



# SHIRE OF KONDININ

## NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

### **KONDININ SHIRE COUNCIL**

Will be held on Wednesday 18<sup>th</sup> December 2024 at  
Hyden CRC

**12.30pm onsite meeting for Synergy Workers Camp (starting  
from Whispering Gums)**

**1.00pm Meeting with Synergy for King Rocks Wind Farm**

**2.00pm Meeting with Shell for Kondinin Wind Farm**

**2.20PM Audit Committee Meeting**

**2.30PM Informal Agenda Discussion**

**3.00PM Ordinary Council Meeting**

**David Burton**  
**13<sup>th</sup> December 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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# **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 (WA)*, the *Local Government (Administration) Regulations 1996 (WA)*, 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](mailto: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 Beverley Gangell Cr Paul Green Cr Brett Smith	Cr Bruce Browning Cr Murray James
Staff:	David Burton (CEO) Mark Burgess (MoW)	Vince Bugna (MCS) Desiree Waters (ESO)	Tory Young (MPA)
Apologies:			

## 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 – 20<sup>th</sup> November 2024

**RECOMMENDATION:**

That the minutes of the Council Meeting, held on the 20<sup>th</sup> of November 2024, be confirmed.

### 7.2 INFORMATION REPORT – December 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 Licence Agreements Between Shire Of Kondinin And Co-Operative Bulk Handling (CBH) Limited For Kondinin Receiving Site
- 9.1.2 Licence Agreement For The Shared Use Of Facilities For Sporting And Recreational Purposes At Hyden Primary School
- 9.1.3 Endorsement Of Supporting Documentation (Electromagnetic Interference Study) – Proposed Kondinin Wind Farm (Dap18/0477)
- 9.1.4 Easement For Pedestrian Pathway On Lot 802 On DP 76835 Hyden-Lake King Road, Hyden
- 9.1.5 Realignment Of Lot Boundaries And Consolidation Of Reserves Within The Kondinin Sporting Precinct – Additional Information
- 9.1.6 Access Licence Agreements For The Humps Community Standpipe, the & Aylmore Road Community Standpipe, Hyden and the Clayton Street – Hyden Mt Walker Road.

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

- 9.2.1 List of Accounts – November 2024
- 9.2.2 Financial Report – November 2024
- 9.2.3 Adoption of Audited Annual Financial Report 2023/24
- 9.2.4 Rates Interest Write-Off

### **9.3 MANAGER OF WORKS**

### **9.4 CHIEF EXECUTIVE OFFICER**

- 9.4.1 Discovery Centre Update
- 9.4.2 New Policies
- 9.4.3 Review Policy Gov-004 Meetings Of Council
- 9.4.4 Ordinary Council Meeting Dates 2025
- 9.4.5 Shire Centenary
- 9.4.6 Radio Tower Lease Renewal
- 9.4.7 Proposed Bush Fire Brigades Local Law

### **9.5 CONFIDENTIAL ITEMS**

- 9.5.1 Hyden Golf Club Amenities Upgrade – Outcome Of Request For Quote (*Confidential Item*)
- 9.5.2 Design And Construction Of Single House At No. 39 (Lot 282) Repacholi Parade, Kondinin - Tender (02 / 2024 – 2025) (*Confidential Item*)
- 9.5.3 Rates Outstanding – Transfer of Properties (*Confidential Item*)



## 9.1 MANAGER OF PLANNING & ASSETS

### 9.1.1 LICENCE AGREEMENT BETWEEN SHIRE OF KONDININ AND CO-OPERATIVE BULK HANDLING (CBH) LIMITED FOR KONDININ RECEIVAL SITE

**Author:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Date:** 2<sup>nd</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Licence to Access Agreement

#### OFFICER RECOMMENDATION

That Council:

**APPROVES** the License to Access Agreement attached between the Shire of Kondinin and the CBH Ltd for the Kondinin CBH site to be adopted and signed with a Common Seal by Order of Council.

#### SUMMARY

The purpose of this report is for Council to formally adopt the licence agreement that has been prepared for the Kondinin CBH town site to enable the Shire of Kondinin to continue to obtain and harvest water from the site in order to service the Shire's off-site watering requirements.

#### BACKGROUND

The Shire of Kondinin requires adoption of this Licence to Access Agreement for the Kondinin CBH site in town to address compliance with CBH standards and meet funding requirements of a current grant through the Department of Water and Environmental Regulation.

The works proposed as part of the abovementioned grant funding comprises the installation and supply of a new poly line from the road reserve opposite the Kondinin IGA, to the dam to the east of the open bulkhead and then to Kondinin Town Dams and associated generator set at the dam to the east of the open bulkhead to improve efficiencies in the catchment of water for irrigation of the Kondinin Sporting Precinct.

The provisions in the licence agreement will enable the Shire to continue to obtain and harvest water from the Kondinin CBH town site, much the same as the Kondinin North CBH Receival Site and the Hyden CBH site, both of which have formal agreements with CBH already in place.

In light of the above, it is recommended that Council endorse the licence agreement attached.

