



# SHIRE OF KONDININ

## MINUTES OF MEETINGS

### KONDININ SHIRE COUNCIL

Held on Wednesday 17<sup>th</sup> July 2024 at the  
Kondinin Council Chambers

**David Burton**  
**12<sup>th</sup> July 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](mailto:ceo@kondinin.wa.gov.au)

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# 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 3.28 pm.

## 2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

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

## 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 – 19<sup>th</sup> June 2024

<b>RESOLUTION #4370</b>			
<b>Moved: Cr Brett Smith</b>		<b>Seconded: Cr Beverley Gangell</b>	
That the minutes of the Council Meeting held on the 19 <sup>th</sup> June 2024, be confirmed.			
<b>Carried:7/0</b>			
For:	Cr Kent Mouritz (President) Cr Darren Pool Cr Kerrie Green	Cr Brett Smith Cr Paul Green	Cr Beverley Gangell Cr Murray James

### 7.2 INFORMATION REPORT- July 2024

<b>RESOLUTION #4371</b>			
<b>Moved: Cr Kerrie Green</b>		<b>Seconded: Cr Darren Pool</b>	
That Council receives and accepts the Information Report before this meeting.			
<b>Carried:7 /0</b>			
For:	Cr Kent Mouritz (President) Cr Darren Pool Cr Kerrie Green	Cr Brett Smith Cr Paul Green	Cr Beverley Gangell Cr Murray James

## **8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION**

## **9. ITEMS**

### **9.1 MANAGER OF PLANNING & ASSETS**

- 9.1.1 Proposed Amalgamation Of Lot 187 On DP 36743 And Lot 151 On DP 216918  
Marshall Street, Hyden

### **9.2 MANAGER OF CORPORATE SERVICES**

- 9.2.1 List Of Accounts
- 9.2.2 Financial Reports
- 9.2.3 Draft Fees And Charges 2024/2025

### **9.3 MANAGER OF WORKS**

### **9.4 CHIEF EXECUTIVE OFFICER**

- 9.4.1 Discovery Centre Update
- 9.4.2 Councillor Training 2023/24
- 9.4.3 Proposed Bush Fire Brigades Local Law
- 9.4.4 ROEROC Meeting
- 9.4.5 GECZ WALGA Meeting
- 9.4.6 Mainroads MOU'S

### **9.5 COMMUNITY DEVELOPMENT OFFICER**

### **9.6 ENVIRONMENTAL HEALTH OFFICER**

### **9.7 COMMITTEE MEETINGS**

## 9.1 MANAGER OF PLANNING & ASSETS

### 9.1.1 PROPOSED AMALGAMATION OF LOT 187 ON DP 36743 AND LOT 151 ON DP 216918 MARSHALL STREET, HYDEN

**Author:** Tory Young, Manager Planning and Assets

**Authorising Officer:** David Burton, Chief Executive Officer

**Date:** 9<sup>th</sup> July 2024

**Disclosure of Interest:** Nil

**Attachments:** Aerial Map.

#### RESOLUTION #4372

**Moved:** Cr Murray James

**Seconded:** Cr Paul Green

That Council:

1. SUPPORTS the amalgamation of Lot 187 on DP 36743 and Lot 151 on DP 216918 on Reserve 33998; and include part of reserve 23128 to align boundaries with existing infrastructure.
2. AUTHORISES the Chief Executive Officer to complete a Crown Enquiry Form and supporting documentation relating to this matter to submit to the Department of Planning, Lands and Heritage for consideration.

**Carried:7/0**

For:	Cr Kent Mouritz (President)	Cr Brett Smith	Cr Beverley Gangell
	Cr Darren Pool	Cr Paul Green	Cr Murray James
	Cr Kerrie Green		

#### Summary

The purpose of this report is to seek approval from Council to submit a request to the Department of Planning, Lands and Heritage in the consideration of amalgamating Crown Lot 187 on DP 36743 and Crown Lot 151 on DP 216918 on Reserve 33998.

