



SHIRE OF KONDININ

MINUTES OF MEETING

KONDININ SHIRE COUNCIL

Held on Wednesday 19th June 2024 at the
Kondinin Council Chambers

David Burton
14th June 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

Order of Business

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Shire President Cr Mouritz read the Statement of Commitment to Indigenous Australians, welcomed those present and declared the meeting open at 3:21pm.

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

RESOLUTION #4351

Moved: Cr Brett Smith

Seconded: Cr Bruce Browning

That the Chief Executive Officer be able to attend the meeting through video conference due to being in isolation for Corona Virus.

Carried:8/0

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

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION #4352

Moved: Cr Kerrie Green

Seconded: Cr Murray James

Leave of Absence for Cr Bruce Browning for the July Ordinary Council Meeting.

Carried:8/0

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

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/ INFORMATION REPORT

7.1 MINUTES OF COUNCIL MEETING – 15th May 2024

RESOLUTION #4353

Moved: Cr Brett Smith

Seconded: Cr Paul Green

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

Carried:8/0

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

7.2 INFORMATION REPORT- June 2024

RESOLUTION #4354

Moved: Cr Bruce Browning

Seconded: Cr Beverley Gangell

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

Carried:8/0

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

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

- 9.1.1 Proposed Scheme Amendment No. 9 To The Shire Of Kondinin Local Planning Scheme No.1
- 9.1.2 Proposed Holiday House At No. 37 (Lot 162) Smith Loop, Hyden
- 9.1.3 Endorsement Of WALGA Advocacy Position Statements
- 9.1.4 Creation Of New Easement – McCann’s Rock Pipeline

9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 List Of Accounts
- 9.2.2 Financial Reports
- 9.2.3 Proposed Differential Rates

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 Discovery Centre Update
- 9.4.2 WALGA AGM – Local Government Week
- 9.4.3 Gourmet In The Garden / Community Garden

9.5 COMMUNITY DEVELOPMENT OFFICER

- 9.5.1 Shire Community Grant
- 9.5.2 Hyden Mural

9.6 ENVIRONMENTAL HEALTH OFFICER

9.7 COMMITTEE MEETING

9.8 Cr Paul Green and Cr Kerrie Green Left at 3:26pm (Financial Interest)

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 PROPOSED SCHEME AMENDMENT NO. 9 TO THE SHIRE OF KONDININ LOCAL PLANNING SCHEME NO.1

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 11th June 2024
Disclosure of Interest: Nil
Attachments: Scheme Amendment Report

RESOLUTION #4355

Moved: Cr Brett Smith

Seconded: Cr Murray James

That Council:

1. In pursuance of section 75 of the Planning and Development Act 2005 (as amended) APPROVES to initiate Scheme Amendment No. 9 to the Shire of Kondinin Local Planning Scheme by:
 - i) Reclassifying portion of Lot 31 on DP 416005 Marshall Street, Hyden from 'Rural' to 'General Industry' and amending Scheme Map 3 of 6 accordingly;
 - ii) Replacing the current definition of 'Industry – Primary Production' to 'Industry- Rural' to be worded as '*a) supports and/or is associated with primary production; or b) services plant or equipment used in primary production;*
 - iii) Amending the permissibility of 'Industry – Primary Production' (replaced with Industry – Rural) in a 'General Industry' Zone from an 'X' Use to a 'D' Use and amending the Zoning Table accordingly;
 - iv) Reclassifying Lots 1, 2, 8, 9,10, 11 & part 9500 on DP069082 Munday Loop, Hyden from 'Urban Development' to 'General Industry' and amending Scheme Map 3 of 6 accordingly;
 - v) Formally recognizing Meeking Crescent as a dedicated Local Road Reserve and amending Scheme Map 3 of 6 accordingly;
 - vi) Including an additional sub-clause under Part 4 Cl (13) of the Scheme to be worded as follows '*Unsewered industrial development is restricted to 'dry industry' type – industries that are predicted to generate wastewater disposal for on-site daily rate of less than 540 litres per 1000m2;*
 - vii) Amending Table 4 Part 31 (1) of the Scheme to include in the 'Rear' and 'Side' columns relating to 'General Industry', the wording (See Note 4), and the words added '*4. A minimum 15m setback shall apply where lots abut an environmental conservation local scheme reserve and/or existing established remnant native vegetation;*
 - viii) Amending the permissibility of 'Community Purpose' in a 'Residential' zone from an 'X' use to a 'D' use and amending the Zoning Table accordingly.

2. ENDORSES the Scheme Amendment No. 9 Report as shown as an attachment to this Report;

3. ADVISES the Western Australian Planning Commission that Amendment No. 9 to the Local Planning Scheme No.1 is considered a standard amendment pursuant to Regulation 35 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the amendment is:
 - i) Considered consistent with the objectives of the relevant zones within the Shire’s Local Planning Scheme No.1;
 - ii) Will have minimal impact on land in the scheme area that is not the subject of the amendment;
 - iii) Will not result in any significant environmental, social, economic or governance impacts on the scheme area;
 - iv) Is not a complex or a basic amendment
4. REFERS Amendment No. 9 to Local Planning Scheme No.1 to the Environmental Protection Authority, pursuant to Section 81 of the Planning and Development Act 2005; and
5. Subject to approval of the Environmental Protection Authority, ADVERTISES Scheme Amendment No. 9 to the Local Planning Scheme No.1 for public comment for a period of 42 days, pursuant to Regulation 47 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Carried:8/0

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

SUMMARY

This report recommends that Council resolve to initiate an amendment to the Shire of Kondinin Local Planning Scheme No.1 in accordance with the details shown in the attached Amendment Report. The proposed amendments are intended to facilitate development within the Shire, in particular expanded industrial development opportunities to the west of the Hyden Town Site and consideration to the location of community services within Residential zones.

BACKGROUND

The matter was first presented to the Ordinary Meeting of Council held on the 15th February 2023. Following this meeting, the matter was referred to the Environmental Protection Agency (EPA) for assessment. A letter was received from the EPA indicating concern over potential environmental impact of reclassifying Lots 1, 2, 8, 9, 10, 11 & 9500 Munday Loop to ‘General Industry’, and requested additional flora and fauna surveys to be prepared. The surveys have now since been completed and changes to the original amendment have been proposed including reducing the area proposed to be rezoned ‘General Industry’, and additional development controls to reduce the likelihood of potential environmental impacts.

A background on each component of this Scheme Amendment is outlined below:

1. Reclassifying portion of Lot 31 on DP 416005 Marshall Street, Hyden from ‘Rural’ to ‘General Industry’

The zoning of the area occupied by Co-operative Bulk Handling (CBH) in Hyden is irregular and reflects previous lot configurations, public road closures and changes to land tenure. Lot 178 that accommodates the railway reserve is zoned both ‘Railways’ and ‘General Industry’. Lot 31 (formally Lot 201 and part Lot 202) is zoned both ‘General Industry’ and ‘Rural’. A former section of the public road that runs east-west directly south of the Railway Reserve is now closed and incorporated into Lot 31, whilst still shown as a dedicated road in the Scheme.

