



SHIRE OF KONDININ

NOTICE OF MEETING

Councillors: Please be advised that the next meeting of the

KONDININ SHIRE COUNCIL

Will be held on Wednesday 18th May, 2022 at the
Hyden Community Resource Centre

9:00am Works Committee Meeting
11:00am Housing & Building Committee Meeting
2:00pm Informal Agenda Discussion
3:00pm Council Meeting

A handwritten signature in black ink, appearing to read 'David Burton', is positioned above the printed name.

David Burton
13th May 2022
CHIEF EXECUTIVE OFFICER

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006
All communications to be addressed to the CHIEF EXECUTIVE OFFICER
ceo@kondinin.wa.gov.au

STATEMENT OF COMMITMENT TO INDIGENOUS AUSTRALIANS

“The Shire of Kondinin acknowledges that, as we proceed with the development & management of facilities & services within the Shire we give recognition of the distinctive relationship that indigenous people have within the community and encourage a broader understanding & appreciation of indigenous heritage & culture.

The Shire of Kondinin is committed to consultation across all communities in our Shire & we aim for mutual respect to achieve recognition of all cultures.”

SHIRE OF KONDININ QUESTIONS FROM THE PUBLIC

The Shire of Kondinin welcomes community participation during public question time of Council Meetings. Any member of the public is welcome to do so. The following is a summary of Section 5.24 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996, the Shire's procedure and a guide to completion registering attendance and question/s.

- Members of the public should ideally register their attendance and question with the Council before the meeting before close of business the day prior to the scheduled meeting. This can be done;
 - a. In person at the Shire of Kondinin Office (120 Graham St, Kondinin)
 - b. By emailing the Executive Support Officer on eso@kondinin.wa.gov.au
 - c. By phoning the Executive Support Officer on 08 9889 1006
- When registering the following information will need to be supplied for record keeping and future correspondence (if required);
 - a. Name, Address, contact number and Name of Organisation representing (if applicable)
 - b. A written copy of the question to be asked at Public Question Time.
- It is recommended to arrive at the location of the Council Meeting 5 minutes prior to the commencement of the meeting. If you have not registered in advance it can be completed at this time. However, members of the public will also still be able to attend the meeting and provide required details at the meeting if they have not been able to register in advance.
- The Presiding Member will open Public Question Time and, if necessary, provide a brief summary on the rules, regulations and procedures of Public Question Time:
 - a. The person asking the question is to state their name prior to asking the question.
 - b. Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.
 - c. In order to provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal and no debating of the issue between the Gallery, Councillors or Officers is permissible.
 - d. Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response.
 - e. Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; will be refused by the Presiding Member as 'out of order' and will not be recorded in the minutes.

- f. Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any reasonable direction from the Presiding Member, will be ruled 'out of order' and the question will not be recorded in the minutes.
 - g. Answers to questions provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being totally comprehensive.
 - h. The priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day immediately preceding the meeting) and secondly, 'questions from the floor'.
- Public Question Time is set for a maximum period of 15 minutes, and will terminate earlier should no questions be forthcoming.
 - There are circumstances where it may be necessary to place limits on the asking of questions to enable all members of the public a fair and equitable opportunity to participate in Public Question Time. In these events the Presiding Member will apply the most appropriate limit for the circumstance. Generally each member of the public shall be provided a maximum two minutes time limit in the first instance, in which to ask a maximum of two questions (whether these are submitted 'in writing' or 'from the floor'). A question may include a request for the tabling of documents where these are relevant to an issue before Council.
 - Should there be time remaining on the initial period for Public Question Time (i.e. 15 minutes) after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (in accordance with the register) ask further questions (with necessary limits in place as discussed above if required) until the initial period for Public Question Time has expired.
 - Any extension to the initial period for Public Question Time is to be limited to a period that will allow sufficient time for any remaining members of the public to ask their initial allotment of two questions.
 - Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next appropriate Council Meeting.
 - Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).

SHIRE OF KONDININ DISCLOSURE OF FINANCIAL/IMPARTIALITY & PROXIMITY INTEREST

To: *Chief Executive Officer*

As required by Section 5.65(1) (a) of the Local Government Act 1995, I hereby declare my interest in the following matters included on the Agenda paper for the Council/Committee meeting to be held on _____ (Date).

The type of interest I wish to declare is a: Financial Proximity Impartiality

Item No	Details of Interest

Extent of interest only has to be declared if the Councillor also requests to remain present at a meeting, or participate in discussions or the decision making process (see item 6 below).

Councillor's Signature _____ Councillor's Name _____ Date _____

NB:

- 1 This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have an interest is discussed, Section 5.65(1) (a) & (b).
- 2 It remains Councillor's responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
- 3 It is a Councillor's responsibility to ensure that the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
- 4 It remains the Councillors responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. This responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are being confirmed.
- 5 It is recommended that when previewing the Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
- 6 Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of Council. Where Councillors request consideration of such approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillors application.

Remember: The responsibility to declare an interest rests with individual Councillors. If Councillors are in any doubt seek legal opinion, or, to be absolutely sure, simply declare in any case.
Penalties for not disclosing an interest apply.

Office Use Only:	Date/Initial
1. Particulars of declaration given to the meeting	_____
2. Particulars recorded in the minutes	_____
Signed by Chief Executive Officer Or President (when the declaration belongs to the CEO)	_____

SHIRE OF KONDININ DISCLAIMER

No responsibility whatsoever is implied or accepted by Shire of Kondinin for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff. Shire of Kondinin disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entities' own risk.

*In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation of approval made by a member or officer of Shire of Kondinin during the course of any meeting is not intended to be and is not taken as notice of approval from Shire of Kondinin. The Shire of Kondinin warns that anyone who has an application lodged with Shire of Kondinin must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Kondinin in respect of the application.*

Signed on behalf of Council



David Burton
Chief Executive Officer

Order of Business

1. DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

The Shire President Cr Mouritz read the Statement of Commitment to Indigenous Australians, welcomed those present and declared the meeting open at 0.00pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillors:	Cr Kent Mouritz (President)	Cr Paul Green	Cr Kerrie Green
	Cr Darren Pool	Cr Beverley Gangell	Cr Murray James
	Cr Brett Smith	Cr Bruce Browning	Cr Thomas Mulcahy
Staff:	David Burton (CEO)	Vince Bugna (MCS)	Mark Burgess (MoW)
	Tory Young (MPA)	Leandré Genis (Minute Taker)	
	Kirstie Pool (CDO)		
Apologies:			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/INFORMATION REPORT

7.1 MINUTES OF COUNCIL MEETING – 20th April 2022

RECOMMENDATION

That the minutes of the Council Meeting held on the 20th April, 2022 be confirmed.

7.2 INFORMATION REPORT – May 2022

RECOMMENDATION

That the Council receive and accept the Information Report prior to this meeting.