#### Background

At the Ordinary Meeting of Council held on the 15<sup>th</sup> March 2023, Council considered a related matter, whereby Council approved a management order being sought with the power to licence / lease in favour of the Shire of Kondinin for Crown Reserve 33998 Marshall Street, Hyden. As part of proposal Council also supported the purpose of the reserve to be amended to include 'Recreation and Community use', to better reflect the current land uses on the Reserve. At this meeting an amendment was made to the Officer Recommendation requesting a boundary realignment amalgamating adjacent Reserves 33998 and 38659.

A Crown Enquiry Form was submitted to the Department of Planning, Lands and Heritage on the 31<sup>st</sup> March 2023 and confirmation on receipt of the amendments was received on the 25<sup>th</sup>

January 2024. Whilst as part of this process the Reserves 33998 and 38659 were amalgamated as one Reserve 33998, the two separate Lots remain on this new Reserve.

The purpose of this report is for Council to take this matter and step further by supporting the amalgamation of the two Lots to enable greater flexibility in development potential (e.g. Tennis Club House) and to reflect the layout of existing infrastructure and land use within the Reserve.

**Statutory Environment**

- Land Administration Act 1997

**Policy Implications**

Nil

**Financial Implications**

Nil.

**Strategic Implications**

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

*“CIVIC LEADERSHIP*

*4.2 We are a compliant and resourced Local Government.”*

**Voting Requirement**

Simple majority

**9.2 MANAGER OF CORPORATE SERVICES**

**9.2.1 LIST OF ACCOUNTS**

**Applicant:** Shire of Kondinin  
**Author:** Vince Bugna, Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date:** 10<sup>th</sup> July, 2024  
**Attachment(s):** List of Accounts 01/06/2024 to 30/06/2024

**RESOLUTION #4373**

**Moved: Cr Brett Smith**

**Seconded: Cr Kerrie Green**

That Council receive the attached report – List of Accounts Due & Submitted to Council for the month of June 2024:

- Municipal Fund payment cheque numbers 19412 to 19420 = \$ 16,287.65
- Municipal EFT18823–18827; 18829-18966; 18968-18971 = \$1,555,544.22
- Direct Debits – Transport – Hyden Office = \$ 5,490.10
- Direct Debits – Transport – Kondinin Office = \$ 10,784.25
- Direct Debits – Credit Cards DD21337.1 = \$ 5,032.97
- Direct Debits – Other = \$ 36,697.28
- EFTPOS Merchant Fees & Tyro = \$ 1,463.33
- Bank Fees – NAB Connect = \$ 79.23
- Payroll = \$ 200,058.79
- Trust Fund EFT18828 & 18967 = \$ 3,000.00

**TOTAL**

**= \$1,834,437.82**

**Carried: 7/0**

For:	Cr Kent Mouritz (President) Cr Darren Pool Cr Kerrie Green	Cr Brett Smith Cr Paul Green	Cr Beverley Gangell Cr Murray James
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## **SUMMARY**

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

## **BACKGROUND**

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

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

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

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

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

## **STATUTORY ENVIRONMENT**

*Local Government (Financial Management) Regulations 1996*

## **POLICY IMPLICATIONS**

Nil

## **PUBLIC CONSULTATION**

Nil

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

*Shire's Strategic Community Plan 2022 – 2032*

### *4. Civic Leadership*

#### *4.1 Skilled, capable and transparent team:*

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

*- The capability of our organisation is continually improved*

#### *4.2 We are a compliant and resourced Local Government:*

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

*- Financial sustainability in achieving community aspirations*

## **VOTING REQUIREMENTS**

Simple Majority

**9.2.2 FINANCIAL REPORTS**

**Applicant:** Shire of Kondinin  
**Author:** Manager Corporate Services - Vince Bugna  
**Disclosure of Interest:** Nil  
**Date:** 9<sup>th</sup> July 2024  
**Attachment(s):** Monthly Financial Report for the period ended 30 June 2024

**RESOLUTION #4374**

**Moved: Cr Paul Green**

**Seconded: Cr Darren Pool**

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 June 2024.

