



SHIRE OF KONDININ

NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

KONDININ SHIRE COUNCIL

Will be held on Wednesday 17th July 2024 at the
Kondinin Council Chambers

11.00AM Budget Workshop
2:00PM Informal Agenda Discussion
3:00PM Ordinary Council Meeting

David Burton
12th 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

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

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 – 19th June 2024

RECOMMENDATION:

That the minutes of the Council Meeting held on the 15th of May 2024, be confirmed.

7.2 INFORMATION REPORT- July 2024

RECOMMENDATION:

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

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: 9th July 2024

Disclosure of Interest: Nil

Attachments: Aerial Map.

OFFICER RECOMMENDATION

That Council:

1. SUPPORTS the amalgamation of Lot 187 on DP 36743 and Lot 151 on DP 216918 on Reserve 33998; and
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.

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 15th 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 31st March 2023 and confirmation on receipt of the amendments was received on the 25th 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: 10th July, 2024
Attachment(s): List of Accounts 01/06/2024 to 30/06/2024

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

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; 18829-18866; 18868-18971	= \$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:

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: 9th July 2024
Attachment(s): Monthly Financial Report for the period ended 30 June 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 June 2024.

Carried:

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"> Cash at Bank The Shire’s total cash as at 30 June 2024 was \$10,029,354 – 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 & Petty cash). 	Page 9 – Note 6 Cash and Financial Assets Page 10 – Note 7 Reserve Accounts
<ul style="list-style-type: none"> Receivables Rates and Rubbish – \$407,383 equivalent to 10% current outstanding. Other receivables of \$110,638 – composed of \$40,913 sundry (minor) debtors, (\$4,224) allowance for impairment and \$73,949 gst receivable. 	Page 16 – Note 10 Receivables
<ul style="list-style-type: none"> Current Liabilities 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. 	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity Information
<ul style="list-style-type: none"> Closing Funding Surplus(Deficit) 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. 	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity Information
<ul style="list-style-type: none"> Significant Capital Projects: <ul style="list-style-type: none"> ✓ Roadworks have reached the \$5.5m which is 9% above the budget due to advance work at Hyden Norseman Road. ✓ Plant and equipment are 98% completed pending replacement of old community bus. ✓ 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. 	Page 7 – Key Information Page 11 to 14 – Note 8 Capital Acquisitions

✓ Other infrastructure acquisitions/construction are 76% completed with the completion of LRCI-3 and LRCI 4B funded projects and some minor carry forward balances.	
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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

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: 8th July 2024
Disclosure of Interest: Nil
Attachments:

OFFICER RECOMMENDATION:

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.

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 30th 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 28th 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

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: 10th July 2024
Disclosure of Interest: Nil
Attachments: Training Report

OFFICER RECOMMENDATION:

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

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

9.4.3 PROPOSED BUSH FIRE BRIGADES LOCAL LAW

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

OFFICER RECOMMENDATION:

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.

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 Gazettal*
- *s.3.15 – local public notice of the final adoption/making of a local law to be given*

Bush Fires Act 1954 –

- s.35A – volunteer fire fighter means a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member,*
- s.37 – local government to insure “volunteer fire fighters”, plant and appliances etc.*
- s.41 – local government may establish brigades, and equip them in accordance with those local laws*
- s.43 – a local government which establishes a bush fire brigade shall by its local laws provide for appointment or election of captain, a first lieutenant and other officers, and shall prescribe their duties*
- s.62 – may make local law for –*
 - *appointment, duties etc. of fire control officers*
 - *organisation etc. of bush fire brigades*
 - *matters affecting the exercise of any powers or duties conferred by the Act*

Policy Implications

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

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

OFFICER RECOMMENDATION

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

Summary

This report is for Council to note actions and recommendations from the Roe Regional Organisation of Councils (RoeROC) Meeting held in Corrigin on 20th 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

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

OFFICER RECOMMENDATION

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

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 13th 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 5th 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

OFFICER RECOMMENDATION

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

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-Forrestania 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