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

NIL

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

- 9.1.1 DEVELOPMENT APPLICATION – PROPOSED HOME BUSINESS AT LOT 25 HYDEN-LAKE KING ROAD, HYDEN
- 9.1.2 DEVELOPMENT APPLICATION – PROPOSED TELECOMMUNICATION TOWER AT LOT 23925 KONDININ-NAREMBEEN ROAD, KONDININ
- 9.1.3 RENEWAL OF LEASE AND JOINT VENTURE FOR THE MANAGEMENT OF WHISPERING GUMS

9.2 MANAGER OF CORPORATE SERVICES

- 9.2.1 LIST OF ACCOUNTS
- 9.2.2 FINANCIAL REPORTS
- 9.2.3 BUDGET CONSIDERATION
- 9.2.4 FEES AND CHARGES 2022/2023

9.3 MANAGER OF WORKS

9.4 CHIEF EXECUTIVE OFFICER

- 9.4.1 GECZ MEETING- 26TH APRIL 2022
- 9.4.2 ROEROC MEETING- 28TH APRIL 2022
- 9.4.3 SPONSORSHIP REQUEST- VARIETY CLUB
- 9.4.4 REQUEST FOR ADDITIONAL DOGS
- 9.4.5 REQUEST FOR REDUCTION IN FEES
- 9.4.6 UPDATE CARAVAN PARK AND OVERFLOW FACILITIES POLICY
- 9.4.7 GRATUITY PAYMENTS AND FAREWELL GIFTS POLICY STAFF-003
- 9.4.8 SHIRE COMMUNITY GRANT BUDGET SUBMISSIONS 2022/2023
- 9.4.9 EXPRESSION OF INTEREST- CATERING COUNCIL MEETINGS 2022/2023

9.5 ENVIRONMENTAL OFFICER

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 DEVELOPMENT APPLICATION – PROPOSED HOME BUSINESS AT LOT 25 HYDEN-LAKE KING ROAD, HYDEN

REPORTING OFFICER: Tory Young, Manager Planning and Assets
AUTHORISING OFFICER: David Burton, Chief Executive Officer
DATE: 11th May 2022
ATTACHMENTS: Aerial Site Plan

OFFICER RECOMMENDATION

That Council:

APPROVES the application for the proposed home business to operate at Lot 25 Hyden-Lake King Road, Hyden receipted on the 3rd May 2022, subject to compliance with the following conditions and advice notes:

CONDITIONS

- 1) The Home Business use is limited to a period three (3) years from the date of planning approval which following satisfactory performance of the approved use over the three (3) years approval period may be extended by the Chief Executive Officer under delegation from Council;

ADVICE NOTES

- 1) This approval does not affect the entitlement to use the dwelling for permanent residential purposes;
- 2) You are advised of the need to comply with the requirements of the Food Act 2008 and Department requirements in respect to the development and use of the premises, including application for a Registered Food Premise;
- 3) 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.
- 4) If the Applicant / Landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2006 Part 14. An application must be submitted within 28 days of determination.

BACKGROUND

An application has been received to operate a home catering business 'The Little Easy'. The business is currently operating one day a week from the Hyden Recreation Centre kitchen and would like to expand business operations to provide more meals across the district. In order to do so, the Applicant is proposing to operate from their home kitchen located on Lot 25 Hyden-Lake King Road approximately 7km east of the Hyden town site.

ASSESSMENT

Land Owner:	Craig Whitwell
Applicant:	Chloe Whitwell
Zoning:	Local Planning Scheme No.1 – Rural
Lot Area	12.7174 Hectares
Existing Land Use	Broad Acre Farming / Farm House

Local Planning Scheme No.1

The operations of the proposed development is best defined under the Shire’s Local Planning Scheme No.1 as a ‘Home Business’. Of particular note a ‘Home Business’ is not to involve employing more than two (2) people who are not members of the occupier’s household and is not to involve the retail sale, display or hire of any goods, unless the sale, display or hire is done only by means of the Internet.

The subject land is zoned ‘Rural’ under the Shire’s Town Planning Scheme No.1. Under the Shire’s Town Planning Scheme No.1 ‘Home Business 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.

Under the Shire’s Local Planning Scheme No.1, the objectives of a ‘Rural’ zone are:

- *To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities;*
- *To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment; and*
- *To allow for facilities for tourists and travelers, and for recreation uses.*

The proposed ‘Home Business’ supports the above objectives of this zone by retaining the existing agricultural activities on this Lot and by bringing economic benefit to the district whilst not being detrimental to the local environment. The development also provides the potential for economic benefits to local businesses, such as the local grocery stores.

CONCLUSION

Based on the information provided by the Applicant and the assessment undertaken it is considered that the proposal meets with the necessary requirements of Shire’s Local Planning Scheme No.1 and recommended support from Council.

STATUTORY ENVIRONMENT

- Shire of Kondinin Town Planning Scheme No.1
- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development Act 2005 (as amended)
- Shire of Kondinin Health Local Laws
- Food Act 2008

POLICY IMPLICATIONS

Nil

PUBLIC 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. No formal submissions were received during the advertising period.

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

Coordinated communication and promotion of business, employment and lifestyle opportunities occurs”

CULTURAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority required

9.1.2 DEVELOPMENT APPLICATION – PROPOSED TELECOMMUNICATION TOWER AT LOT 23925 KONDININ-NAREMBEEN ROAD, KONDININ

REPORTING OFFICER: Tory Young, Manager Planning and Assets
AUTHORISING OFFICER: David Burton, Chief Executive Officer
DATE: 11th May 2022
ATTACHMENTS: Supporting Documentation Plans

OFFICER RECOMMENDATION

That Council:

APPROVES the application for the proposed Telecommunication Tower and associated Communication Hut to be installed at Lot 23925 Kondinin-Narembreen Road, Kondinin as shown in the plans attached received on the 3rd May 2022, subject to compliance with the following conditions and advice notes:

CONDITIONS

- 1) Prior to the future transfer or subdivision of the subject Lot 23925 on DP 151341 Kondinin any prospective purchaser is to be made aware that Lot 23926 on DP 151341 does not have any frontage to a constructed road and that the access via adjacent Lot 23577 on DP 204265 Kondinin-Narembreen Road, Kondinin WA 6367, may require a formal agreement in the event that the two lots become under different ownership.

ADVICE NOTES

- 1) A completed building permit application is required prior to the placement of the proposed communication hut (sea container) on the site, which must include an internal emergency door release and tie down details;
- 2) A completed building permit application is required prior to construction of the proposed Telecommunication Tower which shall include relevant engineering certification and footing details;
- 3) Suitable arrangements being made to ensure that the Telecommunication Tower is highlighted in all navigational maps and equipped with tower safety lighting or marking/s to the specifications and satisfaction of the Civil Aviation Safety Authority;
- 4) 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.
- 5) If the Applicant / Landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2006 Part 14. An application must be submitted within 28 days of determination.

BACKGROUND

An application has been received for the construction of a 30m communications tower and the installation of an associated 6m sea container to be used as a communications hut on Lot 23925 on DP 151341 Kondinin; with access to the site being via Lot 23577 on DP 204265 Kondinin-Naremben Road, Kondinin WA 6367 for the purposes of telecommunications infrastructure (communication repeater point - wireless broadband).

Access to the tower is proposed to be via an existing crossover on Kondinin-Naremben Road through an existing gateway which is approximately 15m; then onto farm tracks located on Lot 23577 on DP 204265 and then across into Lot 23925 on DP 151341. Both lots are currently in the same ownership in a Multi-Lot Certificate of Title.

There is no requirement for any vegetation to be removed for the installation of the tower and its supporting infrastructure as the site selected is clear and unobstructed. The approximate distances range from 160m to 2750m to adjoining property boundaries and the tower is approximately 3km to the nearest residential dwelling.

ASSESSMENT

Land Owner:	Global Ag Properties II Australia Pty Ltd
Applicant:	Crisp Wireless
Zoning:	Local Planning Scheme No.1 – Rural
Lot Area	998.8198 Hectares
Existing Land Use	Broad Acre Farming

Local Planning Scheme No.1

The subject land is zoned 'Rural' under the Shire's Town Planning Scheme No.1. Under the Shire's Town Planning Scheme No.1 'Telecommunication Infrastructure' 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.

Under the Shire's Local Planning Scheme No.1, the objectives of a 'Rural' zone are:

- *To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities;*
- *To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment; and*
- *To allow for facilities for tourists and travelers, and for recreation uses.*

The proposed 'Telecommunications Infrastructure' supports the above objectives of this zone by retaining the existing agricultural activities on this Lot whilst at the same time bringing substantial economic and social benefit to the district by generating significant improvement in communications and providing businesses and local residents the ability to use the Internet in a much more efficient and time effective way. It may also open up the opportunity for greater home businesses in the district.