**Carried:7/0**

For:	Cr Kent Mouritz (President)	Cr Brett Smith	Cr Beverley Gangell
	Cr Darren Pool	Cr Paul Green	Cr Murray James
	Cr Kerrie Green		

**SUMMARY**

To present to Council the Monthly Financial Report for the period ended 30 June 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*

*Local Government (Financial Management) Regulation 1996*

**POLICY IMPLICATIONS**

Nil

**PUBLIC CONSULTATION**

Nil

**FINANCIAL IMPLICATIONS**



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

**STRATEGIC IMPLICATIONS**

*Shire’s Strategic Community Plan 2022 – 2032*

*4. Civic Leadership*

*4.1 Skilled, capable and transparent team:*

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

*- The capability of our organisation is continually improved*

*4.2 We are a compliant and resourced Local Government:*

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

*- Financial sustainability in achieving community aspirations*

**REPORTING OFFICER’S COMMENT**

The highlights of the June 2024 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> <li>• <b>Cash at Bank</b> The Shire’s total cash as at 30 June 2024 was <b>\$10,029,354</b> – composed of \$3,655,655 reserve accounts (restricted), \$51,265 LCDC fund, \$1,663,214 term deposit investments and \$4,659,219 general fund (Muni, OCDF &amp; Petty cash).</li> </ul>	<p>Page 9 – Note 6 Cash and Financial Assets</p> <p>Page 10 – Note 7 Reserve Accounts</p>
<ul style="list-style-type: none"> <li>• <b>Receivables</b> <b>Rates and Rubbish</b> – \$407,383 equivalent to 10% current outstanding. <b>Other receivables</b> of \$110,638 – composed of \$40,913 sundry (minor) debtors, (\$4,224) allowance for impairment and \$73,949 gst receivable.</li> </ul>	<p>Page 16 – Note 10 Receivables</p>
<ul style="list-style-type: none"> <li>• <b>Current Liabilities</b> YTD balance is \$1,638,484 which includes \$441,332 of employees’ annual and long service leave provision, \$260,030 Current portion of borrowings (payable within 12 months), \$354,342 Capital Grants/Contributions Liabilities and \$582,779 of Gst and other payables.</li> </ul>	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity Information</p>
<ul style="list-style-type: none"> <li>• <b>Closing Funding Surplus(Deficit)</b> YTD actual is \$5,744,320– composed of \$10,882,398 Current Assets less \$1,638,484 Current Liabilities and \$(3,499,596) Net Adjustments to Net Current Assets.</li> </ul>	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity Information</p>
<ul style="list-style-type: none"> <li>• <b>Significant Capital Projects:</b> <ul style="list-style-type: none"> <li>✓ Roadworks have reached the \$5.5m which is 9% above the budget due to advance work at Hyden Norseman Road.</li> <li>✓ Plant and equipment are 98% completed pending replacement of old community bus.</li> </ul> </li> </ul>	<p>Page 7 – Key Information</p> <p>Page 11 to 14 – Note 8 Capital Acquisitions</p>

<ul style="list-style-type: none"><li>✓ Land and buildings were 7% completed: residential lot in Hyden was acquired while the WACHS housing project and Kondinin Pavilion upgrade are to be carried forward next financial year.</li><li>✓ Other infrastructure acquisitions/construction are 76% completed with the completion of LRCI-3 and LRCI 4B funded projects and some minor carry forward balances.</li></ul>	
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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

*Desiree left at 3:42pm.*

*Desiree returned at 3:42pm.*

**9.2.3 DRAFT FEES AND CHARGES 2024/2025**

**Applicant:** Shire of Kondinin  
**Author:** Senior Administration Officer – Ellen Valenta  
**Authorising Officer:** Manager Corporate Services – Vince Bugna  
**Voting:** Absolute Majority  
**Date:** 5<sup>th</sup> July 2024  
**Attachment/s:** Fees & Charges 2024/2025

<b>RESOLUTION #4375</b>		
<b>Moved: Cr Murray James</b>		<b>Seconded: Cr Beverley Gangell</b>
That Council: ACCEPT the fees and charges for 2024/2025 financial year as amended.		
<b>Carried:7/0</b>		
For:	Cr Kent Mouritz (President) Cr Darren Pool Cr Kerrie Green	Cr Brett Smith Cr Paul Green Cr Beverley Gangell Cr Murray James

**SUMMARY**

For Council to consider the Fees and Charges for the 2024/2025 Financial Year.