The purpose of this aspect of the Scheme Amendment is to streamline the zoning around the Hyden CBH site to align with the current land use and land tenure of the area. More specifically it proposes to re-zone the former section of the public road that ran east-west directly south of the Railway Reserve now incorporated into Lot 31 to ‘General – Industry’; and to rezone the current ‘Rural’ zoned portion of Lot 31 to ‘General Industry’, thereby resulting in the whole of Lot 31 to be zoned ‘General Industry’ to align with the current land ownership and operations of the CBH Reveal site for grain storage and handling.

As an associated matter to these zoning changes, under the Shire’s Local Planning Scheme No.1, the existing grain storage and handling facilities and associated infrastructure operated by Co-Operative Bulk Handling is defined as ‘Industry – Primary Production’. This use is ‘D’ use under a ‘Rural’ Zone and an ‘X’ use under an ‘Industry – General’ zone. This proposed amendment to the Shire’s Local Planning Scheme No.1 would result in the portion of the CBH operations on the now ‘Rural’ zoned land becoming non-conforming.

To address this non-conformance, a related amendment to the Shire’s Local Planning Scheme No.1 is proposed to replace the current definition of ‘Industry – Primary Production’ in the Shire’s Planning Scheme No.1 with ‘Industry – Rural’ as defined below, and for this use to be a ‘D’ (Discretionary) use in the General Industry zone.

- a) *Supports and/or is associated with Primary Production; and*
- b) *Services plant or equipment used in Primary Production*

This amended definition and associated amendment to the Zoning Table 1 to enable ‘Industry – Rural’ to become ‘Discretionary’ (‘D’) under the Shire’s Local Planning Scheme No.1 will serve not only to address the non-conformance at the Hyden CBH site and other similar sites within the Scheme Area, but also provide greater flexibility in the application of future development applications for Industry-Rural land uses.

Lot Details

Lot / Reserve Details	Current Classification in TPS No.1	Proposed Classification in TPS No.1
Portion of Lot 31 (DP 416005)	Rural	General Industry

2. Reclassifying Lots 1, 2, 8, 9, 10, 11 and 9500 on DP069082 Munday Loop, Hyden from ‘Urban Development’ to ‘General Industry’

Urban Development to General Industry lots

The Shire of Kondinin’s Local Planning Scheme No.1 Scheme Map 3 comprises a large area of land surrounding the western residential area of Hyden zoned as ‘Urban Development’. With the exception of the abovementioned lots, this land forms part of Crown Reserve 23128 vested in the Shire of Kondinin for the purpose of Recreation and Conservation.

In 2011 studies were completed on a portion of Crown Reserve 23128 to consider subdivision and suitability for development, resulting in the creation of freehold Lots 1, 2, 8, 9, 10, 11 and 9500 on DP 069082.

In recent years the Shire has received several inquiries to purchase the abovementioned lots on DP069082 to develop for industrial purposes. The current ‘Urban Development’ zoning has however restricted industrial type development being considered, in turn limiting development opportunities and industrial and economic growth in Hyden.

The purpose of this Scheme Amendment is to consider re-zoning these lots to ‘General Industry’ to better align with the surrounding zoning and land use and to enable greater development opportunity in this area of Hyden.

Whilst the intent of the current Urban Development zone is to enable structure planning it is considered that planning considerations such as bushfire management, vegetation protection and servicing (where still to occur) could be addressed in future subdivision or development stages if the land was to be re-zoned to Industry – General.

It is however recommended that an additional sub-clause under Part 4 Cl(13) of the Scheme be added to control wastewater generated from industry to be worded as follows: *‘Unsewered industrial development is restricted to ‘dry industry’ type - industries that are predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1000m²’.*

To further reduce the risk of any environmental impact of proposed developed in the expanded ‘General Industry’ zoned area, it is recommended to amend Table 4 Part 31 (1) of the Scheme to include in the ‘Rear’ and ‘Side’ columns relating to ‘General Industry’, the wording (See Note 4), and the words added *‘4. A minimum 15m setback shall apply where lots abut an environmental conservation local scheme reserve and/or existing established remnant native vegetation’*

It is also recommended that Meeking Crescent be formally shown on the Scheme Map No. 3 as a dedicated Local Road Reserve to highlight the subject lots access to a constructed road.

Lot Details

Lot / Reserve Details	Current Classification in TPS No.1	Proposed Classification in TPS No.1
-----------------------	------------------------------------	-------------------------------------

Lots 1, 2, 8, 9, 10, 11 & part 9500 (DP 069082)	Urban Development	General Industry
---	-------------------	------------------

3. Amend the permissibility of ‘Community Purpose’ in Residential Zone from an ‘X’ use to an ‘A’ use

Under the Shire’s Local Planning Scheme No.1 ‘Community Purpose’ is defined as, *‘means a premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit’*.

Currently under the Shire’s Local Planning Scheme No.1, ‘Community Purpose’ can only be considered in ‘Commercial’ and ‘Rural Townsite’ zones. Notably, areas that are set aside as Local Reserves for public purpose under the Shire’s Local Planning Scheme No.1 typically contain these types of uses however on some occasions, development defined as ‘Community Purpose’ is located outside of the Shire’s Local Reserves. One example being the St John’s Ambulance Hall / Sub-Centre in Kondinin which is located in a ‘Residential Zone’ and listed as an ‘Additional Use’ to be lawful under the Shire’s Local Planning Scheme No.1.

Restricting ‘Community Purpose’ to just ‘Commercial’ and ‘Rural Townsite’ zones has the potential to limit development and being able to facilitate community-based services in our town sites, a case in point being the proposed re-location of the St John’s Ambulance Hall / Sub-Centre to residential lots 41 and 42 Lynch Street, Hyden.

Rather than creating another ‘Additional Use’ specific to this location, it is considered that a preferred approach is to amend the Zoning Table to enable ‘Community Purpose’ as a ‘D’ (Discretionary) Use in a Residential Zone.

Under Part 3 of the Shire’s Local Planning Scheme No.1, an objective of a Residential Zone is *‘to allow for the establishment of non-residential uses subject to local amenities not being affected.’* To address this objective, Development Applications would be considered on a case by case basis and an Applicant would be required to demonstrate that the operations of any proposed community purpose development would not affect the amenity of adjoining properties. Council would expect matters relating to lot location, noise, traffic and parking to be considered and suitable consultation with adjacent land owners being undertaken. Being standard considerations in assessing a development application it was not considered necessary to prescribe these matters into the Scheme.