#### STATUTORY ENVIRONMENT

Local Government Act 1995

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

**STRATEGIC IMPLICATIONS**

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

*“1. COMMUNITY*

*1.4 Recreational and social spaces encourage active and healthy lifestyles*

*Parks, nature reserves and community spaces are green, tidy, accessible and activated.”*

**VOTING REQUIREMENT**

Simple majority

**9.1.2 LICENCE AGREEMENT FOR THE SHARED USE OF FACILITIES FOR SPORTING AND RECREATIONAL PURPOSES AT HYDEN PRIMARY SCHOOL**

**Author:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Date:** 2<sup>nd</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Licence Agreement

**OFFICER RECOMMENDATION**

That Council:

**APPROVES** the Licence Agreement attached between the Shire of Kondinin and the Department of Education for the Shared Use of Facilities for Sporting and Recreational Purposes at Hyden Primary School to be adopted and signed with a Common Seal by Order of Council.

**SUMMARY**

The Hyden Primary School have utilised the Hyden Recreation Reserve comprising Lot 151 on DP 216918 and Lot 187 on DP 36743 together being the whole of the land in Reserve 33998 with no formal agreement in place. The purpose of this report is for Council to review and endorse via Common Seal the Licence Agreement for the Shared Use of Facilities for Sporting and Recreational Purposes at Hyden Primary School to formalise this arrangement.

**BACKGROUND**

The Hyden Primary School have utilised the Hyden Recreation Reserve comprising Lot 151 on DP 216918 and Lot 187 on DP 36743 together being the whole of the land in Reserve 33998 for sporting activities with no formal agreement in place. In August 2023 the Shire of Kondinin were approached by the Hyden Primary School seeking information on a formal arrangement between the Shire and the Department of Education on the use of the recreation reserve and facilities. It was established that the Department of Education currently has an informal hire arrangement in place with the Hyden Sports Council (including a \$3,146 hire fee), however this arrangement was found not to provide any party with obligations or responsibilities in the way that a formal shared use licence agreement would.

With no legally binding (formal) lease/licence agreement in place, the informal arrangement was considered to carry some risk to the Department of Education. As the Hyden Sports Council do not have management of the reserve, or conduct the maintenance to the reserve, the Department considered that it would be more appropriate to enter into a shared use licence agreement with the Shire.

Noting the goodwill currently enjoyed by all parties involved, the Department sought to establish a shared use agreement that best captured the current use of the reserve and provides surety to the parties. Additionally, during the preparation of the document the Shire's Administration met with representatives of Hyden Primary School to ensure that the agreement enabled both parties to enjoy the same benefit and management of the Reserve as they do under the current informal arrangement.

In light of the above, it is recommended that Council endorse the licence agreement attached streamlining the arrangement between the Shire of Kondinin and the Department of Education for the use of the Hyden Recreation Reserve by the Hyden Primary School.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The Hyden Sports Council currently receive \$3,146 per annum from the Department of Education for the hire of the Hyden Recreation Reserve. This hire fee will discontinue under the new shared use agreement and replaced with the Shire of Kondinin receiving a \$3,500 from the Department of Education per annum as a contribution towards the maintenance of the reserve.

**STRATEGIC IMPLICATIONS**

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

*“1. COMMUNITY*

*1.4 Recreational and social spaces encourage active and healthy lifestyles*

*Parks, nature reserves and community spaces are green, tidy, accessible and activated. “*

**VOTING REQUIREMENT**

Simple majority

**9.1.3 ENDORSEMENT OF SUPPORTING DOCUMENTATION (ELECTROMAGNETIC INTERFERENCE STUDY) – PROPOSED KONDININ WIND FARM (DAP18/0477)**

**Author:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Date:** 2<sup>nd</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Electromagnetic Interference Study

**OFFICER RECOMMENDATION**

That Council;

1. **ENDORSES** the Electromagnetic Interference Study attached in support of condition (16) of the development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on the 9<sup>th</sup> November 2018 for a Renewable Energy Facility on 19 freehold agricultural lots located approximately 5km north and north-east of the Kondinin townsite; and
2. **ADVISES** the proponent that a post-construction survey of television and radio reception at dwellings 5km of the proposed wind turbines is to be undertaken as per condition 16 of the development approval issued by the Mid-West/Wheatbelt JDAP at its meeting on the 9<sup>th</sup> November 2018 for a Renewable Energy Facility;
3. **REQUESTS** the proponent that pre-construction greater clarification be provided on matters relating to mobile phone providers; aviation; and priority and feasibility of mitigation measures; and
4. **ADVISES** the proponent that exclusion distances be established and applied to the final layout of the wind farm development and agreed upon in liaison with the communication providers to safeguard potential risk to services in the vicinity of the development.

**SUMMARY**

This report is for Council to endorse the Electromagnetic Interference Study submitted in support of the conditions of development application approved by the Mid-West/Wheatbelt JDAP at its meeting on the 9<sup>th</sup> November 2018 for a Renewable Energy Facility located approximately 5km north/north-east of the Kondinin townsite.

**BACKGROUND**

At its meeting held on the 9<sup>th</sup> November 2018 the Mid-West/Wheatbelt JDAP provided conditional support 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.

The approval was granted with a series of conditions that are currently being addressed by the Applicant. This Electromagnetic Interference Study has been submitted in support of the following condition of development approval;

- 16. With respect to addressing all Electromagnetic Interference matters, the Proponent is responsible for carrying out all necessary notifications to communication providers and undertaking a pre-construction and post-construction survey of television and radio reception at dwellings 5km of the proposed wind turbines, once the final design and layout of the development has been confirmed.*

The Electromagnetic Interference Study dated October 2024 submitted in support of the abovementioned condition of development approval provides evidence of consultation with communication providers and undertaking a pre-construction survey of television and radio reception.