**BACKGROUND**

The Shire reviews the fees and charges to prepare for the Budget process every year. If required, the fees and charges established at this time can also be amended throughout the year.

**COMMENT**

After consultation with staff, you will note some fees have changed (marked in Red) and some have stayed the same. Prices have been compared to Shire or businesses around the area.

**STATUTORY ENVIRONMENT**

The Local Government Act 1995

**POLICY IMPLICATION**

Nil

**FINANCIAL IMPLICATIONS**

The Fees & Charges will increase Shire revenue with certain services we deliver to the public.

**STRATEGIC IMPLICATIONS**

Strategic Community 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

## 9.3 MANAGER OF WORKS

nil

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.1 DISCOVERY CENTRE UPDATE

**Author:** CEO - David Burton  
**Authorised Officer:** CEO - David Burton  
**Date:** 8<sup>th</sup> July 2024  
**Disclosure of Interest:** Nil  
**Attachments:**

#### RESOLUTION #4376

**Moved: Cr Murray James**

**Seconded: Cr Kerrie Green**

That Council **NOTES** the update information in relation to the Discovery Centre Project and the Chief Executive Officer establish a suitable land tenure agreement for the land with Hyden Progress Association.

**Carried: 7/0**

For:	Cr Kent Mouritz (President)	Cr Brett Smith	Cr Beverley Gangell
	Cr Darren Pool	Cr Paul Green	Cr Murray James
	Cr Kerrie Green		

#### Summary

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

#### Background

Since 2018, the Shire of Kondinin has been working with the Hyden CRC and the Hyden Progress Association for the project of 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 Growing Regions Funding will be available later this year and will be the final round of funding for this project. It is likely that other funding may be available, but details and timeframes are not known and no indications of future funding have been made.

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

#### Comment

The Business plan has been finalized and is out for public comment. The consultation period will be open until 30<sup>th</sup> August 2024 with submissions brought back to Council for the September Meeting. The Business Plan is available on the Shires website.

The Working Group recently had a video conference with Darren West MLC with regards to State Government Funding and to chase up. This information should be available in the next few months.

The first workshop for the Tourism Master Plan was also held on 28<sup>th</sup> June with a good response. There was a lot of good ideas for promoting the various areas of the Shire to ensure all can gain a benefit from tourism. Once the draft has been completed, it will be brought back to the group and then put out for public comment.

The Shire needs to establish a legal right to the property for the Discovery Centre. As per the Shires policies, we cannot build a Shire building on privately owned land. While HPA have written advising that they will contribute the land as part of the project once funding is received, a more formal legal agreement will be required for this step

### **Policy Implications**

Nil

### **Financial Implications**

The building will require substantial funding before it can go ahead and funding options are being sought through federal and state sources. Funding opportunities are being sought for this.

### **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

*Tory left at 3:48pm*

**9.4.2 COUNCILLOR TRAINING 2023/24**

**Applicant:** Shire of Kondinin  
**Author:** Leandré Genis- Executive Support Officer  
**Authorising Officer:** David Burton – Chief Executive Officer  
**Date:** 10<sup>th</sup> July 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Training Report

**RESOLUTION #4377**

**Moved: Cr Brett Smith**

**Seconded: Cr Kerrie Green**

That the training report for Councillors for 2023/2024 be noted and displayed on the Shire of Kondinin Website.

**Carried:7/0**

For:	Cr Kent Mouritz (President)	Cr Brett Smith	Cr Beverley Gangell
	Cr Darren Pool	Cr Paul Green	Cr Murray James
	Cr Kerrie Green		

**Summary**

To receive the information on Councillors Training for the 2023/2024 Financial Year.

**Background**

As part of Policy GOV-008 Council Member Continuing Professional Development, there is a requirement for the CEO to keep a record of conferences and training and a report to be prepared each financial year. This report is to be published on the Shire website within 1 month after the end of the Financial Year.

**Comment**

Since the Elections in 2019, it has been compulsory for Council members to attend training in order to fulfil their obligations under the Local Government Act 1995. As part of this, it is also recommended that Council continue their ongoing professional development by attending training sessions or conferences to gain additional knowledge and better serve their Local Governments.