STATUTORY ENVIRONMENT

State Legislation

- *Shire of Kondinin Town Planning Scheme No.1*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

- *Planning and Development Act 2005 (as amended)*
- *Environmental Protection Act 1996*

POLICY IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Following Council's initiation of the required Amendment No. 9 to Local Planning Scheme No.1 the proposal will be referred to the Environmental Protection Authority (EPA) for environmental clearance. Following the issuance of environmental clearance by the EPA the proposal will then be advertised by the Shire for a minimum period of forty-two (42) days. This process will include publication of appropriate notices through various medium and correspondence to adjoining/nearby landowners and all relevant essential service authorities. Details of the outcomes from public advertising will then be presented to Council for further consideration prior to the matter being referred to the Western Australian Planning Commission and the Hon. Minister for Planning for final approval.

FINANCIAL IMPLICATIONS

The advertising and administrative costs associated with this Scheme Amendment are covered within the 2022/2023 budget Town Planning Scheme Expenses.

STRATEGIC IMPLICATIONS

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

"2. ECONOMY

2.1 Support the diverse industry across the Shire"

VOTING REQUIREMENT

Simple majority

Cr Paul Green and Cr Kerrie Green Left at 3:26pm (Financial Interest)

9.1.2 PROPOSED HOLIDAY HOUSE AT NO. 37 (LOT 162) SMITH LOOP, HYDEN

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 11th June 2024
Disclosure of Interest: Nil
Attachments: Schedule of Submissions; Aerial Plan.

RESOLUTION #4356

Moved: Cr Kerrie Green

Seconded: Cr Darren Pool

That Council:

1. APPROVES the application for the proposed holiday house to operate on No. 37 (Lot 162), Hyden receipted on the 3rd May 2024, subject to compliance with the following conditions and advice notes:

CONDITIONS

- a. The Holiday House use is limited to a period of twelve (12) months from the date of planning approval which may be extended for a further three (3) years subject to Council approval and following satisfactory performance of the approved use and in the absence of any substantiated complaints over the twelve (12) month approval period;
- b. Guests are permitted to stay at the Holiday House for a period of up to three (3) months in a twelve (12) month period;
- c. An Emergency Response Plan shall be prepared and displayed in a conspicuous location within the Holiday House at all times;
- d. A manager or a contactable employee of the manager that permanently resides no greater than a 1-hour drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 1 hour of a reported incident.
- e. The 24-hour contact details of the manager of the Holiday House shall be made visible on the property;
- f. All vehicles connected with the Holiday House the subject of this approval shall be parked within the subject lot boundary;
- g. The short stay use of the Holiday House shall not be occupied by more than six (6) people at any one time;
- h. 'House Rules' shall be developed prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House.

ADVICE NOTES

- a) The Holiday House is required to be entered on the STRA (Short Term Rental Accommodation) Register by no later than 1st January 2025;
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed;
- c) Any sign proposed to advertise the Holiday Home shall comply with the Shire's Policy relating to Signs and Advertising;

- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes;
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) Health (Miscellaneous Provisions) Act 1911 and Department requirements in respect to the development and use of the premises;
 - (ii) (ii) The WA Building Regulations 2012 (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786;
- f) Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises; and
- g) The development shall be substantially commenced within two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further planning approval of the Shire of Kondinin having first been sought and obtained.

Carried:8/0

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

SUMMARY

This report recommends that Council support the application for a holiday house for a 12-month period, with the option for an extension for a further three (3) years following satisfactory performance of the approved use and in the absence of any substantiated complaints.

BACKGROUND

In 2019 a parliamentary inquiry was undertaken to examine managing the impact of the rapid increased in short term rentals in Western Australia with the view of providing a whole of government approach. As a result of this inquiry the State Government committed to various initiatives to improve regulation of the short-term rental accommodation sector, including a registration system for all Western Australia STRA (Short Term Rental Accommodation) properties. Under the proposed STRA Register, all providers of short-term rental accommodation will be required to register their properties before they can operate and advertise, including on online booking platforms such as Airbnb. The STRA Register will commence 1 July 2024, with registration becoming mandatory from 1 January 2025.

Broadly speaking, the changes will ensure a more consistent set of rules for STRA properties across Western Australia, while supporting the role of STRA in regional areas. Up until now, local governments have set their own requirements on whether approvals are required to establish STRA, as well as enforcement matters. The proposed changes to planning regulations will provide greater consistency across the State in relation to what approvals are

needed (if any) for STRA proposals, as well as how these uses are defined in local planning schemes.

To date, however the changes to the planning regulations have not yet taken effect, so this proposal has been assessed on the Shire's existing planning framework with due regard to the Position Statement; Planning for Short-Term Rental Accommodation and Planning for Tourism for Planning and Short-Term Rental Accommodation Guidelines.

Assessment

Shire of Kondinin Local Planning Scheme No.1

The existing dwelling at No. 37 (Lot 162) Smith Loop, Hyden is zoned 'Residential', under the Shire's Local Planning Scheme No.1. Under this zoning a 'Holiday House' is an 'A' use, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

The proposal was advertised for a minimum 14-day period, via public notice circulated in the locality and individual letters sent to owners and occupiers within close proximity of the development. During the advertising period, one (1) verbal submission was received and two (2) formal written submissions were received, the latter of which are tabled in the summary of submissions attached to this Agenda Report.

The objectives of a Residential Zone in the Shire's Local Planning Scheme No.1 is listed as follows:

- *To retain the single house as the predominant form of residential development in townsites.*
- *To provide for lifestyle choice in and around townsites with a range of residential densities.*
- *To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.*

The proposed development retains the single house as the predominant form of development, whilst enabling for short stay accommodation options. Other short stay accommodation land uses approved in residential zoned areas within the Shire have not been found to adversely affect local amenities. As such, it is considered that the development is found to align with the objectives of the zone and the conditions and advice notes proposed for the approval are intended to monitor and mitigate any perceived issues to the surrounding residential land uses.

Planning and Development (Local Planning Schemes) Regulations 2015

Pursuant to clause 67 of Schedule 2 of the Deemed Provision, when considering a development application, a Local Government is to give due regard to a list of matters of which in its opinion are relevant to the development application. In this proposal the following matters were considered relevant;

(f) any policy of the State

On assessment of this development application due regards was given to the Position Statement; Planning for Short-Term Rental Accommodation and Planning for Tourism for Planning and Short-Term Rental Accommodation Guidelines. As the proposed development is outside of a designated 'Tourism Zone', due regard is to be given to amenity, accessibility, balancing the need of short-term workforce and tourism accommodation, services and infrastructure and amenity to surrounding residential use. Given its location, the proposal is considered to adequately meet with these considerations.

(m) the compatibility of the development with its setting, including —

(i) the compatibility of the development with the desired future character of its setting; and

(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

The existing single house will remain as is, so there is no notable impact on the setting with regard to built design. In terms of the use, as it still operates as a place of residence, albeit on a short-term basis, it is considered that the impact on surrounding residences will be minimal.

(n) the amenity of the locality including the following —

(i) environmental impacts of the development;

(ii) the character of the locality;

(iii) social impacts of the development;

As above, given the existing single house will remain as is and still operate as a place of residence, albeit on a short-term basis, it is considered that the impact on the environment or character of the locality will be minimal.

