised Officer: CEO - David Burton
Date: 2nd October 2024
Disclosure of Interest: Nil
Attachments: Delegated Authority Register

OFFICER RECOMMENDATION:

Moved: Cr

Seconded: Cr

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 16th October 2024.

For:

Against:

Carried:

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* (WA) 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 were made to the Delegated Authority Register. Legislation referred to in the document is up to date.

Statutory Environment

Local Government Act 1995 (WA)

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

(1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.'

Policy Implications

Nil

Financial Implications

Nil

Consultation

Nil

Strategic Implications

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

'4: Civic Leadership

*4.2 We are a compliant and resourced Local Government
Financial sustainability in achieving community aspirations'*

Voting Requirement

Absolute Majority

9.4.4 CEO REVIEW (CONFIDENTIAL)

Author: Consultant – John Phillips
Authorised Officer: CEO - David Burton
Date: 2nd October 2024
Disclosure of Interest: CEO – Financial Interest – Wages discussed.
Attachments: Confidential Report from Mr Phillips.

****CONFIDENTIAL****

Local Government Act 1995 (WA)

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

9.5 COMMUNITY DEVELOPMENT OFFICER

9.6 ENVIRONMENTAL HEALTH OFFICER

9.7 HOUSING AND BUILDING COMMITTEE MEETINGS

10. BUSINESS OF AN URGENT NATURE

11. CLOSURE