The minimum setback requirements for development in a rural zone is 20m front set back and 15m side and rear setbacks. As shown on the site plan submitted with the application the setbacks are well within the prescribed minimum boundary setbacks with 2345m to the northern boundary, 160m to the eastern boundary, 250m to the southern boundary and 2750m to the western boundary.

The proposal has also been assessed against the provisions of State Planning Policy 2.5 relating to Land Use Planning in Rural Areas; Visual Landscape Planning in WA and State Planning Policy 5.2 relating to Telecommunication Infrastructure, confirming that the benefit that this proposed development will provide to the locality far outweighs any perceived visual impact on the area, which considering the proposed location and distances from existing dwellings is anticipated to be minimal.

CONCLUSION

The proposed Telecommunication Tower and associated Communication Hut raises no significant planning concerns as it will have not negatively impact upon local amenity and is consistent with the objectives of a Rural Zone under the Shire's Local Planning Scheme No.1 and associated State Planning Policy and the Local Planning Scheme Regulations 2015 Deemed Provisions. The proposal is considered to bring much needed infrastructure to the locality providing significant improvements in communications. In light of this it is recommended support from Council.

STATUTORY ENVIRONMENT

- Shire of Kondinin Town Planning Scheme No.1
- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development Act 2005 (as amended)
- State Planning Policy 5.2 – Telecommunication Infrastructure
- State Planning Policy 2.5 – Land Use Planning in Rural Areas
- Visual Landscape Planning in WA

POLICY IMPLICATIONS

Nil

PUBLIC 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. No formal submissions were received during the advertising period.

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

Improved telecommunications (including data) service across the Shire and reduced number of blackspots”

CULTURAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority required

9.1.3 RENEWAL OF LEASE AND JOINT VENTURE FOR THE MANAGEMENT OF WHISPERING GUMS

REPORTING OFFICER: Tory Young, Manager Planning and Assets
AUTHORISING OFFICER: David Burton, Chief Executive Officer
DATE: 12th May 2022
ATTACHMENTS: Expired Lease
Certificate of Title
Joint Venture Agreement

OFFICER RECOMMENDATION

That Council;

1. SUPPORTS the renewal of the Lease between the Shire of Kondinin and the Hyden Lions Club for a further 20 years for the management of Reserve 41282 (Lot 330 on DP 50605) Clayton Street, Hyden;
2. SUPPORTS entering into a new Joint Venture with the Department of Communities and the Hyden Lions Club Inc. for a further 20 years for the management of the original six (6) units on Reserve 41282 (Lot 330 on DP50605) Clayton Street, Hyden;
3. REQUESTS confirmation by resolution from the Hyden Lions Club Inc. to enter into a new Joint Venture with the Department of Communities and the Shire of Kondinin for a further 20 years for the management of the original six (6) units on Reserve 41282 (Lot 330 on DP50605) Clayton Street, Hyden.

BACKGROUND

A lease was created for the management of Reserve 41282 (Lot 153) Clayton Street, Hyden back in 1998 as part of the construction of six (6) aged care dwellings through a housing Joint Venture agreement between the State Housing Commission (now Department of Communities), the Shire of Kondinin and the Lions Club of Hyden Inc. The lease lapsed on the 31st December 2019. The lot has since been realigned and enlarged and is now known as Lot 330 on DP 50605 Clayton Street, Hyden. A Scheme Amendment was undertaken in 2018 and the whole of Lot 330 is now zoned local reserve – public purpose.

The Shire recently engaged Civic Legal to look into renewing the Lease between the Shire and the Hyden Lions Club for Reserve 41282 Lot 330 on DP50605. As part of this process the question of the Joint Venture relating to the original six (6) units located on this Lot arose as the Venture expires on the 4th December 2022.

At that stage pursuant to clause 9.1 of the Joint Venture Agreement, the following options are available:

1. The parties enter into a new joint venture, and execute a new JV agreement;
2. The Shire and Lions buy out the Housing Authority's equitable interest;
3. The Housing Authority buys out the other parties' equitable interest; or
4. The parties all purchase the Land from the Crown to make it freehold and sell the land and project to a third party and share the profit.

The Shire's Administration have been in discussions with the Hyden Lions Club Inc., and consider that based on availability of funds and the designated use of this Lot for Aged Persons Accommodation, the most viable option is that the parties enter into a new Joint Venture for a period of 20 years and the lease be renewed to align with this period.

The management of the units will largely remain as they are, pending further discussions with Council relating to the management of Aged Persons and Social Housing units across the Shire as a whole. Feedback from the Department of Communities on this matter has indicated that any proposed changes to the day to day management of the units should not require any changes to the Lease or the Joint Venture, but rather would be managed by separate contract between the relevant parties as required.

CONCLUSION

To ensure that the Shire and the Hyden Lions Club Inc. meet with the legal obligations to have a current lease and associated Joint Venture in place it is recommended that Council supports the Officer's Recommendation to progress this matter.

STATUTORY ENVIRONMENT

Joint Venture Agreement
Land Administration Act 1997
Transfer of Land Act 1893

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION

Meetings and email correspondence has been held between the Shire's Administration and the Hyden Lions Club Inc.

FINANCIAL IMPLICATIONS

Legal Fees for Lease Renewal

STRATEGIC IMPLICATIONS

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

"2. Economy

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

We advocate for improved State Government and Public Housing stock"

CULTURAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority required

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS

Applicant:	Shire of Kondinin
Author:	Manager Corporate Services - Vince Bugna
Disclosure of Interest:	Nil
Date:	10th May 2022
Attachment(s):	List of Accounts 01/04/2022 to 30/04/2022

OFFICER RECOMMENDATION

That Council receive the attached report – List of Accounts Due & Submitted to Council for the month of April 2022:

• Municipal Fund payment cheque numbers 19166 to 19174	= \$15,788.77
• Municipal EFT15059 to 15194	= \$470,744.61
• Direct Debit – NAB Credit Cards – DD18577.1	= \$803.97
• Direct Debits – Transport – Kondinin Office	= \$27,245.55
• Direct Debits – Transport – Hyden Office	= \$14,818.40
• Direct Debits – Other	= \$81,947.87
• EFTPOS Merchant Fees	= \$2,098.61
• Bank Fees – NAB Connect & Tyro	= \$185.38
• Payroll	= \$113,900.67
TOTALS :	= \$727,533.83

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 –

- the payee's name;*
- the amount of the payment;*
- the date of the payment;*
- sufficient information to identify the transaction*

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

- presented to the council at the next ordinary meeting of the council after the list is prepared;*
and
- 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 2021/22 Adopted Budget.

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 2016 – 2026

- 4. Provide good strategic decision making, governance, leadership and professional management
- 4.2 Manage the organisation in a responsible and accountable manner

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 May 2022
Attachment(s): Monthly Financial Report for the period ended 30 April 2022

OFFICER RECOMMENDATION

That Council receive the attached reports entitled Monthly Financial Report (Containing the Statement of Financial Activity) for the period ended 30 April 2022.

SUMMARY

To present to Council the Monthly Financial Report for the period ended 30 April 2022.

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 2021/22 financial year.

