



SHIRE OF KONDININ

MINUTES OF MEETING

KONDININ SHIRE COUNCIL

held on Wednesday 20th March 2024 at the
Kondinin Council Chambers

David Burton
15th March 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 3:14pm.

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

Councillors:	Cr Kent Mouritz (President)	Cr Brett Smith	Cr Bruce Browning
	Cr Darren Pool	Cr Paul Green	Cr Murray James
	Cr Kerrie Green		
Staff:	David Burton (CEO)	Vince Bugna (MCS)	Tory Young (MPA)
	Leandr� Genis (ESO)	Mark Burgess (MoW)	Desiree Waters
Apologies:	Cr Beverley Gangell (<i>Absence of leave was granted at the February 2024 Ordinary Council Meeting</i>)		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

4. PUBLIC QUESTION TIME

NIL

5. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION #4301:

Moved: Cr Murray James

Seconded: Cr Kerrie Green

That Council:

APPROVES Cr Brett Smith' leave of absence for the August Ordinary Council Meeting.

Carried: 7/0

FOR: Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green

AGAINST: NIL

ABSENT: Cr Beverley Gangell

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

NIL

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/ INFORMATION REPORT

7.1 MINUTES OF COUNCIL MEETING- 14th February 2024

RESOLUTION #4302:

Moved: Cr Paul Green

Seconded: Cr Brett Smith

That the minutes of the Council Meeting held on the 14th February 2024, be confirmed.

Carried: 7/0

FOR: Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green

AGAINST: NIL

ABSENT: Cr Beverley Gangell

7.2 INFORMATION REPORT- March 2024

RESOLUTION #4303:

Moved: Cr Darren Pool

Seconded: Cr Kerrie Green

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

Carried: 7/0

FOR: Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green

AGAINST: NIL

ABSENT: Cr Beverley Gangell

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

NIL

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 Vacant Crown Land- South West Native Title Settlement

9.1.2 Western Australia Country Health Services (WACHS) Housing Investment Partnership for Kondinin Hospital – Request for Quotation- **LATE ITEM (CONFIDENTIAL)**

9.1.3 Kondinin Community Recreation Council – Self-Supporting WA Treasury Loan - Amended Resolution- **LATE ITEM**

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 List of Accounts

9.2.2 Financial Reports

9.2.3 Sundry Debtors Write Offs

9.2.4 Fees & Charges 2023/24- Amended

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Discovery Centre Update

9.4.2 Compliance Audit Return

9.4.3 Annual Electors Meeting

9.4.4 Hyden Recycling Area

9.4.5 Corporate Business Plan Report

9.4.6 East Hyden Fire Unit

9.4.7 Bush Fire Brigades Local Law 2022 as amended- Undertaking to JSCDL

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 VACANT CROWN LAND – SOUTH WEST NATIVE TITLE SETTLEMENT

Applicant:	N/A
Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	David Burton, Chief Executive Officer
Date:	6 th March 2024
Disclosure of Interest:	Nil
Attachments:	Maps, List of Properties

RESOLUTION #4304:

Moved: Cr Murray James

Seconded: Cr Paul Green

That Council:

AUTHORISES the Chief Executive Officer to prepare a submission to the Department of Planning, Lands and Heritage regarding the Shire of Kondinin interest and non-consent for the parcels of land in question.

Carried: 7/0

FOR: *Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green*

AGAINST: *NIL*

ABSENT: *Cr Beverley Gangell*

Summary

The Shire been requested to provide comment to the Department of Planning, Lands and Heritage with regards to land within the Shire of Kondinin and potential transfer as part of the South West Native Title Settlement.

Background

The State of Western Australia has committed to allocating 320,000 hectares of Crown land to the Noongar People to create the Noongar Land Estate, in accordance with the six registered Indigenous Land Use Agreements (ILUA) for the South West Native Title Settlement (the Settlement) as shown on the attached map.