Whilst the Study has essentially addressed the condition of development approval, clarification is sought on the following:

- Mobile phone coverage for Optus and Vodaphone:
- Inclusion on Kondinin Air Strip; and
- Feasibility of the hierarchy of mitigation options.

Most communication providers did not consider the wind farm development would impact their services, however this was not conclusive to all providers, as summarised in Appendix A of the Study.

In light of the above, it is recommended that additional documentation be provided to the Shire to safeguard potential risk to services in the vicinity of the development.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

#### **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

**9.1.4 EASEMENT FOR PEDESTRIAN PATHWAY ON LOT 802 ON DP 76835 HYDEN-LAKE KING ROAD, HYDEN**

**Author:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Date:** 9<sup>th</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** 1. Easement Plan;  
2. Photo of Pathway

**OFFICER RECOMMENDATION**

That Council:

1. **AUTHORISES** the Chief Executive Officer to arrange an easement to formalize public access to the existing pedestrian pathway through freehold Lot 802 on DP 76835 Hyden-Lake King Road, as per the plans attached;
2. **SUPPORTS** the Shire of Kondinin as beneficiaries and fully responsible for the management and maintenance of the proposed easement on Lot 802 on DP76835 Hyden-Lake King Road, Hyden;
3. **AUTHORISES** the Chief Executive Officer to follow the provisions pursuant to section 195 & 196 of the *Land Administration Act 1997* to complete the process; and
4. **APPROVES** all costings associated with the preparation of the easement be borne by the Shire of Kondinin.

**SUMMARY**

The purpose of this report is for Council to provide authorisation to the Chief Executive Officer to prepare an easement to formalise public access to the existing pedestrian pathway through freehold Lot 802 on DP 76835 Hyden-Lake King Road.

**BACKGROUND**

Over 10 years ago a pedestrian pathway was constructed inside the southern lot boundary of Lot 802 Hyden-Lake King Road, Hyden to create a continuous pathway from the Hyden Town Centre to Wave Rock. With the recent construction of a new vehicular access way into Lot 802 Hyden-Lake King Road, it has become apparent, there is no formal agreement between the land owner and the Shire of Kondinin enabling public access to utilize the pathway.

A meeting was held on site on the 5<sup>th</sup> December 2024 with the land owner and the Shire's Administration to discuss the easement and the recommended width appropriate. Acknowledging that the existing fence line does not represent the lot boundary, it was agreed that a two (2) metre set back from the northern side of the existing sealed pathway would be appropriate, resulting in a total ten (10) metre width easement from the southern lot boundary.

In light of the above, it is recommended that Council endorses the way forward as outlined in the Officer Recommendation.

**STATUTORY ENVIRONMENT**

Land Administration Act 1997

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Approximately \$5,000 will be required to cover legal and surveyor fees and the lodgement of the easement with Landgate to be sourced from the Shire's 2024/2025 Consultancy Budget Allocation.

**STRATEGIC IMPLICATIONS**

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

*"1. COMMUNITY*

*1.4 Recreational and social spaces encourage active and healthy lifestyles*

*Parks, nature reserves and community spaces are green, tidy, accessible and activated."*

**VOTING REQUIREMENT**

Simple majority



**9.1.5 REALIGNMENT OF LOT BOUNDARIES AND CONSOLIDATION OF RESERVES  
WITHIN THE KONDININ SPORTING PRECINCT – ADDITIONAL INFORMATION**

**Author:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Date:** 9<sup>th</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** 1. Aerial Map;  
2. Tender Map

**OFFICER RECOMMENDATION**

That Council:

1. **SUPPORTS** the creation of a singular Crown Reserve for the purpose of ‘Municipal Depot’ as demarcated in ‘Blue’ in the attached Aerial and Tender Maps; and
2. **APPROVES** the revocation of the Shire’s Management Order and cancellation of Crown Reserve 54387 to be included in Crown Reserve 23640; and
3. **AUTHORISES** the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of the amendments accordingly.

**SUMMARY**

The purpose of this report is to seek further approval from Council for additional amendments to the crown reserves in the Kondinin Sporting Precinct and advise the Department of Planning, Lands and Heritage accordingly.

**BACKGROUND**

This matter was first presented to Council back in July 2013 in which Council resolved as follows:

1. *Formally request the Hon. Minister for Lands to consolidate and re-vest various Crown reserves and Unallocated Crown Land within the ‘Kondinin Recreation Precinct’ in the Kondinin townsite in accordance with the details shown on the attached Plan 5; and*
2. *Indemnify the Minister for Lands and the State of Western Australia against any possible costs and/or claims arising from the proposed consolidation and re-vesting of the various Crown reserves and Unallocated Crown Land within the ‘Kondinin Recreation Precinct’.*

The matter was then presented to the Ordinary Meeting of Council held on the 15<sup>th</sup> May 2024, in which Council resolved as follows:

1. *SUPPORTS the amendments to the crown reserves within the Kondinin Sporting Precinct as follows:*
  - a) *The removal of Lot 501 on Deposited Plan 75662 from Reserve 23641 and excision of portion of Lot 259 on Deposited Plan 211790 within Reserve 31208 for inclusion into Reserve 16731.*
  - b) *The revocation of the Shire’s Management Order and the cancellation of Reserve 31207 so that land may be included into Reserve 31208;*
  - c) *The amendment of Reserve 23641 to remove Lot 503 on Deposited Plan 75662 so that the land can be included into Reserve 31208;*
  - d) *The amendment of Reserve 23641 to remove Lot 329 on Deposited Plan 41199 for inclusion into Reserve 23640*

e) *The expansion of the Kondinin townsite boundary to the west so as to align with that shown on Deposited Plan 404100; and*

2. *AUTHORISES the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of the amendments accordingly.*

An email was received from the Department of Planning, Lands and Heritage on the 5<sup>th</sup> December 2024 requiring further resolution in relation to Reserve 54387 to progress the matter. Crown Reserve 23640 will now consist of Lot 405 on Deposited Plan 426942 and Lot 403 on IOFD Deposited Plan 404100 for the purpose of 'Municipal Depot' with management order granted to the Shire of Kondinin with power to lease/licence for any term not exceeding 21 years, subject to the approval of the Minister for Lands.