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 2016 – 2026

- 4. Provide good strategic decision making, governance, leadership and professional management*
 - 4.2 Manage the organisation in a responsible and accountable manner*
 - 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance.*

REPORTING OFFICER’S COMMENT

The highlights of the April 2022 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> • Cash at Bank The Shire’s total cash as at 30th April 2022 was \$7,220,072. The Federal Government on 11/04/22 released (in advance) 75% of Financial Assistance Grants (FAGS) for 2022/23 to all Australian LGs. Total cash at bank also includes \$2,796,368 in cash backed reserves (restricted), \$18,660 in Trust account (restricted), \$47,095 LCDC funds and \$1,000,412 term deposit investments. 	<p>Page 11 – Note 3 Cash and Financial Assets</p>
<ul style="list-style-type: none"> • Receivables Rates and Rubbish – is 96% collected, and Other receivables (aggregate and minor) were down to \$53,821. 	<p>Page 14 – Note 6 Receivables</p>
<ul style="list-style-type: none"> • Current Liabilities YTD balance is \$777,671 which includes \$363,067 of employees’ annual and long service leave (Reserves funded - \$364,819 balance to date), Creditors current batch payment \$182,955, Loan repayment provision \$74,641, Gst and other payables \$157,008. 	<p>Page 10 – Note 2 Net Current Funding Position Page 15 – Note 7 Cash Reserves</p>
<ul style="list-style-type: none"> • Closing Funding Surplus(Deficit) YTD actual is \$3,893,450 – composed of \$7,467,488 Current Assets less \$777,671 Current Liabilities and \$2,796,368 Net Adjustments to Net Current Assets. 	<p>Page 10 – Note 2 Net Current Funding Position Page 6 – Statement of Financial Activity (Statutory Reporting Programs) Page 8 – Statement of Financial Activity (By Nature or Type)</p>
<ul style="list-style-type: none"> • Significant Capital Projects: <ol style="list-style-type: none"> 1. Roadworks having \$3.5M budget is 90% completed to 30 April 2022 and major works are expected to be completed before the end of June. 2. Land & Buildings of \$1.7M budget is 39% completed with the exception of (4) Aged Care Housing projects that have been completed. Other projects funded by LRCI Program grants are expected to be carried forward in the next financial year’s budget. 3. Plant and Equipment replacement of \$1.4M budget is 68% completed as supply of motor vehicles take longer than expected due to pandemic. 	<p>Page 2 – Monthly Information Summary Page 21 to 24 – Note 12 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 9, Note 1 – Explanation of Material Variances.

VOTING REQUIREMENTS

Simple Majority

9.2.3 2022/23 BUDGET CONSIDERATION

Applicant: Shire of Kondinin
Author: Manager Corporate Services - Vince Bugna
Disclosure of Interest: Nil
Date: 12th May 2022
Attachment(s): Draft Budget 2022/23 - Account Worksheets

OFFICER RECOMMENDATION

That Council review its expenditure and consider budgetary efficiency measures as part of its budget deliberation and consider the rates that are required to meet the budget deficiency.

SUMMARY

To present to Council for review and consideration the listed capital and other expenditure items to be included in the 2022/23 budget.

BACKGROUND

Consideration is now required by Council regarding the capital projects and other expenditure for inclusion into the 2022/23 budget. We endeavour to have the new financial year's budget under consideration from April each year with a draft budget presented to the June meeting of Council and budget adoption at the July Council meeting – if possible. Under the Local Government Act 1995, local governments are required to adopt the budget by no later than 31 August. Adopting the budget in July allows administration to achieve rate assessments being completed early which in turn sustain Shire's cash flow requirements.

Administration has identified the following capital expenditure projects for possible inclusion into the 2022/23 budget. Funding sources have also been identified such as grants, trade-in value of assets for replacement and to draw-out some of the reserve funds to achieve a balanced budget.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATION

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

FINANCIAL IMPLICATIONS

Council is required under the Local Government Act 1995 to adopt a balanced budget each financial year.

STRATEGIC IMPLICATIONS

Shire's Strategic Community Plan 2016 – 2026

4. *Provide good strategic decision making, governance, leadership and professional management*
 - 4.2 *Manage the organisation in a responsible and accountable manner*
 - 4.3 *Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance.*

CAPITAL EXPENDITURE & SOURCES OF FUNDING:

Program	Budget Total	Capital Grants & Contributions	RRG & Direct Grants \$	Roads to Recovery \$	Loan Funds	Cash Reserves \$	Sale of Assets \$	Council Funds \$
Governance								
Toyota Prado (OKN)	60,000						48,000	12,000
Subaru Outback (KN04)	35,000						23,000	12,000
Subaru Outback (KN54)	35,000						23,000	12,000
CCTV (KN, HY, KARL) – LRCI-3	110,000	110,000					-	-
Total	240,000	110,000					94,000	36,000
Health								
Subaru Forester (KN52)	33,000						21,000	12,000
Total	33,000						21,000	12,000
Aged & Disabled								
SHERP–Aged Housing(4) units	1,630,078	1,630,078						-
Total	1,630,078	1,630,078						-
Housing								
Land purchase –x2 blocks – c/f	20,000							20,000
Total	20,000							20,000
Community Amenities								
Bin Enclosures – LRCI-3	91,000	91,000						-
Total	91,000	91,000						-
Recreation & Culture								
<u>Other Rec & Sports</u>								
Re-roofing Hyden Tennis Club Building – LRCI-3	150,000	150,000						-
Total	150,000	150,000						-
<u>Swimming Pool</u>								
Hyden S/Pool Building Re-roofing – LRCI-3	520,468	520,468						-
Hyden S/Pool Carpark- LRCI-3	175,000	175,000						-
Total	695,468	695,468						
<u>Parks & Gardens</u>								
Hyden Oval Reticulation	150,000							150,000
Toro Ride On Mower (KN3031)	35,000	-					3,000	32,000
Total	185,000	-					3,000	182,000
Transport - Roads								
<u>Regional Road Group</u>								
RRG – Lovering Rd (Reseals, shoulders and construction)	556,520		370,000					186,520
<u>Council</u>								
RCC – Notting-Karlgarin Rd (Form & Gravel)	49,755							49,755
RCC – Sloan Road (Gravel & Resheeting)	65,820							65,820
RCC – Kulin Rock Road (form & Gravel)	37,505							37,505
RCC – Billericay Road (Form & Gravel)	102,495							102,495
RCC – Reservoir East Road (Form & Gravel)	48,275							48,275
<u>Roads To Recovery</u>								
R2R – Hyden Norseman Rd (Gravel Sheet)	219,513			219,513				-
R2R – Nth Lake Grace-Karlgarin Rd (Overlay Reconstruct & Seal to 7m)	286,904			286,904				-
<u>Remote Road Upgrade Pilot Program (RRUPP)</u>								
RRP-Hyden Norseman Road	2,500,000	2,000,000						500,000
<u>Wheatbelt Secondary Freight Network (WSFN)</u>								
SRF – Kondinin-Naremben Road	1,769,580	1,651,550						118,030

Shire of Kondinin Ordinary Council Meeting- May 2022

Footpaths (Shared Pathway) - DOT	200,000	100,000					100,000
Total	5,836,367	3,751,550	370,000	506,417			1,208,400
<u>Depot</u>							
Dog Pound upgrade – c/f	25,000						25,000
Total	25,000						25,000
<u>Road Plant</u>							
Prime Mover (KN58)	300,000					60,000	240,000
Prime Mover (KN62)	300,000					60,000	240,000
Prime Mover (KN77)	300,000					60,000	240,000
Total	900,000					180,000	720,000
ECONOMIC SERVICES							
Wave Rock Tourist Precinct Improvements	50,000				50,000		-
Total	50,000				50,000		
OTHER PROPERTY & SERVICES							
Toyota Prado (KN0)	60,000					54,000	6,000
Total	60,000					54,000	6,000
CAPITAL EXPENDITURE TOTAL	9,915,913	6,428,096	370,000	506,417		50,000	358,000

A summary of proposed Capital Expenditure above are as follows:

Land and Buildings	\$2,455,546
Plant and Equipment	1,249,000
Infrastructure – Roads	5,636,367
Infrastructure – Footpaths	200,000
Infrastructure – Other	<u>375,000</u>
TOTAL	\$9,915,913

Budget line item worksheets by program is included subject to final adjustments in June and July or as expenditures for 2021/22 financial year are finalised and actual grant amounts in 2022/23 are determined.