It could be argued however, as noted in one of the submissions received during the advertising period, that the proposed development could place significant social impacts on the locality and broader community by removing a long-term housing option from the local housing market, resulting in flow on effects of supporting local services and businesses.

(s) the adequacy of —

(i) the proposed means of access to and egress from the site; and

(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles

The site is an adequate size for all visitor parking to be contained within the lot boundary.

(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

Whilst difficult to isolate this particular development to other short stay accommodation options in Hyden, it is not unreasonable to question the long-term effects of replacing residential land use with short term rental accommodation and the impact this will place on the local housing market and the ability to attract residents to stay in the community longer term and support the local community. It is considered that with the introduction of the Short-Term Rental Accommodation (STRA) registration scheme and associated amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 this will enable local governments to be better equipped to make decisions on development applications for short term accommodation and will have greater access to data in inform strategic planning for housing, development and tourism opportunities.

(y) any submissions received on the application;

Two formal written submissions were received during the advertising period.

The first noted no objection to the proposal as long as there was no disturbance to nearby residents. The conditions and advice notes recommended for inclusion in the development approval are intended to address these concerns.

The second questioned the impact that the proposal will place on the local housing market and the flow on effects to the local community. As noted above, it is difficult to isolate this development on its own in this broader context, however anecdotal evidence would certainly suggest this as a plausible scenario of which it is anticipated that the new regulations proposed to be introduced by the State Government shortly will assist local governments in making more informed decisions in this regard.

STATUTORY ENVIRONMENT

State Legislation

- *Shire of Kondinin Town Planning Scheme No.1*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development Act 2005 (as amended)*
- *Planning for Tourism and Short-Term Rental Accommodation Guidelines*
- *Position Statement: Planning for Tourism and Short-Term Rental Accommodation*

POLICY IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Public Consultation was undertaken for the minimum requirement of 14 days in accordance with deemed provisions 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. Two (2) submissions were received during the advertising period and are summarized in the schedule of submissions attached to this Agenda Report.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

“2. ECONOMY

2.1 Support the diverse industry across the Shire”

VOTING REQUIREMENT

Simple majority

UNCONFIRMED

9.1.3 ENDORSEMENT OF WALGA ADVOCACY POSITION STATEMENTS

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 11th June 2024
Disclosure of Interest: Nil
Attachments: Advocacy Positions

RESOLUTION #4357

Moved: Cr Paul Green

Seconded: Cr Murray James

That Council:

1. ENDORSES the intent of the following WALGA advocacy position statements relating to the following matters;
 - a) Caravan and Camping Grounds Regulations Advocacy Position;
 - b) Renewable Energy Facilities Advocacy Position; and
2. AUTHORISES the Chief Executive Officer to provide comment on the advocacy positions to WALGA in support of the positions and relevance to the Shire of Kondinin.

Carried:8/0

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

SUMMARY

The purpose of this report is to seek endorsement from Council to provide comment to WALGA in support of the Advocacy Position Statements relating to the Caravan and Camping Ground Regulations; Priority Agriculture; and Renewable Energy Facilities and their relevance to the Shire of Kondinin.

BACKGROUND

WALGA have reported that a growing number of Local Governments have raised concerns with regards to their ability to protect and prioritise the preservation of agricultural land through the planning system, and the inadequacy of the current planning framework to guide and manage the complexity and scale of the modern renewable energy facilities.

With the Shire of Kondinin being involved in issuing development approval, via the Joint Development Assessment Panel, for two Renewable Energy Facilities in 2018 (Kondinin) and 2022 (King Rocks) respectively, the Shire’s Administration have firsthand experience in this process and welcome the proposed improved statutory framework to assist providing Local Government greater guidance in this process. The position statement on Priority Agriculture looks more broadly to other non-agricultural land uses on rural land. Proposed amendments to the statutory framework outlined in the Advocacy Position on this matter would also be welcomed by the Shire of Kondinin to provide greater guidance on the assessment of proposed non-agricultural development on rural land, not just with renewable energy facilities, but other land uses of which the Shire has experienced many such examples and related challenges to assess within the current regulatory framework.

In terms of the Caravan and Camping Grounds Regulations Advocacy Position, the Shire's Administration have received several enquires on 'Tiny Homes on Wheels', and provided advice on the regulatory framework afforded under the Caravan and Camping Grounds Regulations. As a caravan is not classified as a building and therefore not governed by planning and building legislation in the same manner as other forms of development, the Shire would welcome the recommendations listed in the Advocacy Position to create greater clarity in assessing the suitability of these Tiny Homes in more permanent scenarios.

STATUTORY ENVIRONMENT

- Local Government Act 1995
- Caravan Parks and Camping Grounds Act 1995
- Caravan Parks and Camping Grounds Regulations 1997
- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015

CONSULTATION:

Feedback on the Priority Agriculture Advocacy Position and the Renewable Energy Facilities Advocacy Position is to be submitted to WALGA by Friday 21st June 2024, to be considered by WALGA's State Council at its September 2024 meeting.

Feedback on the Caravan and Camping Grounds Regulations Advocacy Position can be provided by Council representatives at the next WALGA zone meetings.

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

9.1.4 CREATION OF NEW EASEMENT – McCANN’S ROCK PIPELINE

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 13th June 2024
Disclosure of Interest: Nil
Attachments: Easement on Deposited Plan

RESOLUTION #4358

Moved: Cr Kerrie Green

Seconded: Cr Brett Smith

That Council:

1. APPROVE request to consent to a new easement over portion of Lot 300 on DP 66258 being Reserve 17663 and advise the Department of Water and Environmental Regulation accordingly; and
2. NOTES that the Water Corporation support the surrender of the existing easement L544539 over DP66258 on Lot 300 and Lot 301.

Carried:8/0

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

SUMMARY

The Shire’s Administration seeks approval from Council for the creation of a new easement over portion of Lot 300 on DP 66258 being Reserve 17633 and advise the Department of Water and Environmental Regulation accordingly.

BACKGROUND

This matter was presented to the Ordinary Meeting of Council held on the 13th December 2023, in which Council resolved as follows:

1. That Council APPROVE the transfer of the McCann’s Rock Road Pipeline and Backflow Prevention Device located on Reserve 17663 and Reserve 21469 Spurr Road, Karlgarin from the Water Corporation to the Shire of Kondinin;
2. That Council ACCEPTS the conditions of the transfer as stipulated in the letter from the Water Corporation dated 30th October 2023 as follows:
 - a) The pipe line and Backflow Prevention Device (associated with the dam) will be gifted to the Shire;
 - b) The 2.1km 63mm PE pipeline will become the responsibility of the Shire to maintain and operate after the metering point;
 - c) The Backflow Prevention Device will become the responsibility of the Shire to maintain and operate;

- d) *The pipeline will receive water under a Non-Standard Water Service;*
 - e) *The Water Corporation has a crown easement over the pipeline in its name. Therefore we recommend the Shire seeks its' own crown easement from DPLH (via DWER).*
3. *That Council AUTHORIZES the Chief Executive Officer to proceed with the process required to amend the crown easement over the pipeline that is currently benefitting the Water Corporation.*

The matter was then presented back to Council on the 14th February 2024 in which Council resolved as follows:

1. *APPROVE the request for easement L544539 on Lot 300 on DP 66258 and Lot 301 on DP 66258 and advise the Department of Water and Environmental Regulation accordingly; and*
2. *NOTES that the Water Corporation support the surrender of easement L544539*

To align with the vesting of the two different crown land tenures in which the pipeline traverses, the Department of Water and Environmental Regulation (DWER) have since advised the Shire to write back to DWER requesting consent to a new easement, rather than the transfer of the existing easement as per the original resolution made by Council at the 14th February 2024 Ordinary Meeting.