In light of the above, it is recommended that Council support the Officer's Recommendation.

#### **STATUTORY ENVIRONMENT**

- Land Administration Act 1997
- Land Administration Regulations 1998

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Minor administrative costs incurred to complete the process which can be covered in the Shire's 2024/2025 budget.

#### **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

**9.1.6 ACCESS LICENCE AGREEMENTS FOR THE HUMPS COMMUNITY STANDPIPE;  
AYLMORE ROAD COMMUNITY STANDPIPE & CLAYTON AND HYDEN-MT  
WALKER ROAD**

**Author:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Date:** 12<sup>th</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Access Licence Agreements; Site Sketches; Planning Approval Letter

**OFFICER RECOMMENDATION**

That Council:

1. **APPROVES** the Access Licence attached between the Shire of Kondinin and the Electricity Generation and Retail Corporation (trading as Synergy) for access to water at The Humps Community Standpipe on the corner of Lovering Road and Raine Road to be adopted and signed with a Common Seal by Order of Council; and
2. **APPROVES** the Access Licence attached between the Shire of Kondinin and the Electricity Generation and Retail Corporation (trading as Synergy) for access to water at Aylmore Road Community Standpipe to be adopted and signed with a Common Seal by Order of Council; and
3. **APPROVES** the Access Licence attached between the Shire of Kondinin and the Electricity Generation and Retail Corporation (trading as Synergy) for access to parts of Clayton Street and Hyden-Mt Walker Road to be adopted and signed with a Common Seal by Order of Council; and
4. **SUPPORTS** that the works proposed at the water sources located at The Humps Community Supply site; the Aylmore Road Community Water Supply Site and the section of Clayton Street and Hyden-Mt Walker Road as outlined in the Access Licences attached are consistent with the purpose and intent of the Shire's Local Planning Scheme No.1.

**SUMMARY**

The purpose of this report is for Council to review and endorse via Common Seal the three Access Licences attached relating to the access of water at The Humps Community Water Supply and the Aylmore Road Community Water Supply and Clayton Street / Hyden-Mt Walker Road respectively.

**BACKGROUND**

On the 15<sup>th</sup> November 2022 Synergy was granted Development Approval via the Joint Development Assessment Panel (JDAP) for the development of a Windfarm over two freehold lots 2845 & 2640 King Rocks Road North, Hyden.

As part of the development of this Project (known as the King Rocks Wind Farm), the Shire of Kondinin Administration and Synergy have been in discussions surrounding access to suitable water supplies primarily for the construction period of the Project. A resultant outcome of these discussions has been the preparation of two Access Licence Agreements to guide the access and use of water at The Humps and Aylmore Road community water sites located within the Shire of Kondinin.

Synergy have submitted a separate development application for the construction of a

workforce accommodation facility on Lot 192 Hyden-Mt Walker Road, Hyden to accommodate workers during the construction of the King Rocks Wind Farm. The Access Licence attached relating to the section of Clayton Street and the Hyden-Mt Walker Road has been prepared to access water for the workforce accommodation development.

The content of all three (3) Access Licences generally speaking seem fair and reasonable in their intent to provide a clear framework for the co-use of these sites during the construction stage of the Project. Prior to finalisation of the Site Sketch for Aylmore Road Community Water Supply Site, it is however recommended that further discussion on the access to this site is undertaken

In light of the above, it is recommended that Council endorse the three Access Licences and support that the public works proposed at these locations are consistent with the Shire's Local Planning Scheme No.1 as per the Officer's Recommendation.

**STATUTORY ENVIRONMENT**

Local Government Act 1995  
Planning and Development Act 2005  
Public Works Act 1902

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The Access Licences have been prepared by Synergy at no cost to the Shire.

**STRATEGIC IMPLICATIONS**

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

*"4. CIVIC LEADERSHIP*

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

**VOTING REQUIREMENT**

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:** 9<sup>th</sup> December, 2024  
**Attachment(s):** List of Accounts 01/11/2024 to 30/11/2024

#### **OFFICER RECOMMENDATION:**

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

• Municipal Fund payment cheque numbers 19454 – 19457	= \$	40,151.94
• Municipal EFT19575 –19723	= \$	1,041,203.63
• Direct Debits – Transport – Hyden Office	= \$	22,573.90
• Direct Debits – Transport – Kondinin Office	= \$	7,793.30
• Direct Debits – Credit Cards DD21930.1	= \$	10,009.45
• Direct Debits – Other	= \$	43,930.54
• EFTPOS Merchant Fees & Tyro	= \$	4,997.78
• Bank Fees – NAB Connect	= \$	74.00
• Payroll EFTs	= \$	137,000.13
<b>TOTAL</b>	<b>= \$</b>	<b><u>1,307,734.67</u></b>

#### **SUMMARY**

To present to Council a list of accounts paid from Municipal and Trust Funds (when applicable) under 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  
**Disclosure of Interest:** Nil  
**Date:** 10<sup>th</sup> December 2024  
**Attachment(s):** Monthly Financial Report for the period ended 30 November 2024

### **OFFICER RECOMMENDATION:**

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 November 2024.