Other expenditure submitted and considered in 2022/23 budget include:

Community Grants (<i>to be determined by Council</i>)	\$94,512 (<i>submitted</i>)
Crisp Wireless Internet (Res 3738, 21/04/21) – c/f	\$30,000
Hyden Centenary c/f	\$58,000
Karlgarin Country Club - Electricity reimb (Res 2273)	\$4,000
Kondinin Country Club – Electricity reimb (Res 2273)	\$4,000
Roe Tourism Ass’n (recurring contribution)	\$6,000
Kondinin Artist Group (recurring contribution)	\$7,500
Central Agcare Incorporated	\$2,000

Cash Backed Reserves - transfer to:

Hyden Visitor Centre Reserve	\$250,000
Plant Replacement Reserve	\$100,000
Housing Reserve	\$100,000
Office Equipment (Computer) Reserve	\$50,000
SJA Capital Upgrade Reserve (Res 3500, 20/11/19)	\$50,000
Tourism Development Reserve (per Council Policy 8.1.12)	\$31,142
Landfill Reserve (Res 2672, 10/02/16)	\$5,000

VOTING REQUIREMENTS

Simple Majority

9.2.4 DRAFT FEES AND CHARGES 2022/2023

Applicant: Shire of Kondinin
Authors: SAO/MCS
Voting: Absolute Majority
Date: 13TH May 2022
Attachment/s: Fees & Charges 2022/2023

OFFICER RECOMMENDATION

That Council:

ACCEPT the fees and charges for 2022/2023 financial year as presented.

Summary:

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

STATUTORY ENVIRONMENT

The Local Government Act 1995

POLICY IMPLICATION

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute majority

9.3 MANAGER OF WORKS

NIL

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 GECZ MEETING – 26TH APRIL 2022

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Date: 10th May 2022
Disclosure of Interest: Nil
Attachments: Minutes from GECZ Meeting

OFFICER RECOMMENDATION

That the Minutes of the Great Eastern Country Zone Meeting of WALGA held on 26th April 2022 at the Kellerberrin Recreation Centre be noted.

SUMMARY

To consider the Minutes from the GECZ WALGA Meeting of 26th April 2022.

BACKGROUND

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

COMMENT

The Following Items were raised at the WALGA Zone Meeting:

- **Guest Speaker**
Ian Duncan WALGA, gave information on Road Funding and progress
- **Zone Business**
There were no items from the Zone for consideration.
- **Zone Reports**
Zone Presidents Report
Local government Agricultural Freight Group
Wheatbelt District Emergency Management Group
WALGA Roadwise
- **WALGA Business**
State Councilor Report
WALGA Status Report
WALGA State Council Agenda – Matter for Decision
WALGA Presidents Report

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2022-2032

4. *Civic Leadership*

RoeROC and Regional Groupings deliver local benefit

VOTING REQUIREMENTS

Simple Majority

9.4.2 ROEROC MEETING – 28TH APRIL 2022

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Date: 10th May 2022
Disclosure of Interest: Nil
Attachments: Minutes from RoeROC Meeting

OFFICER RECOMMENDATION

That the Minutes of the RoeROC Meeting held on 28th April 2022 in Kondinin be noted.

SUMMARY

To consider the Minutes from the RoeROC Meeting of 28th April 2022

BACKGROUND

RoeROC is our regional voluntary Regional Organisation of Councils involving the Shires of Corrigin, Kondinin, Kulin and Narembeen.

RoeROC provides an opportunity for the Shires to work together on regional projects and for economies of scale.

RoeROC was to transfer to the Shire of Corrigin this year, but due to additional work created by the fires earlier this year, the Shire has requested that Kondinin remain the Executive Council for a further year.

COMMENT

The Following Items were raised at the RoeROC Meeting:

- 7.1 Bending Tip Landfill Operational Plan and Waste Reduction Strategies – Including fees and charges;
- 7.2 Bending Farm License Agreement – Lease for 2022 season to Kondinin Community Recreation Council;
- 8.1 Bending Tip Fees – Fee Structure for 2022/2023
This will introduce a new fee of Gravel Royalties which will impact the Shire as we are using gravel from the area;
- 8.2 Bending Financial Reports – an overview was given by the CEO from the Shire of Corrigin;
- 8.3 RoeROC Strategic Projects – Draft Discussion Paper for Housing and Property Development CEO to look at a Projects Officer for the next meeting;
- 8.4 Consideration of a Road Trip for CEOs, EHO and Members to discuss the Bending Plan on site;
- 8.5 Discussion Paper for RoeROC Property and Housing Development circulated for future discussion.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is no cost associated with the Meetings, however projects may require a financial contribution.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2022-2032

4. Civic Leadership

RoeROC and Regional Groupings deliver local benefit

VOTING REQUIREMENTS

Simple Majority

9.4.3 SPONSORSHIP REQUEST – VARIETY CLUB

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Date: 11th May 2022
Disclosure of Interest: Nil
Attachments: Letter from Variety Club

OFFICER RECOMMENDATION

That the Shire of Kondinin Sponsor the Variety Club Bash in 2022 for the amount of \$10,000 and use of the Hyden Recreation Centre facilities, to be included in the 2022/2023 Budget.

SUMMARY

To consider Sponsorship of the Variety Club Bash which will start in Hyden on 26th August 2022 (next financial year).

BACKGROUND

Variety does a regular event called the Variety Bash which sees members driving their vehicles (usually decorated) through many regional areas. Along the way, the group make donations to various children's organisations or charities.

The Event scheduled for August 2022 will be starting in Hyden from the Hyden Recreation Centre.

As part of the Sponsorship, Variety is willing to offer the following:

In return for your sponsorship, we can give the Shire of Kondinin acknowledgement in the following ways:

*logo placement on event marketing communication,
logo sticker on all Bash cars and official vehicles,
naming rights of the start line 'Variety Bash Start Line presented by Shire of Kondinin',
logo placement on event shirt,
inclusion in event sponsor social media posts,
opportunity to display signage at all functions in Hyden,
activation opportunity at start line.
We would also be delighted to invite you / the Mayor to participate in official proceedings and media opportunities at the start line event.*

COMMENT

Variety Club usually do give a generous donation to Children's Community Groups as part of their Bash. Therefore, sponsorship of this event could also be considered to be giving back to the community by having the event here and the benefits that it can bring.

As the Hyden Centenary will be on shortly after this event, it may also be possible to tie in advertising or promotion of Hyden and the Centenary as part of the Variety Club Bash Event. It may also give us more exposure of the Centenary event through the advertising of the Bash.

The Group has also requested to camp on the Hyden Oval and use of the showers and toilet facilities of the Recreation Centre.

Most will be in swags or small tents and vehicles will not be permitted on the oval, so damage should be minimal.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As this event will be happening in the 2022/2023 Financial Year, the Sponsorship can be considered as part of the Budget for 2022/2023, but will need to be approved as the event may be before the Budget is adopted.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2022-2032

1. Community

1.4 Recreation and social spaces encourage activity and healthy lifestyles.

VOTING REQUIREMENTS

Simple Majority

9.4.4 REQUEST FOR ADDITIONAL DOGS

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Date: 11th May 2022
Disclosure of Interest: Nil
Attachments: Letter from Owner

OFFICER RECOMMENDATION

That an approval be granted for housing 4 dogs at 21 Melba Street, Karlgarin with the conditions:

- Dogs are not to cause a nuisance to neighbours;
- No more than four (4) dogs are to be kept at the property; and
- Puppies are to be removed before aging over 3 months.

SUMMARY

To consider a request from Mr. Anthony Wilson to house more than two dogs on his property.

BACKGROUND

The Shires current Local Laws only allow for the keeping of two (2) dogs at each residential property. Anyone wishing to keep more dogs (up to five in accordance with the Dog Act) may make application to the Shire for the extra dogs.

The Shire has approved the keeping of additional dogs in the past.