**Statutory Environment**

Nil

**Policy Implications**

Shire Policy GOV-008

**Financial Implications**

The attendance of training and conferences by Members is expected as part of ensuring Councillors are given the best knowledge to service their Councils. As such, funds are factored into the budget process for this attendance.

**Consultation**

Council Members

**Strategic Implications**

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

*4.1 Skilled, capable and transparent team*

*Elected member are trained and feel supported*

*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*

**Voting Requirement**

Simple Majority

*Vince left at 3:51pm.*



### **9.4.3 PROPOSED BUSH FIRE BRIGADES LOCAL LAW**

**Author:** CEO - David Burton  
**Authorised Officer:** CEO - David Burton  
**Date:** 9<sup>th</sup> July 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Proposed Bush Fire Brigades Local Law  
 Provisional consolidation of Bush Fire Brigades Local Law  
 (tracked version)

#### **RESOLUTION #4378**

**Moved: Cr Darren Pool**

**Seconded: Cr Murray James**

That–

1. in accordance with the Local Government Act s.3.12(2) and (3) and the Bush Fires Act 1954 s.62, local public notice be given that Council intends to make a Bush Fire Brigades Local Law, and inviting submissions for a minimum 6 week period –
  - Purpose – to revoke the Bush Fire Brigades Local Law 2022 and make provisions for establishment, management and administration of Bush Fire Brigades in accordance with the *Bush Fires Act* 1954, and with the undertakings given to the Joint Standing Committee on Delegated Legislation.
  - Effect – to align the local laws with legislation and these undertakings.
2. in accordance with the Local Government Act s.3.12(3), copies of the proposed local law be –
  - sent to the Minister for Local Government and Minister for Emergency Services,
  - made available to any other person requesting a copy.

**Carried:7/0**

For:	Cr Kent Mouritz (President) Cr Darren Pool Cr Kerrie Green	Cr Brett Smith Cr Paul Green	Cr Beverley Gangell Cr Murray James
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#### **Summary**

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

#### **Background**

As part of the Local Laws Review, the updating of the Bush Fire Brigades Local Law has been required to be redone due to Recommendations from the Joint Standing Committee on Legislation.

#### **Comment**

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

- Purpose – to revoke the Bush Fire Brigades Local Law 2022 and make provisions for establishment, management and administration of Bush Fire Brigades in accordance with the *Bush Fires Act* 1954 in accordance with the undertakings given to the Joint Standing Committee on Delegated Legislation.

- Effect – to align the local laws with legislation and these undertakings.

The principal local law was published in the Government Gazette on 10 November 2022, as part of a raft of six new local laws, and later amended by the Government Gazette on 13 October 2023.

In February 2024, once Parliament had resumed, the JSCDL requested undertakings be given to amend the local law, which were given by Council following the February 2024 meeting.

The proposed local law–

- recognises that brigades are not independent, but are ultimately responsible to the local government;
- includes provision for appointment of brigade officers directly by Council if considered necessary or appropriate, similar to appointment of fire control officers (which are required to be by Council, and are not an elected position).

Despite having previously allowed much briefer versions of a Bush Fir Brigade Local Law, in recent times the Joint Standing Committee on Delegated Legislation has insisted on a close adherence to the WA Local Government Association Model. Ultimately, it does not matter what disagreement there may be with the model, the JSCDL is the body with the power to allow or recommend to Parliament that a local law be disallowed.

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

The draft now presented to Council is essentially identical to that made by the Shire of Pingelly, which was accepted by the JSCDL without requirement for an undertaking. As well as local government name and date, several minor changes for local circumstances and as informally suggested by Dept of Fire and Emergency Services, have been made.

The statutory process is the same for making, amending or revoking a local law –

- Local public notice inviting public comment – minimum of 6 weeks
- During this time, submit to Dept of Local Government and Dept of Fire and Emergency Services.
- At the end of public comment, summary of public comments and any changes recommended by the departments to Council for decision regarding those comments, and consideration of any changes to the draft local law
- final adoption of the amendment local law by Council
- publication in the Government Gazette
- local public notice to be given of the adoption, publication and commencement date of the local law

- submission all necessary documents to Parliamentary Joint Standing Committee on Delegated Legislation for their review.

The JSCDL reviews the local law, its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the local law until after it has been formally adopted, Gazetted etc.