Eighteen (18) parcels of land in the Shire of Kondinin in the north-eastern portion of the Shire is currently being considered for the part of the settlement for the Ballardong People Agreement Area. One (1) of these parcels (PIN 1031111) extends across the Shires of Kondinin, Dundas, Esperance and Lake Grace, with the portion within the Shire of Kondinin indicated in the map attached to this Agenda Report. The seventeen (17) remaining parcels within the Shire cover an area of 84,987.1 hectares within the Forrestania locality in the eastern portion of the Shire.

Maps and a listing of the parcels of land are shown as attachments to this Report.

The Shire of Kondinin has been requested to provide comment on the parcels of land in relation to any interest or Shire infrastructure on the land or any future use as follows:

- Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?

- Does the Shire have any interest in the land?
- Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
- Is the land parcel subject to any mandatory connection to services?
- Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
- Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
- Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
- Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
- Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

Comment

The seventeen (17) parcels and the one (1) partial parcel of land proposed for transfer as part of the South West Native Title Settlement are located in the eastern portion of the Shire on heavily vegetated areas of land outside of the Shire's farming and urban development areas.

The two main points of interest to the Shire with the location of these parcels of land relate to mining and fire management. The following feedback has been received from the Department of Planning, Lands and Heritage in relation to these matters as outlined below.

Question: Would the Shire still be able to receive mining rates for a mining leases / licences from these parcels of land?

Response: As requested by the Department of Energy, Mining, Industry, Regulation and Safety (DEMIRS), those portions of the land parcels that are subject to active mining leases will not be transferred into the NLE. Therefore, any activities or agreements currently in place under the *Mining Act 1978* should not be affected by the proposal.

Question: How would matters of fire management be addressed, i.e. would the native title exempt processes that are currently undertaken by Department of Fire and Emergency Services, Department of Biodiversity, Conservation and Attractions and the Local Government to manage and mitigate fire control.

Response: All land placed into the Noongar Land Estate must be used and managed in accordance with the statutory and policy framework that applies to all land in Western Australia, including the *Bushfires Act 1954*, the *Local Government Act 1995* and all planning and development control. The incoming Landholding Body will be responsible for the management of bushfire mitigation once the land is transferred.

Summary

In light of the above, there appears no reason to object to the transfer of these parcels under the South West Native Title Settlement on the provision that any current or future mining rates can still be collected by the Shire and that adherence to bushfire control mitigation was practiced.

Statutory Environment

Land Administration (South West Native Title Settlement) Act 2016

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2022-2023:

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

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

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

Voting Requirement

Simple Majority

RESOLUTION #4305:

Moved: Cr Brett Smith

Seconded: Cr Murray James

That the item be discussed behind closed doors.

Carried: 7/0

FOR: Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green

AGAINST: NIL

ABSENT: Cr Beverley Gangell

LATE ITEMS

9.1.2 WESTERN AUSTRALIA COUNTRY HEALTH SERVICES (WACHS) HOUSING INVESTMENT PARTNERSHIP FOR KONDININ HOSPITAL – REQUEST FOR QUOTATION

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 19th March 2024
Disclosure of Interest: Nil
Attachments: Quotations Received

*****CONFIDENTIAL*****

“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 —*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (ii) *information that has a commercial value to a person”*

RESOLUTION #4307:

Moved: Cr Kerrie Green

Seconded: Cr Bruce Browning

That Council **EXITS** closed doors.

Carried: 7/0

FOR: Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green

AGAINST: NIL

ABSENT: Cr Beverley Gangell

9.1.3 KONDININ COMMUNITY RECREATION COUNCIL – SELF-SUPPORTING WA TREASURY LOAN - AMENDED RESOLUTION

Author: Tory Young, Manager Planning and Assets
Authorising Officer: David Burton, Chief Executive Officer
Date: 20th March 2024
Disclosure of Interest: Nil
Attachments: Letter from Kondinin Community Recreation Council

As per regulation 10 of the Local Government (Administration) Regulations 1996, the amendment to this resolution must be supported by three (3) Council Members, being Cr Kerrie Green; Cr Bruce Browning; and Cr Brett Smith.