COMMENT

Information from the Ranger who inspected the property of Mr Wilson concluded that the property *'appears to be secure, clean and tidy and the dogs look well'*. The Ranger noted no concerns with the keeping of the additional dogs.

All dogs have now been registered with the Shire.

It was noted that one of the dogs is pregnant. Once the puppies are over the age of 3 months, they will need to be rehomed or Mr. Wilson will be in breach of having too many dogs again. This can be checked by the Ranger.

STATUTORY IMPLICATIONS

Local Government Act 1995
Dog Act 1976
Shire of Kondinin Dog Local Law (to be repealed)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2022-2032

4. *Civic Leadership*

4.2 *We are a compliant and resourced Local Government*

VOTING REQUIREMENTS

Simple Majority

9.4.5 REQUEST FOR REDUCTION IN FEES

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Date: 12th May 2022
Disclosure of Interest: Nil
Attachments: WestCourt request and Invoice

OFFICER RECOMMENDATION

That the request for a reduction in fees for the hire of Chalets by the Westcourt Retirement Committee be approved with a reduction of \$750 (GST inclusive).

SUMMARY

To consider a request from Westcourt Retirement Committee for a reduction of costs for hire of the Caravan Park chalets.

BACKGROUND

WestCourt were upgrading the bathrooms of several units, but to ensure that the occupants had liveable quarters, they hired the chalets at the Caravan Park during the process. The tenants were required to be relocated for a two week period while works were completed.

Fees for the chalet use were charged out at the standard rate for occupancy.

Westcourt Retirement Committee have now requested a reduction in the cost to the normal fees for the units of \$140 per week, to ensure that the organisation is not at a loss for the hire of the Chalets.

COMMENT

As Westcourt Retirement Committee is a not for profit organisation, the full costs of the chalet hire will restrict funding for future items for the sustainability of the group. As such, the request would be seen as the Shire giving back to the community by assisting the group to keep costs at a minimum. Therefore support for this request would be in keeping with the Shires Strategic Planning of assisting the community with aged housing.

The cost reduction would see the income for the units reduced by \$750 (GST inclusive).

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Support for this request would reduce the income for the chalets by \$750.00

STRATEGIC IMPLICATIONS

Strategic Community Plan 2022-2032

2. *Economy*

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

4. *Civic Leadership*

4.2 *We are a compliant and resourced Local Government*

VOTING REQUIREMENTS

Simple Majority

9.4.6 UPDATE CARAVAN PARK AND OVERFLOW FACILITIES Policy

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Date: 12th May 2022
Disclosure of Interest: Nil
Attachments: Copy of Policy

OFFICER RECOMMENDATION

That the updated Caravan Park and Overflow Facilities Policy be adopted.

SUMMARY

To consider the updated Caravan Park and Overflow Facilities Policy.

BACKGROUND

The current Caravan Park Policy does not make any allowance for cancellations of bookings for the Chalets.

Recently we have seen an increasing number of issues with regards to bookings being made for the units and people failing to attend or notifying us of a cancellation. If a cancellation is received, it is usually received with limited notice to allow the rooms to be booked out again.

In order to ensure that staff have a guide to follow, a cancellation clause has been included for consideration.

COMMENT

At this current time, the Shire does not have a Cancellation Clause that can allow for deposits to be retained if a cancellation is received last moment or the person does not attend. The amending of the current policy will allow staff to enforce the policy and take action to recover some of the costs or at least deter people from making a booking and not showing up.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This Policy may allow the Shire to recover some lost revenue when late cancellation or 'no-shows' occur with the Chalet bookings.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2022-2032

4. Civic Leadership

4.2 We are a compliant and resourced Local Government

VOTING REQUIREMENTS

Simple Majority

9.4.7 GRATUITY PAYMENTS AND FAREWELL GIFTS POLICY STAFF-003

Applicant: Shire of Kondinin
Author: David Burton – Chief Executive Officer
Date: 12th May 2022
Disclosure of Interest: Nil
Attachments: Copy of Old and New Policy

OFFICER RECOMMENDATION

That the update Gratuity Payments and Farewell Gifts Policy (STAFF-003) be adopted.

SUMMARY

To consider an update to the Gratuity Payments and Staff Farewell Gifts Policy.

BACKGROUND

Under Section 5.50 of the Local Government Act, the Shire is required to have a policy relating to any gratuity payments made to an employee when leaving the Shire.

The current Policy to cover this provision lists only a Retirement Gratuity which is only accessible if the employee retires based on the following conditions:

0 - 15 years	no recognition by way of gratuity
over 15 years to 20 years	MAXIMUM of one weeks salary for each completed year of service.
over 20 years	MAXIMUM of two weeks salary for each completed year of service.

COMMENT

The current Policy in relation to gratuity payments is limited to only employees that are retiring and have been with the Shire for longer than 15 years. This does not allow for an employee who have given services for any length of time and may be going to another vocation. As an example, if one of our younger staff were at the Shire for 23 years, but left to go to another Shire, under this policy, no gratuity would be applicable for the years of service offered to the Shire and the community. Another example could be an employee giving 14 years of service who would receive nothing.

Most Shires have a policy that does allow for a gratuity to be paid for staff for any length of service in excess of 2-3 years, although the amount is usually smaller and is also not for retirement only. This does allow the Shire to offer an amount in recognition of service to the district for a shorter length of service as a thank you to the staff member.

In the current workplace, it is starting to become rare that employees are with a single employer for long periods of time. It usually only occurs when staff have family ties in the district. In today's market, length of service over 3-5 years is starting to be considered a significant stay. The new policy has been drafted to recognise this and allow for a gratuity to be paid as a thank you for staff for a lesser period.

The new policy does restrict the amount to \$4,000 which is under the limit (\$5,000) as per current Regulations. If the Shire has a situation where a larger gratuity is considered, then the process as per the Act is followed. This would normally be through a resolution of Council.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.50 Payments to employees in addition to contract or award

- (1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —
 - (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
 - (b) the manner of assessment of the additional amount.
- (1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).
- (2) A local government may make a payment —
 - (a) to an employee whose employment with the local government is finishing; and
 - (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government,but local public notice is to be given in relation to the payment made.
- (3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
- (4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.
- (5) The CEO must publish the policy prepared under subsection (1) and adopted by the local government on the local government's official website.

[Section 5.50 amended: No. 64 of 1998 s. 29; No. 16 of 2019 s. 24.]

Local Government (Administration) Regulations 1996

19A. Payments in addition to contract or award, limits of (Act s. 5.50(3))

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
 - (a) the value of the person's final annual remuneration, if the person —
 - (i) accepts voluntary severance by resigning as an employee; and
 - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;or
 - (b) in all other cases, \$5 000.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Gratuities for a shorter length of services will increase the cost in the area, but as they are generally small, the impact is minimal.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2022-2032

4. *Civic Leadership*

4.2 *We are a compliant and resourced Local Government*

VOTING REQUIREMENTS

Simple Majority

9.4 COMMUNITY DEVELOPMENT OFFICER

9.4.8 SHIRE COMMUNITY GRANT BUDGET SUBMISSIONS 2022-2023

SUBJECT: Shire Community Grant Budget Submissions 2022-2022
ATTACHMENTS: Details of Applications will be available at the meeting.
DATE OF REPORT: 18th May 2022
AUTHOR: Kirstie Pool, Community Development Officer
David Burton – Chief Executive Officer
DISCLOSURE OF INTEREST: Nil

OFFICER RECOMMENDATION

That Council:

That Council resolve to SUPPORT the funding of the following projects and amounts requested in the 2022/2023 budget to a total of \$_____

SUMMARY/BACKGROUND

The Shire advertised for community grant projects of up to \$7,500 for community groups to be considered in the 2022/2023 budget which closed on the 2nd of May 2022. A total of sixteen (16) applications were received with a total amount requested being \$78,139.31.