The Water Corporation have already advised of their approval to surrender easement L544539 via email dated 29th January 2024, of which the Department of Water and Environmental Regulation have been advised accordingly.

To date, all other aspects of this project have been completed.

STATUTORY ENVIRONMENT

- Transfer of Land Act 1893
- Land Administration Act 1997

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Nil

FINANCIAL IMPLICATIONS

Maintenance costs associated with land and associated infrastructure within the easement area.

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 2022-2032

"CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government."

VOTING REQUIREMENT

Simple Majority

UNCONFIRMED

9.1.5 – HYDEN TENNIS CLUB BUILDING

Author: Tory Young, Manager Planning and Assets

Authorising Officer: David Burton, Chief Executive Officer

Date: 18th June 2024

Disclosure of Interest: Nil

Attachments: Draft Design Documentation; Email from Hyden Tennis Club

RESOLUTION #4359

Moved: Cr Darren Pool

Seconded: Cr Kerrie Green

That Council;

3. APPROVES the allocation of suitable funds in the 2024/2025 budget for the preparation of concept plans and associated cost estimates for a replacement Tennis Club Building on Lot 151 Marshall Street, Hyden;
4. AUTHORISES the Chief Executive Officer to invite quotations for the preparation of concept plans and associated cost estimates for a replacement Tennis Club Building on Lot 151 Marshall Street, Hyden based on the draft design and associated documentation received from the Hyden Tennis Club;
5. AUTHORISES the Chief Executive Officer to seek consideration from the Department of Local Government Sports and Cultural Industries (DLGSC) for funding for this project through the Community Sporting Recreation Facilities Fund (CSRFF) forward planning grant that closes in September 2024;
6. REQUESTS the Hyden Tennis Club provide written confirmation to the Chief Executive Officer detailing a local community cash contribution towards the project by no later than mid-August 2024.

Carried: 8/0

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

Summary

This report is for Council to support an allocation in the Shire's 24/25 budget for the engagement of a suitable qualified practitioner to prepare concept plans and associated costings to progress towards a new build of the Hyden Tennis Club.

Background

The Shire have been in discussions with the Hyden Tennis Club over the re-roofing of the Hyden Tennis Club for a number of years. This culminated in Council at its Ordinary Meeting held on the 14th February 2024 to not continue with the re-roofing of the Hyden Tennis Club building and for the Shire's Administration to work with the Hyden Tennis Club on alternative options for the site, resolving as follows:

- (1) DECLINES to accept the Tenders received for Tender 04/2023-2024 for the Re-Roofing of the Hyden Tennis Club Building;*
- (2) AUTHORISES the Chief Executive Officer in liaison with the Hyden Tennis Club Committee and the Hyden Sports Council Committee to finalize a scope, design and costings for a new build to replace the Hyden Tennis Club Building and report back to Council accordingly; and*
- (3) APPROVES the \$150,000 Local Roads and Community Infrastructure funding to be reallocated from the Hyden Tennis Club building to the following items and seek approval from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts accordingly;*
 - (a) Re-fencing of the eight (8) Hyden Tennis Courts and Hot Shot Courts;*
 - (b) Fencing of the southern end of the Hyden Hockey Field;*
 - (c) Concrete footpath from the Hyden Swimming Pool Car Park to the Hyden Youth Base;*
 - (d) Replacement Shade Sails at the Hyden and Kondinin Swimming Pools.*

In line with the resolution of Council detailed above, the Shire's Administration have been working through the direction from Council and have since engaged contractors to complete the re-fencing of the tennis club and have been in regular contact with the Hyden Tennis Club to discuss a new build at the site, which has involved discussions and indicative costings from modular and more recently onsite construction options. The latest documentation from the Hyden Tennis Club is detailed in the email attached to this Agenda Report.

In order to progress and adequately plan and budget for the project, it is recommended that Council support the Shire's Administration in preparing concept plans and indicative cost estimates for the project.

Statutory Environment

- Local Government Act 1995
- Functions and General Regulations 1996

Policy Implications

Shire of Kondinin Policy – Purchasing FIN-005

Financial Implications

In terms of the engagement of a suitable practitioner to prepare concept plans and associated cost estimates for a new build, based on previous similar works this is estimated at no more than \$20,000.

In terms of the cost of the new build, this will be informed by the cost estimate undertaken by a consultant.

Strategic Implications

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

“COMMUNITY

- a. *Recreational and social spaces encourage active and healthy lifestyles*
 - *Achievement of the Sport and Recreation Facilities Plan*

Voting Requirement

Simple majority

9.1.6 NO. 24 (LOT 266) GRAHAM STREET, KONDININ

Author: Tory Young, Manager Planning and Assets

Authorising Officer: David Burton, Chief Executive Officer

Date: 18th June 2024

Disclosure of Interest: Nil

Attachments: Email correspondence from Kondinin Men's Shed; Original Planning Approval for Signage; Draft Lease Agreement for Signage; Photographs of Signage; Aerial of Site.

RESOLUTION #4360

Moved: Cr Paul Green

Seconded: Cr Brett Smith

That Council;

7. RECEIVES the report on No. 24 (Lot 266) Graham Street, Kondinin
8. AUTHORISES the Chief Executive Officer to
 - a) Further investigate the current compliance of the existing signage at No. 24 (Lot 266) Graham Street, Kondinin
 - b) Undertake further discussions with the Kondinin Men's Shed on their intentions for the site;
 - c) Advise Prime Media that the Shire will not be renewing the new lease until further clarification on the compliance and safety of the existing signage is undertaken; and
 - d) Report the matter back to Council accordingly once further information is obtained.

Carried:8/0

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

Summary

This report is to provide an update to Council on the status of the property at No. 24 (Lot 266) Graham Street, Kondinin.

Background

Development Approval was first issued for the existing sign structure located at No. 24 (Lot 266) at its Ordinary Meeting held on the 27th June 2011 and resolved as follows:

RESOLUTION NO. 1611

Moved Cr A Ibbotson

Seconded Cr P Browning

Council resolve to approve the erection of a sign on Lot 266 Graham Street, Kondinin with a 3.0metre front setback as per the application dated 27 June 2011 and further the Shire enter into an agreement for the applicant to use Lot 266 Graham Street.