RESOLUTION #4308:

Moved: Cr Bruce Browning

Seconded: Cr Darren Pool

That Council:

Pursuant to regulation 10 (1) of the Local Government (Administration) Regulations 1996 APPROVES to change the decision made at the Ordinary Meeting of Council held on the 19th July 2023 (Resolution # 4173) to read as follows:

That Council: Pursuant to section 6.20 of the Local Government Act 1995 APPROVES seeking a self-supporting loan of \$900,000 over a 10-year period from the Western Australia State Treasury to assist the Kondinin Community Recreation Council construct housing at ~~No.9 (Lot 325) Browning Street, Kondinin, No. 53 (Lot 120) Rankin Street Kondinin~~, subject to provision of 3 guarantors or asset as security be provided to the loan.

Carried: 7/0

FOR: Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green

AGAINST: NIL

ABSENT: Cr Beverley Gangell

Summary

For Council to approve a change to resolution #4173 to reference No. 53 (Lot 120) Rankin Street, Kondinin as the preferred location for housing development undertaken by the Kondinin Community Recreation Council funded via a WA State Treasury Loan, rather than No. 9 (Lot 325) Browning Street, Kondinin.

Background

At the Ordinary Meeting held on the 19th July 2024, Council considered the matter of a loan to the WA Treasury to the Kondinin Community Recreation Council for the construction of housing for the Western Australian Country Health Service (WACHS) and resolved as follows:

That Council:

- 1) Pursuant to section 6.20 of the Local Government Act 1995 APPROVES seeking a self-supporting loan of \$900,000 over a 10-year period from the Western Australia State Treasury to assist the Kondinin Community Recreation Council construct housing at No.9 (Lot 325) Browning Street, Kondinin, subject to provision of 3 guarantors or asset as security be provided to the loan.*

Since this time, the Kondinin Community Recreation Council (KCRC) have advised the Shire that their preference is for the housing proposed via the WA Treasury Loan be constructed at No. 53 (Lot 120) Rankin Street, Kondinin.

In order to formalise this, the Council is required to amend the resolution pursuant to regulation 10 (1) of the Local Government (Administration) Regulations.

Statutory Environment

Local Government Act 1995

Local Government (Administration) Regulations 1996

Policy Implications

Nil

Public Consultation

Nil

Financial Implications

The proposal requires a \$900,000 loan from WA Treasury Corporation. The WA Treasury Corporation incremental rates available for 10 years (forecast) is 4.4% in the 2023-2024 budget year. The total interest repayment for 10 years is \$258,575.07 in addition to the principal payment.

Under the Western Australia Country Health (WACHS) Housing Investment Partnership program the Kondinin Community Recreation Council is in negotiations to secure a 10-year lease arrangement comprising rental repayments that will cover the costs of the development, service on the loan and maintenance expenses. The formula for rental return is anticipated to be based on the following, but is subject to a formal offer to lease from WACHS.

<i>Capital Cost to develop property</i>	<i>\$900, 000</i>
<i>Borrowing Costs</i>	<i>\$258,575,07</i>
<i>Annual operating/maintenance costs (over 25 years)</i>	<i><u>\$500,000</u></i>
<i>Total cost over 25 years</i>	<i>\$1,658,575</i>

Monthly lease – 300 months @ \$5528.60 per month

Equates to weekly rent per unit of \$691

Strategic Implications

Shire's Strategic Community Plan 2022-2032

"1. COMMUNITY

1.2 Facilitate and advocate for quality health services, health facilities and programs in the Shire

Local health facilities, visiting allied health and volunteer health services are retained

2. ECONOMY

2.4 Housing meets existing and future community needs for families and workers

Shire housing stock is well maintained and expanded upon

We advocate for improved State Government and Public Housing stock"

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: 11th March, 2024
Attachment(s): List of Accounts 01/02/2024 to 29/02/2024

RESOLUTION #4309:

Moved: Cr Paul Green

Seconded: Cr Brett Smith

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

Municipal Fund payment cheque numbers 19380 to 19390	= \$ 55,420.23
Municipal EFT18348–18370; 18372-18404	= \$ 684,804.96
Direct Debits – Transport – Hyden Office	= \$ 14,099.95
Direct Debits – Transport – Kondinin Office	= \$ 20,640.80
Direct Debits – Credit Cards DD20936.1	= \$ 507.79
Direct Debits – Other	= \$ 25,831.16
EFTPOS Merchant Fees & Tyro	= \$ 1,417.61
Bank Fees – NAB Connect	= \$ 81.58
Payroll	= \$ 130,400.43
Trust EFT18247 & 18371	= \$ 680.00
TOTAL	= \$ 933,884.51

Carried: 7/0

FOR: Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green

AGAINST: NIL

ABSENT: 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 March 2024
Attachment(s): Monthly Financial Report for the period ended 29 February 2024

RESOLUTION #4310:

Moved: Cr Brett Smith

Seconded: Cr Murray James

That Council **RECEIVE** the attached reports entitled Monthly Financial Report (Containing the Statement of Financial Activity) for the period ended 29 February 2024.

Carried: 7/0

FOR: Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green

AGAINST: NIL

ABSENT: Cr Beverley Gangell

Mrs Tory Young left the meeting at 3:44pm and did not return.

Summary

To present to Council the Monthly Financial Report for the period ended 29 February 2024.

Background

The monthly Financial Report (Containing the Financial Activity) 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 February 2024 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> • Cash at Bank The Shire's total cash as at 29th February 2024 was \$8,473,789 – composed of \$3,855,643 reserve accounts (restricted), \$49,352 LCDC fund, \$2,638,486 term deposit investments and \$1,930,308 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 – \$458,892 current outstanding as 89% had been settled. Other receivables of \$2,207,174 – composed of \$1,100,00 RRUPP grant \$65,072 gst receivable and other minor receivables. 	<p>Page 16 – Note 10 Receivables</p>
<ul style="list-style-type: none"> • Current Liabilities YTD balance is \$1,325,281 which includes \$441,332 of employees' annual and long service leave provision, Loan repayment provision \$71,259 Advanced LRCL and Road Grants \$575,803, Gst and other payables \$236,887. 	<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 \$3,925,752– composed of \$9,056,378 Current Assets less \$1,325,281 Current Liabilities and \$(3,805,344) 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: Roadworks having \$4.9m budget is 89% completed as at 29th February 2024 major expenditure from Hyden Norseman Road – Remote Road Upgrade Program (RRUP) and Lovering Road – RRG 2/3 funded. 	<p>Page 7 – Key Information</p> <p>Page 11 to 14 – Note 8 Capital Acquisitions</p>

In relation to material variances, "timing difference are due to the monthly spread of the budget not matching in comparison to the actual spread of revenue or expenditure. Timing difference will not result in a forecast adjustment.

Where the material variance is flagged as “permanent”, this indicates that a forecast adjustment to the annual budget is required. – Page 6, Note 3 – Explanation of Material Variances.

Voting Requirements

Simple Majority

9.2.3 SUNDRY DEBTORS WRITE OFFS

Applicant: Shire of Kondinin
Authors: Ellen Valenta, Senior Admin Officer
Authorising Officer: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 12th March 2024
Attachments: Nil

RESOLUTION #4311:
Moved: Cr Kerrie Green **Seconded: Cr Bruce Browning**
 That Council:
APPROVES to write off the total \$421.50 outstanding amounts of sundry debtors owed to the Shire of Kondinin as listed below. **Carried: 7/0**
FOR: *Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green*
AGAINST: *NIL*
ABSENT: *Cr Beverley Gangell*

Summary

To seek Council Approval to write off outstanding amounts owed to the Shire by Sundry Debtors believed to be non-recoverable.

Background

In accordance with Section 6.12 of the Local Government Act 1995, the Council is empowered to write off monies owing to the local government.

Some debtors are no longer in existence or whereabouts unknown to the Shire. The age of the debts raises some doubt over their recoverability. In most cases the cost to pursue such debts are highly likely to exceed recoverable costs.