### **Statutory Environment**

#### *Local Government Act 1995 –*

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

#### *Bush Fires Act 1954 –*

- s.35A – volunteer fire fighter means a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member,*
- s37 – local government to insure “volunteer fire fighters”, plant and appliances etc.*
- s.41 – local government may establish brigades, and equip them in accordance with those local laws*
- s.43 – a local government which establishes a bush fire brigade shall by its local laws provide for appointment or election of captain, a first lieutenant and other officers, and shall prescribe their duties*
- s.62 – may make local law for –*
  - *appointment, duties etc. of fire control officers*
  - *organisation etc. of bush fire brigades*
  - *matters affecting the exercise of any powers or duties conferred by the Act*

### **Policy Implications**

Nil

### **Financial Implications**

Advertising of local laws, and publication in Government Gazette etc on final adoption

### **Consultation**

DFES,

Joint Standing Committee on Delegated Legislation.

### **Strategic Implications**

Strategic Community Plan 2022-2023

4.2 *We are a compliant and resourced Local Government*

### **Voting Requirement**

Simple Majority

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#### **9.4.4 ROEROC MEETING**

**Applicant:** Shire of Kondinin  
**Author:** David Burton – Chief Executive Officer  
**Authorising Officer:** David Burton – Chief Executive Officer  
**Date:** 10 July 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Minutes from Meeting

#### **RESOLUTION #4379**

**Moved: Cr Murray James**

**Seconded: Cr Paul Green**

That the Minutes of the RoeROC Meeting held in Corrigin on 20<sup>th</sup> June 2024 be noted.

**Carried: 7/0**

For:	Cr Kent Mouritz (President)	Cr Brett Smith	Cr Beverley Gangell
	Cr Darren Pool	Cr Paul Green	Cr Murray James
	Cr Kerrie Green		

#### **Summary**

This report is for Council to note actions and recommendations from the Roe Regional Organisation of Councils (RoeROC) Meeting held in Corrigin on 20<sup>th</sup> June 2024.

#### **Background**

RoeROC is the grouping of the Shires of Corrigin, Kondinin, Kulin and Narembeen to look at benefits that can be gained by working collaboratively on projects to deliver in our region.

#### **Comment**

The following items were discussed at the RoeROC Meeting.

#### **7. Matters for Decision**

- 7.1 Financial Report
- 7.2 Notes for Annual Report
- 7.3 Bending Waste Site
- 7.4 RoeROC Executive Officer

#### **8. Other Matters**

- 8.1 RoeROC Workforce Housing Investigation
- 8.2 Shire Software Options
- 8.3 Annual RoeROC Dinner

#### **Statutory Environment**

Nil

#### **Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2022-2023

- “1.3 Celebrate our pioneers, community members and protect our heritage  
Shire owned heritage buildings and places of interest are maintained and  
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

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**9.4.5 GECZ WALGA MEETING**

**Applicant:** Shire of Kondinin  
**Author:** David Burton – Chief Executive Officer  
**Authorising Officer:** David Burton – Chief Executive Officer  
**Date:** 10 July 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Minutes from Meeting

**RESOLUTION #4380**

**Moved: Cr Brett Smith**

**Seconded: Cr Paul Green**

That the Minutes of the Great Eastern Country Zone Meeting held in Merredin on 13<sup>th</sup> June 2024 be noted.

**Carried:7/0**

For:	Cr Kent Mouritz (President) Cr Darren Pool Cr Kerrie Green	Cr Brett Smith Cr Paul Green	Cr Beverley Gangell Cr Murray James
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**Summary**

This report is for Council to note actions and recommendations from the Great Eastern Council Zone of Western Australian Local Government Association (GECZ WALGA) Meeting held in Merredin on 13<sup>th</sup> June 2024

**Background**

GECZ WALGA is our regional representation for matters presented to WALGA or state-wide considerations of WALGA on behalf of the industry.

**Comment**

The following items were discussed at the WALGA Zone Meeting.

**4. GUEST SPEAKERS / DEPUTATIONS**

5.1.1 Zone Overview – James McGovern.

**7. AGENCY REPORTS**

- 7.1 Department of Local Government, Sport and Cultural Industries
- 7.2 Wheatbelt Development Commission
- 7.3 RDA Wheatbelt
- 7.4 Main Roads WA.
- 7.5 Water Corporation.