### **SUMMARY**

To present to Council the Monthly Financial Report for the period ended 30 November 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), and 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 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 November 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 November 2024 was <b>\$9,369,925</b> – composed of \$4,160,765 reserve accounts (restricted), \$51,265 LCDC fund, \$2,197,161 term deposit investments and \$2,960,734 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> – \$794,179 balance as \$3,502,558 equivalent to 82% have been paid. <b>Other receivables</b> of \$229,675 – composed of \$129,481 sundry debtors, \$104,418 gst receivable and (\$4,224) impairment of receivables.</li> </ul>	<p>Page 16 – Note 10 Receivables</p>
<ul style="list-style-type: none"> <li>• <b>Current Liabilities</b> YTD balance is \$1,368,383 which includes \$501,221 of employees' annual and long service leave provision, \$180,139 Current portion of borrowings (payable within 12 months), \$345,342 unearned Capital Grants/Contributions and \$341,682 gst and other payables.</li> </ul>	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity</p>
<ul style="list-style-type: none"> <li>• <b>Closing Funding Surplus(Deficit)</b> YTD actual is \$5,055,314 – composed of \$10,492,540 Current Assets less \$1,368,383 Current Liabilities and \$(4,068,843) Net Adjustments to Net Current Assets.</li> </ul>	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity</p>
<ul style="list-style-type: none"> <li>• <b>Significant Capital Projects:</b> <ul style="list-style-type: none"> <li>✓ Roadworks budgeted for \$3.8m this financial year is 58% completed of which \$1.2m spent so far on Hyden Norseman Road.</li> <li>✓ Plant and equipment have a budget of \$1.093m – acquisitions in progress.</li> <li>✓ Land and buildings have a total budget of \$3.04m for WACHS housing, Kondinin Pavilion upgrade and staff housing – in progress.</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>• <b>Grants, Subsidies and Contributions</b> <ul style="list-style-type: none"> <li>✓ Operating grants total received = \$521,835 from quarter one FAGS, Main Roads WA for Road Maintenance and few minor ones.</li> <li>✓ Capital grant total to date = \$420,600 from MRWA full payment for RRG Lovering Road and DVA grants for</li> </ul> </li> </ul>	<p>Pages 21 – Note 15 Grants, Subsidies and Contributions Page 22 – Note 16 Capital Grants, Subsidies and Contributions.</p>



Kondinin and Hyden War Memorial Garden improvements.	
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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

### **9.2.3 ADOPTION OF AUDITED ANNUAL FINANCIAL REPORT 2023-24**

<b>Applicant:</b>	Shire of Kondinin
<b>Author:</b>	V Bugna, Manager Corporate Services
<b>Authorising Officer:</b>	D Burton, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	9 <sup>th</sup> December 2024
<b>Attachment(s):</b>	1. Shire of Kondinin – Annual Financial Report 2024 (Audited) 2. OAG’s Independent Auditor’s Report 2024

#### **AUDIT COMMITTEE RECOMMENDATION**

That Council:

1. Accepts the 2023/24 Shire of Kondinin’s Annual Financial Report and Independent Audit Report pursuant to section 5.54 of the Local Government Act 1995;
2. Authorise the Chief Executive Officer to give public notice of the availability of the annual report from 2<sup>nd</sup> January 2025 in accordance with section 5.55 of the Local Government Act 1995;
3. Conduct the Annual Electors Meeting on Wednesday, 12<sup>th</sup> February 2025 by giving at least 14 days local public notice prior to the meeting.

#### **SUMMARY**

To present to Council the Audited Annual Financial Report for the year ended 30 June 2024 and the OAG’s Independent Audit Report for the year ended 30 June 2024.

#### **BACKGROUND**

The Local Government Act requires that Council accepts the annual report for the financial year no later than 31 December 2024 or no later than two months after the auditor’s report becomes available if it is not received prior to 31 December.

The audited 2023/24 Annual Financial Report was signed off by the CEO on the 4<sup>th</sup> December 2024. The audit Committee Chair, the Shire’s CEO and MCS met with the auditors of Moore Australia: Mr Wen-Shien Chai, Partner and Mr. Gilles Chan, Audit Manager; OAG Assistant Director – Mr. Liang Wong via Teams on 3<sup>rd</sup> December 2024 for the Annual Audit Exit Meeting wherein the outcomes of the audit were discussed.

#### **COMMENT**

The audit report prompts the conducting of an Annual Electors Meeting where the audit report (amongst other reports) will be presented to electors within 56 days after the acceptance of the audit annual financial report. To meet the compliance date required by the Act, it is proposed that the electors meeting will be scheduled subsequent to the Ordinary Council meeting on 12<sup>th</sup> February 2025.

#### **STATUTORY ENVIRONMENT**

*Local Government Act 1995, section 5.54 and 5.55*

#### **POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There are no known financial implications on the Shire's budget.