Below is the list of sundry debtors outstanding amounts we recommend for write off:

Debtor Name	Total amount Owing	Information and/or Reason for write off
Utopian Events	\$195.00	Relates to Hyden Recreation Hire. Debtor contacted via mail and email with no success with the latest mail attempt has been returned to sender.
Hyden Hoggets	\$45.00	Relates to Hyden Recreation Centre Toilet & BBQ Hire. All attempts to contact with people have failed and all correspondence has been unanswered.
Jack Hill	\$181.50	Reimbursement for the repair/replacement of window glass at Hyden Hall.
Total	\$421.50	

Statutory Environment

The Local Government Act 1995

Section 6.12(1)(c) Power to write off debts/any amount of money which is owed to the local government

Policy Implications

Nil

Financial Implications

Write off of \$421.50 will reduce the expected credit loss (ECL) account and the total revenue by the same amount.

Strategic Implications

Strategic Community Plan 2022-2032:

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

Voting Requirement

Absolute majority.

9.2.4 FEES & CHARGES 2023/24 - AMENDED

Applicant: Shire of Kondinin
Authors: Chase Mclean, Customer Service Officer
Authorising Officer: Vince Bugna, Manager Corporate Services
Disclosure of Interest: Nil
Date: 12th March 2024
Attachments: Fees & Charges 2023/24 (Revised)

RESOLUTION #4312:

Moved: Cr Murray James

Seconded: Cr Kerrie Green

That Council:

ENDORSE the Revised Fees & Charges to include the new fees for a Street Trading License Application.

Carried: 7/0

FOR: *Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green*

AGAINST: *NIL*

ABSENT: *Cr Beverley Gangell*

Summary

To present to Council for adoption the revised list of fees 2023/24 to include the new fees for a street trading license application.

Background

Fees are generally considered as part of the budget process or just before the budget is adopted to allow fees to be considered for increases. However, the Local Government Act 1995 does allow for changes that are required throughout the year, providing that the process has been followed.

Statutory Environment

The Local Government Act 1995

Section 6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications

Nil

Financial Implications

Increased revenue for the Shire.

Strategic Implications

Strategic Community Plan 2022-2032:

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

Voting Requirement

Absolute majority.

9.3 MANAGER OF WORKS

NIL

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 DISCOVERY CENTRE UPDATE

Author: CEO - David Burton
Date: 5 March 2024
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION #4313:

Moved: Cr Paul Green

Seconded: Cr Brett Smith

That Council **NOTES** the updated information in relation to the Discovery Centre Project.

Carried: 7/0

FOR: Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green

AGAINST: NIL

ABSENT: Cr Beverley Gangell

Mr Vince Bugna & Mr Mark Burgess left the meeting at 3:59pm and did not return.

Summary

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

Background

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

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

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

Funding through the Growing Regions Funding will be available later this year and will be the final round of funding for this project. It is likely that other funding may be available, but details and timeframes are not known and no indications of future funding have been made.

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

Comment

The final drawings are included for Council consideration and costings for the project have been requested. Once the costings have been received (providing it is not out of our range) it will be included in the Business Case and opened for public consideration.

The latest information on Growing Regions Funding is that it will be later in the year, possibly around April. Staff are currently waiting for the cost estimate to look at applying for funding for the Architectural Plans for the main application.

The Shire has been in contact with Minister Punch (regional Development) to request a presentation of the project to lobby for State Funding as well.

The Minister has advised the Shire to work with Wheatbelt Development Commission and to use the funding for the planning of the building.

A preliminary cost for the building has been received from the Quantity Surveyor that puts the cost of the building at just over \$12m.

The working group will be meeting next to discuss this. Minutes of that meeting will be circulated when available.

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.