In the 2021/2022 financial year the Council awarded eleven (11) grant applications totaling \$61,698.71 towards community projects.

The purpose of this report is for Council to consider the applications listed in the table below and determine which of the Projects shall receive funding in the 2022/2023 budget. All projects have been reviewed by the Shire's Administration and comment provided in the table below, with due consideration given to the following factors:

- Need for the Project;
- Amount of Money Received Previously;
- Community Benefit; and
- Contribution by Community Group towards Project.

Shire of Kondinin Ordinary Council Meeting- May 2022

COMMUNITY GROUP	AMOUNT REQUESTED	PROJECT	TOTAL PROJECT COST	PREVIOUS FUNDING	OFFICER COMMENT
<p>Hyden Tennis Club</p>	<p>\$7,500</p>	<p>Replacement of the net post & add hot shot courts.</p>	<p>\$11,905</p>	<p>YES</p> <ul style="list-style-type: none"> - \$7,351 Security Camera's (2020/2021) - \$3495.44 Supply & Install air conditioner for Hyden Tennis Club (2016/2017) <p>*Donation/ Sponsorship*</p> <ul style="list-style-type: none"> -Funding towards extension of main building in 1996 approx. \$10,000 - Self Supporting loan for 1/3 of the cost of the synthetic courts in 2002 which the Hyden Tennis Club repaid over 10 years - \$19,831 towards installation of lights in 2016 - Sponsorship over the years. 	<p>The Hyden Tennis Club is a self-sufficient club with a strong membership base offering junior development, coaching, open and club tournaments, social tennis, and zone pennant competition.</p> <p>The Hyden Tennis Club is in the process of applying for funding to resurface, as a part of the resurface process the Hyden Tennis Club needs to replace the net posts 8x courts and add 2x Hot Shot courts.</p> <p>By having the new net post it would create a nice polished and finished appearance to the courts.</p>
<p>Hyden Primary School Parents and Citizens (P&C)</p>	<p>\$7,500</p>	<p>Help funding year 5 & 6s school camp</p>	<p>\$33,000 approximately</p>	<p>YES</p> <ul style="list-style-type: none"> - \$7,500 frame swing basket for Nature Play Ground (2019/2020) - \$5000 Canberra Camp (2019/2020) <p>*Donation/ Sponsorship*</p> <ul style="list-style-type: none"> - Shire Bus hire for School Broome camp 2021 	<p>The Hyden Primary School P&C has been an integral part of school community for many years. The Hyden School camp has traditionally taken the senior class (year 5's & 6's). The senior camp which will contain 13 senior students.</p> <p>The senior camp will give the senior class an exceptional educational opportunity and give the students an experience something they wouldn't otherwise get the chance to do.</p>

Shire of Kondinin Ordinary Council Meeting- May 2022

				- \$5000 Canberra Camp (2017/2028)	
Whispering Gums Retirement Village Committee	\$7,500	Funding for grass/turf for social area	\$67,000	YES - \$7,500 Internal, common ground & landscaping (2021/2022)	The Whispering Gums Retirement Village Committee increase social interaction for the senior's in Hyden. Whispering Gums Retirement Village Committee would like to make a comfortable and safe social area for the Hyden seniors. By having the turf/lawn it would be a suitable area for the seniors to play bowls (bocci) and to socialise.
Kondinin Community Recreation Council (KCRC)	\$7,500	Backlit Trophy Cabinet	\$11,220	YES - \$7000 Stage (2021/2022)	The KCRC is a community group who likes to recognise the best of sport and recreation opportunities. With this they would like to support that by highlighting the trophies and achievements of the local sporting clubs. This will show that the town is proud of the accomplishments in Kondinin for the past and present trophy/awards.
St John WA – Kondinin/Hyden	\$6,829	Volunteer Lockers – HYDEN DEPOT	\$7,511.90	YES - \$5,011.17 Medical storage Shelving & New laptops (2021/2022) - \$5335.44 Mobile boosters (2020/2021) - \$4749.76 Laptops & Lock Boxes for AED's Headphone with Microphones (2019/2020) - \$7500 Training (2017/2018)	The Kondinin and Hyden Sub-centre has been contributing greatly to the Shire which comprises dedicated and skilled volunteers who give their time tirelessly to the community. The current lockers in Hyden depot are old, broken & inadequately sized for the on road volunteers. By having the correct emergency service lockers this will provide volunteers with a secured space to leave their ambulance uniforms including COVID-

Shire of Kondinin Ordinary Council Meeting- May 2022

				<ul style="list-style-type: none"> - \$4731.66 2x Manikin Rescue babies & 4x body resus & 1 Engel fridge & side (2016/2017) 	19 PPE & change of clothes requirements set by ST JOHN WA.
Hyden Swimming Club (*Hyden Primary School – auspice organisation)	\$7,500	Install & Purchase Removable Starting Blocks	\$28,607.81	<p>YES</p> <ul style="list-style-type: none"> - \$5,950 Uniforms & Professional coaching for Volunteers (2021/2022) 	<p>The Hyden Swimming Club was re-established in the summer of 2021. The community saw an opportunity to provide an alternate summer sport for all children and run it at Hyden Swimming pool. With wonderful support from the community, they received an amazing response from Hyden and Karlgarin children, around over 80% of the children attending Hyden Primary School have registered to the club.</p> <p>Hyden Swim Club is looking to install removable starting blocks for the Hyden Swimming Pool. This will give the students experiences in using the starting blocks for local swim met, carnivals and moving to High school. This will give the swim club kids experience and confidence.</p>
Hyden Netball Club	\$1,371.31	Junior Netball Fees	\$1,371.31	<p>YES</p> <ul style="list-style-type: none"> - \$6,480.00 Training equipment, history preservation (2020/2021) - \$3927.99 Club seating & fee subsidy (2019/2020) 	<p>Hyden has a strong netball club which provide facilities that cater for both members and visitors to regularly host games.</p> <p>In terms of the subsidizing of the Net Set Go and Junior Netball Fees, whilst this certainly will make it easier for parents to register their children, increasing the junior membership base of the club, which this is a good way to always encourage the players on court to have a wide spectrum of support on the sideline cheering and encouraging them along.</p>

Shire of Kondinin Ordinary Council Meeting- May 2022

<p>Kondinin Community Resource Centre (CRC)</p>	<p>\$6,540</p>	<p>Interactive Flat Panel</p>	<p>\$7,744.00</p>	<p>YES</p> <ul style="list-style-type: none"> - \$4,142.80 Computer update (2021/2022) - \$1,039 Camera (2020/2021) - \$6,646 Photo Printer (2019/2020) - \$1,979 Drumbeats Program (2018/2019) - \$4,844 Display Boards (2017/2018) 	<p>Kondinin CRC has a mission to provide the community with opportunities in response to the community needs.</p> <p>Kondinin CRC sees a need for an interactive flat panel for promoting in the front window of the Kondinin CRC building. The flat panel will help promote upcoming events at the Kondinin CRC and in the Kondinin area generally for both tourist and community members.</p> <p>The flat screen will be mobile and can be moved throughout the CRC building, for things such as workshops, meetings and webinars.</p>
<p>Hyden Community Resource Centre (CRC)</p>	<p>\$7,000</p>	<p>Internet Café & Kitchen storage</p>	<p>\$7531.20</p>	<p>YES</p> <ul style="list-style-type: none"> - \$6,603 Update the equipment and facility (2021/2022) - \$6,062.89 Tables & Whiteboard (2020/2021) - \$7,500 Photocopier & computers x2 (2019/2020) - \$3,536 Dish Washer (2018/2019) - \$700 Gallery Art Hanging System (2015/2016) 	<p>Hyden CRC services the community in a variety of different ways and are constantly thriving to build our community connectedness and reach out to the local community & businesses.</p> <p>The Hyden CRC has become a vital resource to not only the community but to the tourists passing through. By upgrading the front foyer area to be more user friendly or space for visitors who require access to the internet.</p>
<p>Kondinin Men Shed</p>	<p>\$6,000</p>	<p>Kondinin Men Shed Upgrade & Fencing</p>	<p>\$7,000</p>	<p>YES</p> <ul style="list-style-type: none"> - \$3850 Stage 1 Fence Program (2020/2021) - \$6000 Kitchen & Bathroom Improvements (2018/2019) 	<p>The Kondinin Men Shed was formed around 12 years ago by a local group of men. The Kondinin Men shed would like to make the area more inviting to new and old members.</p>