**STRATEGIC IMPLICATIONS**

Shire's Strategic Community Plan 2022-2032

*"CIVIC LEADERSHIP*

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

**VOTING REQUIREMENTS**

Absolute Majority

#### **9.2.4 RATES INTERESTS WRITE-OFF**

**Applicant:** Shire of Kondinin  
**Author:** L Genis, Rates Officer  
**Reviewed:** V Bugna, Manager Corporate Services  
**Disclosure of Interest:** Nil  
**Date:** 3<sup>rd</sup> December 2024  
**Attachments:** SAT Case Decision

#### **OFFICER RECOMMENDATION:**

That Council:

**APPROVE** to write off accrued penalty interest on property assessment numbers 2428 and 2429 to the amount of \$199.04.

#### **SUMMARY**

To seek council approval to write off accrued penalty interest on Assessment 2428 and 2429 for the 23/24 financial year.

#### **BACKGROUND**

A Landgate schedule was received in April 2024 advising the Shire of 2 Miscellaneous Mining Tenement grants. The tenements were created on our system and rated. Accordingly, rate notices were issued and a few days after the rate notices were sent out, Shire administration got informed of a Court Case brought in the State Administrative Tribunal Court on 19 March 2024. Pursuant to the decision of this Court case of *Atlantic Vanadium Pty Ltd v Shire of Mount Magnet 2024 WASAT 16*, miscellaneous licenses are non-rateable land under the Local Government Act 1995.

The rates raised have since been reversed leaving the interest accrued on the assessments to be written off.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995.

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

A provision for write-offs and doubtful debts is included in the 2024/25 budget. The outstanding balances will be reduced by the write-off.

#### **STRATEGIC IMPLICATIONS**

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

*"4. CIVIC LEADERSHIP*

*4.1 Skilled, capable and transparent team."*

#### **VOTING REQUIREMENT**

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:** 10 December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **OFFICER RECOMMENDATION:**

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

#### **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 will be available now 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 unknown 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 for the Shire of Kondinin residents and ratepayers.

Funding is currently being sought through the Regional Precincts and Partnership Program (RPPP).

#### **COMMENT**

The Shire has not received any information with regard to the RPPP application. We were expecting a notification in November, but nothing has been received. In discussion with RDA Wheatbelt, they are unable to give a timeline for the funding announcement.

A quote was sought for a Regional Precinct Plan to be drafted, but when received, it was considered excessive (approx. \$50k) and would take six months to prepare, staff are reverting back to doing a simple analysis and document for the Plan.

Draft proposals have been sent to the local Federal Minister for consideration of the project as an election promise. This has been done for the funding for the documentation (in case RPPP is not successful) and for funding the construction of the building.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Proposed drawings will be required for the Precinct Master Plan, but this should be under \$5,000. Funding assistance for this should be able to be received from WDC.

**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

*“1.3Celebrate our pioneers, community members and protect our heritage*

*Shire owned heritage buildings and places of interest are maintained and manager appropriately*

*2.1Support the diverse industry across the Shire*

*Townsite entrances, Shire verges and aesthetics are tidy, green and welcoming*

*4.1Skilled, 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 NEW POLICIES

**Author:** CEO - David Burton  
**Authorised Officer:** CEO - David Burton  
**Date:** 9<sup>th</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Draft Policies Staff 011, Staff 012 and Staff 013

### **OFFICER RECOMMENDATION:**

That Council **ADOPTS** Policies Staff 011 Email Use, Staff 012 Internet Use and Staff 013 – Software on Shire Computers, with the Chief Executive Officer to advise staff of the policies and implementation.

### **SUMMARY**

This report is to provide information and draft Policies relating to Email, Internet Use and Software for Council adoption.

### **BACKGROUND**

As part of the Audit Process for the financial year ending 30<sup>th</sup> June 2024 the findings noted that the Shire had no documented policies on the usage of email, internet and software. This was seen as a moderate concern.

### **COMMENT**

The Policies relate to Email use, Internet Use and also software being loaded onto Shire equipment. A general comment has been included on all the policies.

*Email Use:* The policy specifies that email is to be used for Shire purposes but does allow limited personal use (if staff need an email sent direct). This is uncommon as most staff have portable devices that can access personal emails. The Policy also advises that all emails received on the Shire emails are the property of the Shire, can be inspected at any time and may not be used for certain material.

*Internet Use:* The policy specifies how the internet is for work use, but does allow some minor private use (when staff are at lunch break or after hours) for research and minor items. This can allow staff who remain in the office at lunch time, limited use of internet if required.

*Software:* The policy specifies what software can be loaded onto Shire electronic devices such as computers and laptops. All software should be loaded by the Shires IT service provider to ensure that proper licensed software is used and harmful software is not loaded inadvertently. There is also an allowance for any special software required by staff for certain functions.

### **POLICY IMPLICATIONS**

New Policies will be created from this item.

### **FINANCIAL IMPLICATIONS**

The implementation of the policies will not carry any known additional costs as it is current general practice.

**CONSULTATION**

Nil

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2022-2023

*4.2 We are a compliant and resourced Local Government*

**VOTING REQUIREMENT**

Simple Majority



### **9.4.3 REVIEW POLICY GOV-004 MEETINGS OF COUNCIL**

**Author:** CEO - David Burton  
**Authorised Officer:** CEO - David Burton  
**Date:** 9<sup>th</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Draft Policy GOV-004

#### **OFFICER RECOMMENDATION:**

That Council **AMENDS** Policy GOV-004 – Meetings of Council as per the attached policy.

#### **SUMMARY**

This report is to provide information and consideration of an amendment to the Policy GOV-004 – Meetings of Council.

#### **BACKGROUND**

For the 2024 year, the May Meeting was changed from Kondinin to Hyden to share the meetings between the towns a little more.