Consultation

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

Strategic Implications

Strategic Community Plan 2022-2032:

“2. ECONOMY

*2.3 Coordinated planning and promotion of the visitor and tourist experience;
Complete the Hyden Visitor Centre with additional funding.”*

Voting Requirement

Simple Majority

9.4.2 **COMPLIANCE AUDIT RETURN**

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Date: 7th March 2024
Disclosure of Interest: Nil
Attachments: Compliance Audit Return

RESOLUTION #4314:

Moved: Cr Paul Green

Seconded: Cr Murray James

That Council **ADOPTS** the Shire of Kondinin Compliance Audit Return for the period 1/1/2023 to 31/12/2023 pursuant to Regulation 14(3A) of the Local Government (Audit) Regulations 1996.

Carried: 7/0

FOR: *Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green*

AGAINST: *NIL*

ABSENT: *Cr Beverley Gangell*

Summary

To consider the Compliance Audit Return for 2023.

Background

Every Year, Local Governments are required to complete the Compliance Audit Return which is a list of various sections of the Local Government Act 1995. This is presented to the Audit Committee and then Council. Returns must be completed and sent to the Department of Local Government by 31st March.

Comment

Attached for Councillors' information and review is the Compliance Audit Return (CAR) for the period 1/1/2023 to 31/12/2023, which report is a requirement of the Department of Local Government.

The report has been completed by the CEO and Manager of Corporate Services and is required to be reviewed by Council's Audit Committee and then presented by the Audit Committee to the Council of the Shire of Kondinin, with any recommendations that the Committee may require Council to consider. The Compliance Audit Return (CAR) is to be adopted by the Council and recorded in the minutes of the meeting at which it is adopted. The certified copy of the return together with a relevant copy of the Council Minutes is to be submitted to the Director General of the Department of Local Government through the Smart Hub portal by 31 March.

Statutory Environment

Local Government (Audit) Regulations 1996 – Regulation 14 (3A) Regulation 15
Local Government Act 1995 – Section 7.13(1)(i)

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

"Goal 4: Civic Leadership

We are a compliant and resourced Local Government"

Voting Requirement

Simple Majority

9.4.3 ANNUAL ELECTORS MEETING

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Date: 7th March 2024
Disclosure of Interest: Nil
Attachments: Unconfirmed Minutes

RESOLUTION #4315:

Moved: Cr Darren Pool

Seconded: Cr Paul Green

That Council **NOTES** the Minutes of the Annual Electors Meeting for 2024.

Carried: 7/0

FOR: *Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green*

AGAINST: *NIL*

ABSENT: *Cr Beverley Gangell*

Summary

For Council to note the Minutes of the Annual Electors Meeting 2024 and act if required.

Background

The Annual Electors Meeting was held on 14th February 2024 at the Hyden Recreation Centre.

Comment

The Annual Electors Meeting was attended by Members, staff and members of the public. All reports included in the Annual Report for 2022/2023 were accepted.

During General Business, several questions were raised by the Public. The Questions were answered at the time and no further response is required.

No matters requiring further attention of Council were raised by the public.

Statutory Environment

Local Government Act 1995 – Section 5.33

- a) All decisions made in Electors Meetings are to be considered at the next Ordinary Meeting of Council, or; if that is not practicable;
 - a) At the first Ordinary Meeting after that meeting or;
 - b) Have a special meeting called for that purpose, whichever happens first.

- b) If at a meeting of the Council, the Local Government plans in response to a decision made at an Electors Meeting, the reason for the decision is to be recorded in the minutes of the Council Meeting.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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

“Goal 4: Civic Leadership

We are a compliant and resourced Local Government”

Voting Requirement

Simple Majority

9.4.4 HYDEN RECYCLE AREA

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Date: 7th March 2024
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION #4316:

Moved: Cr Kerrie Green

Seconded: Cr Darren Pool

That Council **CONSIDER** the option of the Hyden Lions Club providing an ongoing service for the Hyden Recycle area as part of the 2024/2025 Annual Budget.

Carried: 7/0

FOR: *Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green*

AGAINST: *NIL*

ABSENT: *Cr Beverley Gangell*

Summary

To consider a request from the Hyden Lions Club to consider the clean-up and maintenance of the Hyden Recycle Area as a project.