Shire of Kondinin Ordinary Council Meeting- May 2022

					The Kondinin Men Shed would like to start on their Stage 2 of the Kondinin Men Shed Upgrades and Fencing. This will let them cover the larger area of their land and give a nicer look for travellers passing through on the Highway. The Kondinin Men shed would like to create a museum in the near future and this will give the security to do so.
Kondinin Primary School Parents and Citizens (P&C)	\$7,500		\$31,992	<p>YES</p> <ul style="list-style-type: none"> - \$7,500 New Playground area (2020/2021) - \$8,500 Laptops & camp (2018/2019) 	<p>The Kondinin P&C promote the cooperation between parents, teachers, students and members of the community.</p> <p>The Kondinin P&C wishes to assist the Kondinin Primary School in their 3 year lease of the 6x surface pros for the Kindy to year 1 students & 20x laptops for the year 2-6 students. The Kondinin Primary School is just about to complete an existing 3 year lease arrangements in which the Kondinin P&C contributed towards.</p> <p>By providing the students with up to date technology will help improve their learning skills and help transition to High School.</p>
Country Women's Association – Hyden Branch (Hyden CWA)	\$4,929.00	CWA Cook book print & Memorial Stone Plaque	\$5,129	<p>YES</p> <ul style="list-style-type: none"> - \$279.00 Replace old vacuum cleaner (2016/2017) - \$3000 Steel table & seating in the playground (2015/2016) - \$3000 Outdoor furniture for playgroup adjacent to the CWA building, Cementing Floor if Gazebo & Limestone 	<p>The Country Women's Association – Hyden Branch help to improve the wellbeing of all people in the small country towns by promoting courtesy, community effort, ethical standards & the use of resources.</p> <p>The CWA cookbook was printed in 1990s and is in need of reprinting and the money from the sale of these will help the branch to pay maintenance & insurance on the building.</p>

Shire of Kondinin Ordinary Council Meeting- May 2022

				<p>clocks around garden. (2014/2015)</p> <ul style="list-style-type: none"> - \$3163 Building Maintenance, Painting Centre (2013/2014) <p>*last five years*</p>	<p>The Hyden CWA would like to replace the memorial stone in the CWA garden to commemorate pioneer women in the district.</p>
<p>Kondinin Swimming Club</p>	<p>\$3,292.70</p>	<p>Timing devices & Lane ropes</p>	<p>\$3,292.70</p>	<p>YES</p> <ul style="list-style-type: none"> - \$994.83 New equipment for squad swimmers (2020/2021) - \$2,640 Coaching Sessions (2019/2020) 	<p>Kondinin Swimming Club promotes water safety & awareness through techniques & squad swimming in a supportive family environment.</p> <p>The Kondinin Swimming Club would like to make improvements that will help the swimming club run with purchasing 7x phones to use as timing devices to connect to the new Webscorer timing system (Webscorer was used at the Kondinin Triathlon 2022) & to purchase 2 new lane ropes with the lane rope holders.</p> <p>By having these improvements the Kondinin Swimming Club is able to host time trails, swim meets & carnivals plus invite participates to attend from surrounding towns.</p>
<p>Hyden Sport & Recreation Council</p>	<p>\$6,500</p>	<p>Water Fountains</p>	<p>\$8,500 approximately</p>	<p>YES</p> <ul style="list-style-type: none"> - \$5632 Shade Sails for Hyden Rec Centre (2016/2017) 	<p>The Hyden Sport & Recreation Council is a community group who likes to recognise the best of sport and recreation opportunities.</p> <p>The Hyden Sport & Recreation Council recognise the need of installing x3 water fountains at the Hyden Recreation Precinct, the water fountain would be placed at the Northam end of the Recreation building near the football change rooms, western side of the hockey field & at the netball courts.</p>

Shire of Kondinin Ordinary Council Meeting- May 2022

					There are currently no facilities where water bottles can be filled and by having these 3 water fountain will give everyone better access to water facilities during busy hot training and sport days.
Kondinin Burnouts Challenge	\$5,500	Burnout Challenge Ground Upgrades	\$14,000	<p>YES</p> <ul style="list-style-type: none"> - \$7,500 Upgrade the fencing and lighting (2021/2022) - \$7,500 Infrastructure Program 2020/2021 (2020/2021) 	<p>The Kondinin Burnout Challenge event has been well supported by locals and visitors and raised money for local charities and benefited local businesses.</p> <p>The proposal is to seek funding from the Shire to upgrade the facility, including some more fencing, an upgrade of the bar area, improved lighting, tree planting and chemicals to keep weeds under control.</p> <p>All these upgrades will keep up the quality of the event which will advertise our town to a wide range of people from all over the state. The Kondinin Burnout challenge event is becoming more and more popular each year, since joining "West oz Burnout series" which is impacting our town in a positive way.</p>
Kondinin Artist Group INC	\$1,550	Street banners for advertising the Art Exhibition	\$1,850	<p>YES</p> <ul style="list-style-type: none"> - \$4,507.58 Street banners for advertising the Art Exhibition and gallery lighting, metal frame and the hanging system for the artwork at the Kondinin Town Hall for the Art Exhibition. (2020/2021) 	The Kondinin Artist Group brings an art culture environment to residents within the Kondinin community and provide an art space and run workshops which are well received by the local community. The Artist Group's key event is the Annual Art Exhibition which attracts local artists and those from across the State to exhibit their art work.

Shire of Kondinin Ordinary Council Meeting- May 2022

					The Kondinin Artist Group would like to promote the Kondinin Art show with an upgraded banner that will withstand our weather and encourage visitors and locals to attend/ entre the Art exhibition.
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STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

PUBLIC CONSULTATION

The program was advertised for a period of 6 weeks on the Shire’s website, the Echo (shire news), Waveline News, Hyden-Karlgarin Householder, Kondinin Calendar, Shire Facebook Page, and hard copies were made available at both the Hyden and Kondinin Office. Submissions closed on Monday 2nd of May 2022, 4pm.

FINANCIAL IMPLICATIONS

As per the table above, the total requested for the community groups to be considered in the 2022/2023 budget is \$78,129.31.

STRATEGIC IMPLICATIONS

The project supports the Shire Strategic Plan 2016-2026 by providing financial assistance to local community groups to enhance our Shire and support our vision ‘To have thriving and sustainable future’.

VOTING REQUIREMENT

Absolute Majority

9.4.9 Expressions of Interest – Catering Council Meetings 2022/2023

Name of Applicant: Shire of Kondinin
Author: ESO
Date: 13th May 2022

OFFICER RECOMMENDATION

That Council resolve to give 11 meetings to the Kondinin Hotel. The Kondinin Hotel will cater all 11 meetings.

BACKGROUND

Adverts were placed in the Weekly Echo, Hyden-Karlgarin Householder, online and on Facebook for expressions of interest to cater for 2022/2023 Council meetings. Only one response was received.

Kondinin Hotel has offered to cater meetings for \$550.00 per meeting (*This includes afternoon tea and dinner for up to 14 people*).

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

These costs will be managed by the members refreshments and receptions expenses account.

POLICY IMPLICATION

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

9.5 ENVIRONMENTAL HEALTH OFFICER

NIL

10. BUSINESS OF AN URGENT NATURE

11. CLOSURE