In response to the resolution of Council, the signage was erected and the Shire entered a ten (10) year agreement with Paramount Outdoor Media (now Prime Media) which expired in September 2021. Since this time the Shire have had some difficulties in contacting the lessees, however in June 2024 contact has been made and the lease repayments are now up to date and the lessees have provided a new lease for the Shire's consideration for another 10 years, with the option for renewal for a further 10.

In recent times, the Shire have received feedback from the Kondinin Men's Shed in their interest in the property (as documented in the email correspondence attached to this Agenda Report) and also concerns relating to the safety of the signage, particularly for trucks entering the intersection.

On review of the development approval that was issued in 2011, the approval required a minimum setback of 3.0m to the front boundary. On a site visit undertaken by the Shire's Administration, the setback of the signage from the lot boundary does not comply with this and is in fact less than one metre from the front lot boundary, suggesting non-compliance with a development approval.

In terms of the interest of the Men's Shed in the property, this appears from the email correspondence from the Men's Shed to hinge on whether the Shire would be continuing the lease with Prime Media for the signage structure, mindful that the lease only relates to the signage and not the remainder of the lot. It is recommended that a decision be first made on the signage, before negotiating further with the Men's Shed on the management of the site.

Statutory Environment

Planning and Development Act 2005

Policy Implications

Nil

Financial Implications

If the Shire enters a new lease with Prime Media for the signage infrastructure at No. 24 (Lot 266) Graham Street, Kondinin the Shire would receive a payment of \$1500 per annum, similar to what is received at the moment under the current lease, which has a 'holding over' term until 31st August 2024.

Strategic Implications

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

“COMMUNITY

- b. Recreational and social spaces encourage active and healthy lifestyles*
 - Achievement of the Sport and Recreation Facilities Plan*

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: 12th June, 2024
Attachment(s): List of Accounts 01/05/2024 to 31/05/2024

RESOLUTION #4361

Moved: Cr Beverley Gangell

Seconded: Cr Kerrie Green

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

• Municipal Fund payment cheque numbers 19401 to 19411	=\$
49,716.71	
• Municipal EFT18669–18822	=\$
732,826.98	
• Direct Debits – Transport – Hyden Office	=\$
9,631.25	
• Direct Debits – Transport – Kondinin Office	=\$
4,033.10	
• Direct Debits – Credit Cards DD21253.1	=\$
3,578.44	
• Direct Debits – Other	=\$
46,901.44	
• EFTPOS Merchant Fees & Tyro	=\$
769.17	
• Bank Fees – NAB Connect	=\$
80.88	
• Payroll	=\$
<u>135,339.79</u>	
TOTAL	=\$
<u>982,877.76</u>	

Carried:8/0

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

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: 12th June 2024
Attachment(s): Monthly Financial Report for the period ended 31 May 2024

RESOLUTION #4362

Moved: Cr Brett Smith

Seconded: Cr Paul Green

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 31 May 2024.

Carried:8/0

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

SUMMARY

To present to Council the Monthly Financial Report for the period ended 31 May 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 May 2024 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> • Cash at Bank The Shire’s total cash as at 31st May 2024 was \$6,536,596 – composed of \$3,858,260 reserve accounts (restricted), \$49,352 LCDC fund, \$1,650,875 term deposit investments and \$978,109 general fund (Muni, OCDF & Petty cash). 	<p>Page 9 – Note 6 Cash and Financial Assets</p> <p>Page 10 – Note 7 Reserve Accounts</p>
<ul style="list-style-type: none"> • Receivables Rates and Rubbish – \$423,093 or 10% equivalent current outstanding. Other receivables of \$699,574 – composed of \$474,675 current collectable, from private works, \$77,120 grant recoup, \$63,982 gst receivable and other minor receivables. 	<p>Page 16 – Note 10 Receivables</p>
<ul style="list-style-type: none"> • Current Liabilities YTD balance is \$1,171,288 which includes \$441,332 of employees’ annual and long service leave provision, \$376,274 Capital Grants/Contributions Liabilities and \$353,663 of Gst and other payables. 	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity Information</p>
<ul style="list-style-type: none"> • Closing Funding Surplus(Deficit) YTD actual is \$2,577,508– composed of \$7,607,055 Current Assets less \$1,171,288 Current Liabilities and \$(3,858,260) Net Adjustments to Net Current Assets. 	<p>Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity Information</p>
<ul style="list-style-type: none"> • Significant Capital Projects: <ul style="list-style-type: none"> ✓ Roadworks have reached the \$5.08m close to budgeted total for the financial year. ✓ Plant and equipment are 98% completed pending replacement of old community bus. 	<p>Page 7 – Key Information</p> <p>Page 11 to 14 – Note 8 Capital Acquisitions</p>

<ul style="list-style-type: none">✓ Land and buildings: residential lot was purchased/settled while the housing projects and Kondinin Pavilion upgrade are to be carried forward next financial year.✓ Other infrastructure acquisitions/construction are still half-way through with the balance of LRCl-3 funded projects that are expected to be completed by the end of June.	
--	--

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 PROPOSED DIFFERENTIAL RATES

Applicant: Shire of Kondinin
Author: Executive Support/ Rates Officer - Leandr  Genis
Authorising Officer: Manager Corporate Services – Vince Bugna
Date: 6th June 2024
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION #4363		Seconded: Cr Paul Green	
Moved: Cr Darren Pool			
That Council:			
<p>APPLY to the Minister for Local Government pursuant to Section 6.33(3) of the Local Government Act, 1995 seeking approval to apply the proposed differential rate between (UV) mining tenements, (UV) rural, (GRV) residential and (GRV) mining and the proposed minimum rates, advising the Minister that no objections were received within the public consultation process.</p>			
			Carried:8/0
For:	Cr Kent Mouritz (President)	Cr Brett Smith	Cr Bruce Browning
	Cr Darren Pool	Cr Paul Green	Cr Murray James
	Cr Kerrie Green	Cr Beverley Gangell	

SUMMARY

In accordance with the Local Government Act,1995 Section 6.33(3) the Shire of Kondinin advertised its intention to levy a differential rate on mining tenement Unimproved Value (UV) properties and mining Gross Rental Value (GRV) properties, more than double the general UV and GRV Rate that applies. We advertised in the newspapers (Wednesday West Australian May 29 and Narrogin Observer Thursday, May 30) and placed a notice on the Shire website calling for any objections to the proposed rates and the minimum payments. No objections or comments were received by the closing date (Tuesday 18th June, 4pm).

BACKGROUND

Due to the increase in unimproved values across the farming and mining areas of the Shire, we were able to decrease the rate in the dollar for both areas. With the decrease in the rate of the dollar, we are still able to have a modest rate of revenue increase. Council now need to apply to the Minister for Local Government for approval to impose a differential general rate more than twice the lowest general rate imposed by it and to approve the minimum payment proposed.