**8. MINUTES**

- 8.1 GECZ Meeting Minutes 11 April 2024
- 8.2 Business Arising.
  - 8.2.1 Invitation to Minister.
- 8.3 Executive Meeting 5<sup>th</sup> June 2024

8.4 Business Arising.

**9. ZONE BUSINESS**

- 9.1 GECZ Conference 2025
- 9.2 Elected Member Training
- 9.3 Straying Stock on Local Roads
- 9.4 Consultation Opportunities.

**10. ZONE REPORTS**

- 10.1 Presidents Report
- 10.2 Wheatbelt District Emergency Management Committee
- 10.3 Regional Health Advocacy Group
- 10.4 WALGA Roadwise

**11. WALGA Business.**

- 11.1 State Councillor Report
- 11.2 Status Report
- 11.3 State Council Agenda Items
- 11.4 WALGA Presidents Report

**12. EMERGING ISSUES**

Live Sheep Export

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2022-2023

4.1 *Skilled, capable and transparent team*

*We are inclusive and our communities feel heard*

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

**Voting Requirement**

Simple Majority

**9.4.6 MAINROADS MOU'S**

**Applicant:** Shire of Kondinin  
**Author:** David Burton – Chief Executive Officer  
**Authorising Officer:** David Burton – Chief Executive Officer  
**Date:** 11 July 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Draft MOU  
 Letter for Maintenance Services

**RESOLUTION #4381**

**Moved: Cr Murray James**

**Seconded: Cr Paul Green**

That the Chief Executive Officer be AUTHORISED to sign the Memorandum of Understandings with Main Roads WA for service assistance to the surrounding areas.

**Carried:7/0**

For:	Cr Kent Mouritz (President)	Cr Brett Smith	Cr Beverley Gangell
	Cr Darren Pool	Cr Paul Green	Cr Murray James
	Cr Kerrie Green		

**Summary**

This report is for Council to authorise the CEO to sign a Memorandum of Understanding with Main Roads WA (MRWA) for services assistance to the surrounding areas.

**Background**

As part of their service delivery, Main Roads WA have an expectation for incidents to be attended within a 2-hour timeframe. Given that the nearest depots for Main Roads are in Northam and Narrogin, Main Roads has approached the Shire of Kondinin to ask for assistance in being able to delivery on this target. The Shire currently does assist Main Roads, so this would formalise the current arrangements.

Main Roads WA will also be taking over the Parker Range Roads and Marvel Loch-Forrestania Roads from the Shire of Yilgarn up to the Shire of Kondinin boarder, of this the road to the Covalent mine will be sealed, leaving a small section of 13kms as gravel. MRWA are wanting to establish an MOU with the Shire of Kondinin for the maintenance of the 13kms of gravel on this road.

**Comment**

For the MOU for the service provide for Incident Management, the Shire already assists MRWA in this area for various items on the Brookton Highway. This will formalise this agreement and also make it easier for the Shire and MRWA for cost recovery. MRWA will provide a trailer with a mix of signs that the Shire can place for various incidents. This will formalise the current practice.

The Incident MOU also allows the Shire to not provide assistance if we are unable to respond.



For the maintenance of the Marvel Loch-Forrester Road, the Shire will be required to maintain our section of approximately 23kms of gravel service. The MOU will rely on the Service Agreement for the standard of maintenance that MRWA want to apply to the section of road, however as the Shire will need to maintain our own section, we should be able to easily do this.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

The signing of the MOU's will allow the Shire easier access to reimbursement and can be negotiated for the road maintenance to ensure costs are being recovered.

**Strategic Implications**

Strategic Community Plan 2022-2023

*2.2 Safe and efficient transport network enables economic growth*

*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

**9.5 COMMUNITY DEVELOPMENT OFFICER**

**9.6 ENVIRONMENTAL HEALTH OFFICER**

**9.7 HOUSING AND BUILDING COMMITTEE MEETINGS**

**10. BUSINESS OF AN URGENT NATURE**

**11. CLOSURE**

Meeting closed at 4:32pm.