Background

The Shire of Kondinin has a recycling collection point at the back of the industrial Area at Hyden. While there are containers for the rubbish, some items may be windblown into the bush areas creating an untidy area.

Hyden Lions have requested to have the area as a project for them to keep tidy and also earn some funds for the group.

Comment

The Hyden Lions Club currently assists the Shire with regards to mosquito baiting at a cost of \$25 per hour. Lions would be looking at a similar arrangement for the tidy up of the Recycle Area.

Currently there is no budget for a direct costing for the Recycle Area, however the offer by Lions Club is likely to be less costly than staff performing the same tasks, making it more cost effective for the Shire to use the Lions Club.

The Recycling Area is shown below:



Some of the windblown rubbish in the bush is shown in the final photograph.

It is estimated that allowing 3 hours at \$25 (similar to the Mosquito baiting) per week, which should more than cover any costs for the Lions to maintain the area, would come to an annual amount of \$3,900.

It is requested that the amount of \$4,000 be included in the 2024/2025 Annual Budget deliberations as a payment towards Hyden Lions Club keeping the recycle area free from windblown rubbish.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Fee to be included in the 2024/2025 Annual Budget.

Strategic Implications

Strategic Community Plan 2022-2032:

“1. Community

1.5 Support local volunteer organisations

Clubs and service organisations feel supported”

Voting Requirement

Simple Majority

9.4.5 CORPORATE BUSINESS PLAN REPORT

Applicant: Shire of Kondinin
Author: Chief Executive Officer – David Burton
Date: 7th March 2024
Disclosure of Interest: Nil
Attachments: Corporate Business Plan Report

RESOLUTION #4317:

Moved: Cr Murray James

Seconded: Cr Brett Smith

That Council **ADOPT** the Corporate Business Plan Quarterly Report.

Carried: 7/0

FOR: *Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green*

AGAINST: *NIL*

ABSENT: *Cr Beverley Gangell*

Summary

To consider the quarterly report of actions for the Corporate Business Plan.

Background

As part of the Strategic Community Planning for Local Government, the Corporate Business Plan is derived from the Strategic Community Plan. To ensure Council is kept informed with the actions of the Corporate Business Plan, the quarterly report is presented updating information on all projects.

Comment

The quarterly report on the actions of the Corporate Business Plan are attached for Council to consider.

As the Corporate Business Plan spans several financial years, some items have been completed and some items have changed due to the request of the general public i.e. the Hyden Tennis Club Building.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil – Items are included in the Annual Budget.

Strategic Implications

Strategic Community Plan 2022-2032:

“4. Civic Leadership

4.2 We are a compliant and resourced Local Government

Financial sustainability in achieving community aspirations”

Voting Requirement
Simple Majority

9.4.6 EAST HYDEN FIRE UNIT

Author: Chief Executive Officer – David Burton
Date: 12th March 2024
Disclosure of Interest: Nil
Attachments: Nil

RESOLUTION #4318:

Moved: Cr Murray James

Seconded: Cr Kerrie Green

That Council **SUPPORT** an application for funding for a permanent Fire Unit for the East Hyden Bush Fire Brigade (\$500,000) and shed for the unit, with the Shire contributing the pad for the shed.

Carried: 7/0

FOR: *Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green*

AGAINST: *NIL*

ABSENT: *Cr Beverley Gangell*

Summary

For Council to support an application for a permanent fire appliance for the East Hyden Fire Brigade and a shed to house the vehicle.

Background

The Shire of Kondinin has only one ESL funded firefighting appliance and two (2) FESA Units. This is inadequate and the shire is seeking an additional appliance to address the current bushfire risk and increase the level of safety afforded to volunteer fire fighters.

The additional appliance requested are a 4.4 Broadacre appliance for the East Hyden Bush Fire Brigade. Acquiring these appliances will assist the shire to control bushfires early in the wooded area of the Shire, protect critical infrastructure economically and reduce the risk to firefighters.