Land Category	Rate – cents in the dollar (\$)	Minimum Payment \$
GRV – Town Sites	13.0522	475
GRV – Mining	26.2824	475
UV – Mining	26.3342	475
UV – Rural	0.9342	475

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.33(3), section 6.35

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The outcome of this recommendation will allow council to move forward with the Budget to be presented.

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 REQUIREMENT

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: 12th June 2024
Disclosure of Interest: Nil
Attachments:

RESOLUTION #4364

Moved: Cr Kerrie Green

Seconded: Cr Brett Smith

That Council **NOTES** the update information in relation to the Discovery Centre Project and the Chief Executive Officer to circulate the Business Case to Members for final comment before being released to the public.

Carried: 8/0

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

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

At this time, we are working on bolstering the business case to finalise and advertise. This should be done by 30th June.

We have written to Minister Saffioti for funding opportunities from State government, but are

still waiting for a response. This may come through as an election promise.

The next round of Growing Regions funding has not been advertised at the time of writing the report.

We are also waiting for a response for the funding application for the planning information we will need for the second stage of the Growing Regions funding.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Costings will be needed to be able to complete the business case and advertise as required. This can be funded through current budget allocations.

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 WALGA AGM – LOCAL GOVERNMENT WEEK

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 11 June 2024
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION #4365

Moved: Cr Bruce Browning

Seconded: Cr Kerrie Green

That:

- 1) registration for the Local Government Week Conference / AGM be completed and accommodation reservations be made at an appropriate location for the following attendees:
 1. Cr Brett Smith
 2. Cr Paul Green
 3. Cr Kent Mouritz
 4. Cr Bruce Browning
 5. Cr Kerrie Green
 6. Cr Darren Pool
 9. CEO – David Burton

and;

- 2) voting rights for the WALGA AGM be given to Shire President and Deputy President, with proxies being Cr Brett Smith and CEO.

Carried:8/0

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

SUMMARY

To consider the participation of Council Members to the Local Government Week Convention and elect voting delegates for the WALGA AGM

BACKGROUND

The WALGA Local Government Week Convention and AGM is an annual event showcasing information and exhibited items for Council members. This year, the Convention will be returning the Convention Centre in Perth. Accommodation will need to be sourced and can be close by or in the vicinity.

The Local government Week Conference will be from Tuesday 8th October to Thursday 10th October and the theme is “Innovation Ecosystem”.

The program will include:

TUESDAY, 8 OCTOBER 2024

Mayors and Presidents Forum	4:00pm - 5:30pm
Welcome Drinks - Hosted in Exhibition Pavilion	6:00pm - 9:00pm

WEDNESDAY, 9 OCTOBER 2024

Heads of Agency Breakfast	6:30am - 8:45am
Opening Segment/Welcome to Country	9:00am
Premier's Address TBC	9:20am
President's Address - Cr Karen Chappel AM JP	9:50am
Convention Keynote Speaker	10:05am
Morning Tea - Served in Exhibition Pavilion	11:00am
Minister's Address TBC	11:30am
State of Play - Facilitated by Gareth Parker	11:45am
Supporting Keynote Speaker	12:45pm
Lunch - Served in Exhibition Pavilion	1:30pm
WALGA Annual General Meeting	2:30pm
Cocktail Gala - Venue to be announced soon	6:30pm - 10:30pm

THURSDAY, 10 OCTOBER 2024

Icons Breakfast	7:00am - 8:45am
Federal Minister's Address TBC	9:30am
Collaborative Panel Session	10:00am
Opposition Leader's Address TBC	11:00am
Morning Tea - Served in Exhibition Pavilion	11:15am
Breakout Sessions	11:45am
Lunch - Served in Exhibition Pavilion	1:15pm
ALGA President's Address	2:15pm
Closing Keynote Speaker	2:30pm

The WALGA AGM will be held on Wednesday 9th October from 2.30pm as part of the Convention. The Shire will need to nominate voting delegates for the WALGA AGM.

COMMENT

The WALGA Local Government Week Convention is an excellent opportunity for Council Members to network with other Local Government representatives, receive information or ideas on a variety of topics or from motivational speakers and also keep information about the latest trends in Local Government through the trade exhibitors. Information is readily available for members to peruse and discuss with vendors the practicality of how new approaches could work in their own community. This year, the venue has returned to the Convention Centre in Perth.

Suitable accommodation will need to be sourced. A listing will be presented to Council at the meeting for Hotels in the area.

For the WALGA AGM, two members are to be given voting rights for the meeting. This is usually the President and Deputy President providing that they are attending the conference. If unavailable proxy members are nominated to ensure voting for the Shire.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Attendance at the WALGA Local Government Week is an approved conference as per Policy GOV-007

FINANCIAL IMPLICATIONS

An allocation of funding will be included in the 2024/2025 Budget for the costings.

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

9.4.3 GOURMET IN THE GARDEN / COMMUNITY GARDEN

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 12 June 2024
Disclosure of Interest: Nil
Attachments: Reconciliations for event and Garden.
 Information on Community Garden in Information Reports

RESOLUTION #4366

Moved: Cr Bruce Browning

Seconded: Cr Kerrie Green

That the Report for the ‘Gourmet in the Garden’ and Community Garden be received.

Carried:8/0

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

Summary

This report is for Council to receive a reconciliation of the event ‘Gourmet in the Garden’ and also the expenses for the Kondinin Community Garden.

Background

The Gourmet in the Garden event has been held for several years and is quickly becoming a major event for the Shire creating a festive event for residents of the district.

The Community Garden was an initiative to use the old Pool facilities in Kondinin to create a stop area and event centre for public use. This has created a stop on the Highway for Kondinin and is used by locals for events and also travellers passing through.

Comment

The Gourmet in the Garden was a successful event for 2024. Again, the bus from Hyden was used for Hyden residents which was successful.

The event (with a Shire contribution of \$2,000) led to a profit of \$2,445 or this could be interpreted that without the Shire contribution, the event still made a minor profit of \$445.00. Additional funds through grants were obtained to assist with the cost of the chef for the event.

For the Community Garden, expenses were reduced this year as decorations were used from previous years. Total expenditure was \$15,055 and total income (with Shire contribution of \$2,000) was \$17,500

The full expenditure of the Community Garden also includes expenditure and income for the 'Gourmet in the Garden'. This is included in the Information Reports of the Manager of Corporate Services, but a summary is:

Community Garden Income and Expenses (Inc Gourmet in Garden)

	Total
Grants & Events Income	17751.98
Operating Expenses	-22390.55
Staff wages - maintenance	-564.38
Plants, lighting, gourmet materials	-2806.34
Contract Cleaning	-2858.80
Gourmet chef, musician	-11768.18
Electricity	-641.08
Water	-2612.59
Insurance	-461.30
Labour & plant overheads	-677.88
Profit/-Loss	-4638.57

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The Gourmet in the Garden event has an annual allocation of \$2,000 included in the budget to cover Shire contributions to the event, the rest of the costs are covered by the income of the event. As decorations are re-used, the costs are kept to a minimum and items replaced as required or consumables purchased.

