



SHIRE OF KONDININ

Ordinary Council Meeting Agenda Wednesday 19 November, 2025

I hereby give notice that an Ordinary Meeting of Council will be convened on:

Date: Wednesday, 19 November, 2025
Time: 4.00 PM
Location: Hyden CRC Meeting Room

Bruce Wright
10th September 2025
Chief Executive Officer
11 Gordon Street, Kondinin, WA 6367
Telephone: (08) 98891006

All communications are to be addressed to the Chief Executive Officer ceo@kondinin.wa.gov.au

Members of the Public Attending a Council Meeting

Welcome to this meeting of Council and thank you for your interest in local government decision-making. The following information is provided to assist members of the public attending today's meeting.

Public Question Time

Public Question Time is provided in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*. Members of the public are invited to ask questions relating to the business of the Shire.

- Questions must be clear and concise and may be submitted in writing prior to the meeting at the Shire offices or by email cso@kondinin.wa.gov.au or asked during Public Question Time.
- The Presiding Member may respond at the meeting, refer the question to a Councillor or officer or take the question on notice for a later response.
- Public questions must relate to the business of the Shire and should not be a statement or personal opinion.
- The Presiding Member may reject public questions that are defamatory, abusive, irrelevant to the business of the Shire or personal opinion as being out of order and no answer will be provided.
- Public questions will not be debated.

Members of the public are also advised that they are regarded as being legally liable and personally responsible for any comments made by them that might be construed as being offensive or defamatory.

Public Statement Time

Public Statement Time allows members of the public to make a brief statement on any matter of community interest. Statements must be respectful, limited to a reasonable duration as determined by the Presiding Member, and not include defamatory or offensive remarks. The Council will not comment or provide a response to public statements.

Meeting Formalities

Council meetings are formal proceedings governed by the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996*, and the Shire's Meeting Procedures Local Law. All attendees are requested to maintain decorum and not interrupt the proceedings. Only persons who have been invited by the Presiding Member may address the meeting.

Recording and Privacy Notice

Please note that this meeting is being recorded for minute-taking purposes. By attending, you acknowledge that your voice, and any personal information disclosed may be captured and published as part of the official record. The Shire collects and uses this information in accordance with its privacy obligations.

Copyright Disclaimer

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Notes for Elected Members

Report Definitions

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government, external body or agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council, including, but not limited to: accepting tenders, grants, setting and amending budgets, adopting plans and reports.
Legislative:	Includes adopting town planning schemes, policies and local laws
Administrative:	Council administering legislation and applying legislation to factual circumstances and situations that affect the rights of people.
Information:	Items that are provided to Council for informational purposes only. These do not require a decision of Council.

Alternative Motions

Elected Members seeking to make alternate motions to officer recommendations are requested to provide notice of said alternative motions in written form to the Chief Executive Officer prior to the Council meeting.

Declarations of Interest

Elected Members should complete a Disclosure of Financial/Impartiality & Proximity Interest for agenda items that they hold a financial, impartiality or proximity interest. The form should be provided to the Presiding Member prior to the commencement of the meeting.

In accordance with Part 5, Division 6 of the Local Government Act 1995, Elected Members must disclose the nature of their interest in matters to be discussed at the meeting.

In accordance with Sections 5.70 & 5.71 of the Local Government Act 1995, Shire Officers must disclose the nature of their interest in reports or advice when they are giving the report or advice to the meeting.

Applications for a Leave of Absence

In accordance with Section 2.25 of the Local Government Act 1995, a Councillor application for leave of absence requires a Council resolution granting the leave requested. The Council may grant approval for a leave of absence for an Elected member for ordinary meetings of council for up to, but no greater than, six consecutive meetings. Ministerial approval is required for leave of absence greater than six ordinary meetings of council.

A failure to observe the requirements of the Local Government Act may lead to an Elected Member being disqualified should they be absent without leave for three consecutive meetings. It should be noted that Leave of Absence is approved by Council resolution and is different to circumstances whereby an Elected Member records their apologies for the meeting.

Shire of Kondinin - Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Kondinin for any act, omission, statement, or intimation occurring during Council Meetings. The 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, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Shire of Kondinin advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

Order of Business

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Shire President Cr Mouritz welcomed those present and declared the meeting open at pm.

The Shire of Kondinin acknowledges the traditional custodians of country throughout the Shire and where we meet. and it pays its respects to leader's past, present and emerging.