If Council wants to keep this change, it is recommended that the Policy relating to Meetings be amended to adopt the change.

#### **COMMENT**

The Meetings in June and July are held in Kondinin as this is normally preceded by a Budget Workshop and having the meetings in Kondinin is easier for the Manager of Corporate Services for access to information in relation to the budget items. It is recommended that this practice be kept in place.

The amendment of the Meetings for May from Kondinin to Hyden will share the meetings more evenly between the towns and will lead to:

6 Meetings in Kondinin  
4 Meetings in Hyden  
1 Meeting in Karlgarin

From a logistics point of view, meetings in Kondinin are easier for the staff for preparation and packing of items. Meetings in Hyden need to be confirmed with the Hyden CRC for the availability of the meeting room.

#### **POLICY IMPLICATIONS**

This item will amend the Policy for Council Meetings.

#### **FINANCIAL IMPLICATIONS**

The implementation of the policies will not carry any known additional costs as it is current general practice.

#### **CONSULTATION**

Nil

**STRATEGIC IMPLICATIONS**

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

*“4. CIVIC LEADERSHIP*

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

**VOTING REQUIREMENT**

Simple Majority

#### 9.4.4 ORDINARY COUNCIL MEETING DATES 2025

**Applicant:** Shire of Kondinin  
**Author:** David Burton (CEO)  
**Authorising Officer:** David Burton (CEO)  
**Date:** 9<sup>th</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **OFFICER RECOMMENDATION:**

That pursuant to Admin Regulation 12(1), Council advertises for public information Ordinary Council Meeting times and dates for 2025 as follows:

1. January No meeting
2. **February 19<sup>th</sup>** at Kondinin Shire Offices commencing at 3.00 pm
3. **March 19<sup>th</sup>** at CRC Building, Hyden commencing at 3.00 pm
4. **April 16<sup>th</sup>** at Kondinin Shire Offices commencing at 3.00 pm
5. **May 21<sup>st</sup>** at CRC Building, Hyden commencing at 3.00 pm
6. **June 18<sup>th</sup>** at Kondinin Shire Offices commencing at 3.00 pm
7. **July 16<sup>th</sup>** at Kondinin Shire Offices commencing at 3.00 pm
8. **August 20<sup>th</sup>** at CRC Building, Hyden commencing at 3.00 pm
9. **September 17<sup>th</sup>** at Karlgarin Country Club commencing at 3.00 pm
10. **October 15<sup>th</sup>** at Kondinin Shire Offices commencing at 3.00 pm
11. **November 19<sup>th</sup>** at CRC Building, Hyden commencing at 4.00 pm
12. **December 17<sup>th</sup>** at Kondinin Shire Offices commencing at 3.00 pm

#### **SUMMARY**

The Shire of Kondinin is required to determine the dates of its Ordinary Council meetings for the pursuing year and advertise the times for public information.

The Shire of Kondinin's *Meetings of Council Policy* that was adopted at the Ordinary Council Meeting on 19<sup>th</sup> August 2020 states that:

*The Ordinary Meeting of the Council will be held at 3.00 pm on the third Wednesday of each month, except January when there is no meeting unless a change is carried by Council Resolution for a specific purpose.*

*The locality of the Ordinary Council Meetings are as follows;*

<i>January</i>	<i>No meeting</i>
<i>February</i>	<i>Kondinin</i>
<i>March</i>	<i>Hyden</i>
<i>April</i>	<i>Kondinin</i>
<i>May</i>	<i>Hyden (if prior amendment accepted)</i>
<i>June</i>	<i>Kondinin</i>
<i>July</i>	<i>Kondinin</i>
<i>August</i>	<i>Hyden</i>
<i>September</i>	<i>Karlgarin</i>
<i>October</i>	<i>Kondinin</i>

*November*  
*December*

*Hyden*  
*Kondinin*

It is usually suggested each year that the November Council Meeting takes place at 4 pm due to harvest. This will be proposed again this year.

**STATUTORY ENVIRONMENT**

Local Government Act 1995, Admin Reg 12(1)

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

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

*"4. CIVIC LEADERSHIP*

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

**VOTING REQUIREMENT**

Simple Majority

#### **9.4.5 SHIRE CENTENARY**

**Author:** CEO - David Burton  
**Authorised Officer:** CEO - David Burton  
**Date:** 9<sup>th</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### **OFFICER RECOMMENDATION:**

That Council **CONSIDERS** a celebration of the Road Board / Shire Centenary in June 2025 with a discussion among members and staff for budget review consideration.

#### **SUMMARY**

This report is to discuss the possibility of a celebration of the Shire of Kondinin (formerly Kondinin Road Board) which has been operating for almost 100 years.

#### **BACKGROUND**

The Kondinin Road Board was formed on the 19<sup>th</sup> June 1925. The Road Board became a Shire with the new Local Government Act in 1961.

#### **COMMENT**

To commemorate the Centenary Celebration of the Kondinin Road Board / Shire of Kondinin, it is requested that a discussion be held with members about what is required for the celebration and an allowance of a cost to be considered in the Budget Review.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Any cost of the Centenary Celebrations will need to be found in the Budget Review.

#### **CONSULTATION**

Desiree Water – Kondinin CDO  
Steevi-Lee Thomas – Hyden CDO

#### **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 managed appropriately*

#### **VOTING REQUIREMENT**

Simple Majority

#### **9.4.6 RADIO TOWER LEASE RENEWAL**

**Author:** CEO - David Burton  
**Authorised Officer:** CEO - David Burton  
**Date:** 10 December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Lease Agreements for Hyden and Kondinin

#### **OFFICER RECOMMENDATION:**

That Council **ACCEPTS** the renewal of the Lease Agreements for Vision Christian Media and **AUTHORISES** the Chief Executive Officer to sign the lease agreements.