Strategic Implications

Strategic Community Plan 2022-2023

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

We hold well attended local events and activities

Voting Requirement

Simple Majority

9.4.4 ROEROC MOU – ADOPTION OF ALTERATIONS

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Authorising Officer: David Burton – Chief Executive Officer
Date: 17 June 2024
Disclosure of Interest: Nil
Attachments: ROEROC MOU.

RESOLUTION #4367

Moved: Cr Beverley Gangell

Seconded: Cr Brett Smith

That Council, by Absolute Majority, ADOPTS the amended Memorandum of Understanding for RoeROC and AUTHORISES the Shire President and Chief Executive Officer to sign on behalf of the Shire of Kondinin and affix the Common Seal.

Carried:8/0

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

Summary

This report is for Council to review and adopt the revised Memorandum of Understanding for RoeROC

Background

At the recent strategic workshop for RoeROC, the MOU was discussed and considered if it was still relevant with current practices and the direction the members wanted RoeROC to go.

A copy of the revised MOU with the relevant changes is included for Council Members.

Comment

The revised MOU streamlines some of the objectives and purposes for RoeROC and gives a better interpretation to the outcomes that the member Shires are wanting to achieve. The basis of the RoeROC MOU have not drastically changed, but been altered to be more in line with current practices.

Through the strategic planning process, the inclusion of an Executive Officer will be added for future project. This will increase the cost of RoeROC, but will make it more effective in delivering for the combined Shires.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Costs associated with RoeROC, the cost of the Executive Officer and project funding will be considered as part of the 2024/25 Budget processes.

Strategic Implications

Strategic Community Plan 2022-2023

*1.2 Community members have the opportunity to be active, engaged and connected
We hold well attended local events and activities*

Voting Requirement

Absolute Majority

UNCONFIRMED

9.5 COMMUNITY DEVELOPMENT OFFICER

9.5.1 SHIRE COMMUNITY GRANT

Applicant: Shire of Kondinin
Author: Steevi-lee Thomas – Community Development Officer
Authorising Officer: David Burton – Chief Executive Officer
Date:
Disclosure of Interest: Nil
Attachments: Grant applications and letters of support.

RESOLUTION #4368

Moved: Cr Kerrie Green

Seconded: Cr Murray James

That Council:

NOTES the additional information as requested; and

To SUPPORT the funding of the following projects and amounts requested in the 2024/2025 budget to a total of \$12,500

Hyden Netball Club \$5,000

Hyden Hockey Club \$7,500

To NOT SUPPORT the funding of the following projects and amounts requested in the 2024/2025 budget to a total of \$4,999

Kondinin Mens Shed \$4,999

Carried:7/1

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

Against: Cr Bruce Browning

Council considered the application from Kondinin Mens Shed, but as the previous funded project is still to be completed, considered the application ineligible as per the Grant Conditions as specified on the application.

SUMMARY/BACKGROUND

The Shire advertised for community grant projects of up to \$7,500 for community groups to be considered in the 2024/2025 budget, which closed on the 1st of May 2024. A total of eighteen applications were received with a total amount requested being \$76,612.16

Council request for 3 application to provided more information on grant.

1. Hyden Netball Club

The Hyden Netball Club have applied for a digital score, the total value of the scoreboard is \$11,265 they are asking for \$5,000 from the community grant program. The club will have the scoreboard available for other sporting groups like Hyden Pickle and Hyden Hoggets in the off sporting season. Letters of support attached.

2. Karlgarin Hyden Hockey Club

The Karlgarin Hyden Hockey Club have applied for a digital scoreboard, the total value is \$37,755 they are asking \$7,500 from the community grant program. The scoreboard they

plan on purchasing has a light up LED screen so anything that could be put on a computer screen can be put on the scoreboard screen as a computer drives it. The Hyden Croquet and Hyden Cricket Club will use this scoreboard board in the off winter months (letters of support attached) but it could also be utilised by the school, swim club, Shire – anything really as it is portable.

3. Kondinin Men's Shed

Kondinin Men's Shed have provided information regarding the reason they have not completed the fencing from grant round 2023/2024 as they are waiting for an answer from staff for the adoption the block of land located at the corner of Nicholls and Graham Street so they can extend the fencing on the block. Staff are currently in the process of renewing the lease arrangement for the block as an item for Council consideration. This may include the use by the Men's Shed. The original application was for \$4,999 for tools for the group.

It should be noted that the conditions for the Grant Funding are that any previous contributions must be completed before additional funds can be sought. The Men's Shed currently has an outstanding project, no additional grants can be applied for. On this occasion, the Men's Shed are waiting for information from the Shire with regards to amending the previous project to include a larger area. As this is still to be finalised by the Shire, the Council may consider the incomplete project as being held up by Shire information and may consider this project for funding.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per the table above, the total requested for the community groups to be considered in the 2024/2025 budget is \$77,306.25

STRATEGIC IMPLICATIONS

This action supports the following sections of the Shire's Strategic Community Plan 2022-2032:

1. Community
 - 1.5. Support local volunteer organisations – Community Grant Scheme is well subscribed.

VOTING REQUIREMENT

Absolute Majority

UNCONFIRMED

9.5.2 HYDEN MURAL

Author: Steevi-Lee Thomas – Community Development Officer
Authorising Officer: David Burton- Chief Executive Officer
Date:
Disclosure of Interest: Nil
Attachments: Mural Designs

RESOLUTION #4369			
Moved: Cr Murray James		Seconded: Cr Paul Green	
That Council:			
RESOLVES that Option 4 of the presented drafts be used for the mural on the Elders Shed in Hyden.			
			Carried:7/1
For:	Cr Kent Mouritz (President) Cr Darren Pool Cr Kerrie Green	Cr Brett Smith Cr Paul Green Cr Beverley Gangell	Cr Murray James
Against:	Cr Bruce Browning		

SUMMARY

For Council to vote final mural art design.

BACKGROUND

Hyden Mural Art options has been on display to public for over two weeks to vote on preferred design. We received 60 total votes.

- Option 1 – 19
- Option 2 – 5
- Option 3 – 8
- Option 4 – 28

Images attached.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funding for the Mural will come from several sources. This includes:

Shire funds (approved)	\$20,000
Hyden Men’s Shed	\$ 5,000
Hyden Progress Association	<u>\$ 2,000</u>
Project Cost	\$27,000

STRATEGIC IMPLICATIONS

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

“1. Community

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

We are showcasing local artists and attracting cultural events to our communities

We collaborate with CRCs and local organisations to deliver community programs and activities.”

VOTING REQUIREMENT

Simple majority required

UNCONFIRMED

9.6 ENVIRONMENTAL HEALTH OFFICER

9.7 HOUSING AND BUILDING COMMITTEE MEETINGS

10. BUSINESS OF AN URGENT NATURE

11. CLOSURE

Meeting closed at 4:53pm.

UNCONFIRMED