The Shire of Kondinin covers 7,340 sq km and is located 278 km from Perth with crops and livestock farming being the dominant agricultural activities. The Shire is 200kms long and 40kms wide. The three towns of the Shire are located in the western portion of the Shire within the first 90kms.

The primary focus of this proposal is to reduce the likelihood of bushfires becoming established or reducing the final size of a fire when started east of Hyden in the wooded areas of the Shire. This recognises the inadequacy of the current resource level of one appliance with major assets located within the shire.

The shire has established four bushfire brigades, only one Karlgarin Bush Fire Brigade has an ESL funded fire appliance. Kondinin and Hyden are VFES units being supplied with DFES vehicles. The other brigades are all farmer response, relying 100% on private firefighting vehicles.

The area that the covered by the East Hyden BFB with the high season truck covers extends from the Hyden townsite (assisting the Hyden VFES) through to the eastern end of the shire boundary as well as north and south of the Kondinin shire boundaries and venturing into neighbouring shires to assist when required. This covers a large area of broad acre farming which sees severe significant weather events especially throughout the summer months. A large section of the eastern end of the shire that the BFB services is bush/scrub land known as the great western woodlands, which continues through to Norseman.

Within this area we currently have one working mine site, with another couple under development, and a further 2 just beyond the shire boundaries, all of which we have working relationships with during active bushfires.

The Forrestania Nickel Project, amongst many other organisations and government departments have previously expressed a willingness to support this application for a permanent appliance to be based at East Hyden, after the significant fires that we experienced in the 2019/20 bushfire season in which we saw over half a million hectares accumulatively burnt over multiple incidents within the western end of the great western woodlands area.

East Hyden BFB membership base has been strong throughout the years, we have 10-15 members that consistently actively attend incidents.

As East Hyden only has a seasonal unit for 6 months of the year, it averages approximately 5 incidents per year, but has also assisted with larger fire including the Dundas fires at Norseman. If the unit was permanent, then it would attend to more fire in the area and assist with other fires in the regional area.

Comment

The East Hyden Brigade currently only have a fire tender during the “high use” season or summer months. This means that these areas are relatively undefended should a fire get started in the off-peak months. Being that this unit covers a heavily wooded area, the impact in the delay of having a unit respond, does mean that a fire can significantly increase in size, by the time units respond. Having a local unit would allow a faster response.

The LGGs Grants for Fire and Emergency Services will allow for a unit to be based in the area permanently. This unit would then be maintained and replaced with the payments to the Shire from the ESL levies from the area.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil – Items are included in the Annual Budget and only purchase pending funding through the Grants system.

Strategic Implications

Strategic Community Plan 2022-2032:

“1. Community

1.6 Support emergency services, planning, risk mitigation, response and recovery.

Resourced bush fire brigade and support to meet compliance and encourage participation.”

Voting Requirement

Simple Majority

RESOLUTION #4319:

Moved: Cr Kerrie Green

Seconded: Cr Brett Smith

That the item be discussed behind closed doors.

Carried: 7/0

FOR: *Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green*

AGAINST: *NIL*

ABSENT: *Cr Beverley Gangell*

9.4.7 BUSH FIRE BRIGADES LOCAL LAW 2022 AS AMENDED – UNDERTAKING TO JSCDL

Author: Chief Executive Officer – David Burton
Date: 12th March 2024
Disclosure of Interest: Nil
Attachments: CONFIDENTIAL – letter from Joint Standing Committee on Delegated Legislation

*****CONFIDENTIAL*****

“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 —*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”*

RESOLUTION #4321:

Moved: Cr Murray James

Seconded: Cr Darren Pool

That Council **EXITS** closed doors.

Carried: 7/0

FOR: Cr Kent Mouritz, Cr Brett Smith, Cr Bruce Browning, Cr Darren Pool, Cr Paul Green, Cr Murray James, Cr Kerrie Green

AGAINST: NIL

ABSENT: Cr Beverley Gangell

10. BUSINESS OF AN URGENT NATURE

NIL

11. CLOSURE

Meeting closed at 4:57PM.