#### **SUMMARY**

This report is to provide information on the expiration of the current lease arrangements with Vision Christian Media and consider the renewal of the Agreements.

#### **BACKGROUND**

Vision Christian Media is a not-for-profit radio broadcaster that has previously used the Shire of Kondinin radio towers to broadcast for many years. The current lease arrangement is due for renewal. A copy of the proposed agreements has been included for Council information.

#### **COMMENT**

The lease arrangement allows Vision to use the Shire of Kondinin radio towers in Kondinin and Hyden to broadcast their radio signals. It also allows access to the towers should any maintenance be required.

The Shire does not maintain the services, just allows access and the installation of the equipment for broadcasting.

As the service does provide radio communications for our towns, it is requested that consideration be given for the renewal of the lease agreements to allow the service to continue.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

There are no known costs associated with the renewal of the lease agreement.

#### **CONSULTATION**

Tory Young – Manager of Planning and Assets

#### **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2022-2023

*1.1 Community members have the opportunity to be active, engaged and connected*

#### **VOTING REQUIREMENT**

Simple Majority

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

**Author:** CEO - David Burton  
**Authorised Officer:** CEO - David Burton  
**Date:** 10<sup>th</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Proposed Bush Fire Brigades Local Law  
Provisional consolidation of Bush Fire Brigades Local Law

#### **OFFICER RECOMMENDATION:**

That Council –

1. **RESOLVES** to make the Bush Fire Brigades Local Law as per the attached draft;
2. **AUTHORISES** the President and CEO to sign and affix the Common Seal to the Local Law;
3. **AUTHORISES** the CEO to –
  - a. publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government and Minister for Emergency Services; and
  - b. forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

#### **SUMMARY**

To consider the final adoption of the Bush Fire Brigade Local Law 2025 in accordance with the Local Government Act s.3.12, and the Bush Fires Act s.62.

#### **BACKGROUND**

This item is re-submitted, as the incorrect agenda item was provided to the CEO for the November 2024 Council meeting.

The only changes made are to the year references in the title and clauses 1.2 and 1.3, since it is the year of Gazettal which should apply, not the year in which it was adopted. Due to various constraints, publication in the Gazette is likely to be mid-January 2025. These are minor changes not requiring re-advertising.

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.

Once consolidated, 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.

Public notice was given by four methods as required by the Local Government Administration Regulations r.3A, for public comment on the proposed local law –

- on the Shire's website on 28 August 2024 (mandatory)
- Shire notice boards and social media on 27 August 2024
- in the Echo and Hyden Householder on 27 and 28 August 2024

At the close of the submission period, comment had been received from –

1. Dept of Local Government, Sport and Cultural Industries –
  - No suggested amendments were received.
  
2. Dept of Fire and Emergency Services
  - Noted that the local law is based on that of the Shire of Pingelly which was accepted by the Joint Standing Committee on Delegated Legislation, and advised they had no comment to make
  
3. No other submissions were received.

Should significant amendments be made at time of final adoption, the statutory public comment period must be recommenced.

Once formally adopted by Council, the –

- the local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to relevant Ministers, and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note –

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- if a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment,
- the local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

## **COMMENT**

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.



## **POLICY IMPLICATIONS**

Nil

## **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,
- 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

## **FINANCIAL IMPLICATIONS**

All Local Laws are required to be advertised and printed in the Government Gazette, which will have a cost, but budget allocations have been made for the printing.

## **CONSULTATION**

Department of Fire and Emergency Services

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2022-2023

*4. Civic Leadership*

*4.2 We are a compliant and resourced Local Government*

## **VOTING REQUIREMENT**

Absolute Majority

## 9.5 CONFIDENTIAL ITEMS

### OFFICER RECOMMENDATION:

That Council goes behind closed doors to deal with the CONFIDENTIAL Items

### 9.5.1 HYDEN GOLF CLUB AMENITIES UPGRADE – OUTCOME OF REQUEST FOR QUOTE

**Author:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Date:** 10<sup>th</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Development Plans

**\*\*\*CONFIDENTIAL\*\*\***

Local Government Act 1995

#### 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.

**9.5.2 DESIGN AND CONSTRUCTION OF SINGLE HOUSE AT NO. 39 (LOT 282)  
REPACHOLI PARADE, KONDININ - TENDER (02 / 2024 – 2025)**

**Author:** Tory Young, Manager Planning and Assets  
**Authorising Officer:** David Burton, Chief Executive Officer  
**Date:** 11<sup>th</sup> December 2024  
**Disclosure of Interest:** Nil

**\*\*\*CONFIDENTIAL\*\*\***

Local Government Act 1995

**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.

### **9.5.3 RATES OUTSTANDING – TRANSFER OF PROPERTIES**

**Author:** L Genis, Rates Officer  
**Reviewed:** V Bugna, Manager Corporate Services  
**Authorising Officer:** D Burton, Chief Executive Officer  
**Date:** 3<sup>rd</sup> December 2024  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

**\*\*\*CONFIDENTIAL\*\*\***

Local Government Act 1995

#### **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.

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

## **11. CLOSURE**

Being no further business, the meeting was closed at \_\_\_\_pm.