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE

Councillors scheduled for attendance:	Cr Kent Mouritz (President) Cr Beverley Gangell (Deputy President) Cr B Browning Cr P Green Cr M James Cr D Pool Cr T Smeed
Staff:	Bruce Wright – Chief Executive Officer Vince Bugna – Manager Corporate Services Mark Burgess – Manager of Works Tory Young – Manager Planning & Assets
Apologies:	

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

Questions received by email at 11.37am, Wednesday 12 November 2025, from Mr Paul Watson, Jones Street, Kondinin:

I would like questions in relation to this matter to be raised at the next Shire Council meeting.

1) When can we expect the drains to be cleaned out and functioning correctly? This would reduce the amount of stagnant water being held up in the drains.

2) Why has the Shire not maintained the street drainage and put Residents property at a higher risk of flooding in a major rainfall event?

3) What action is being taken by the Shire to mitigate the Mosquito plague we are experiencing yet again?

4) Will the Shire contribute additional resources to combating the current Mosquito Plague?

5) *How much money was recently spent by the Shire on comedians at a function in Hyden? I believe it related to an aged care function.*

5. APPLICATION FOR LEAVE OF ABSENCE

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/INFORMATION REPORTS

7.1 MINUTES OF ORDINARY COUNCIL MEETING – 29th October 2025

RECOMMENDATION:

Moved: Cr

Seconded: Cr

That the minutes of the Council Meeting, held on the 29th October 2025 be confirmed.

For:

Carried:

Against:

Absence:

7.2 MINUTES OF SPECIAL COUNCIL MEETING – 29th October 2025

RECOMMENDATION:

Moved: Cr

Seconded: Cr

That the minutes of the Special Council Meeting, held on the 29th October 2025 be confirmed.

Carried:

For:

Against:

Absence:

7.3 INFORMATION REPORT – October 2025

RECOMMENDATION:

Moved: Cr

Seconded: Cr

That Council receives and accepts the October Information Reports.

Carried:

For:

Against:

Absence:

8. ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

9. ITEMS

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 South West Native Title Settlement

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 List of Accounts – October 2025

9.2.2 Financial Reports – October 2025

9.3 MANAGER OF WORKS

9.3.1 Supply & Cover of Bituminous Products

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Shire of Kondinin – 2026 Schedule of Ordinary Council Meetings & 2025-2026 Annual Electors Meeting

9.4.2 Shire of Kondinin – 2026 External Committee Appointments

9.4.3 Shire of Kondinin – Appointment of Members to Internal Committees of Council

9.4.4 Shire of Kondinin – Appointment of members to the Audit, Risk & Improvement Committee

9.4.5 Shire of Kondinin – Appointment of Members to the Local Emergency Management Committee

9.4.6 Shire of Kondinin – End of Year Closure 2025

9.4.7 Shire of Kondinin Policy Review – Discrimination, Harassment & Bullying

9.5 CONFIDENTIAL ITEMS

9.5.1 No. 6 (Lot 276) Cottle Way, Kondinin – Proposed Disposal of Property

9.6 COMMITTEE ITEMS

Nil

9.1 MANAGER OF PLANNING & ASSETS

9.1.1 SOUTH WEST NATIVE TITLE SETTLEMENT

Author:	Tory Young, Manager Planning and Assets
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	11 October 2025
Disclosure of Interest:	Nil
Attachments:	Land List Referral (ID 7794) – Aerial Map

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

1. **AUTHORISES** the Chief Executive Officer to request the Department of Planning, Lands and Heritage to register the Shire's interest with the Noongar Boodja Trustee and the Ballardong Aboriginal Corporation in obtaining the following list of properties included in the Noongar Land Estate (Land List Referral ID 7794) for future housing development:

- No. 1 (Lot 293) West Court, Kondinin
- No. 3 (Lot 294) West Court, Kondinin
- No. 5 (Lot 295) West Court, Kondinin
- No. 7 (Lot 296) West Court, Kondinin
- No. 9 (Lot 297) West Court, Kondinin
- No. 11 (Lot 285) West Court, Kondinin
- No. 25 (Lot 275) Repacholi Parade, Kondinin
- No. 27 (Lot 327) Repacholi Parade, Kondinin
- No. 29 (Lot 326) Repacholi Parade, Kondinin
- No. 78 (Lot 147) Rankin Street, Kondinin
- No. 77 (Lot 143) Jones Street, Kondinin

For:

Against:

Carried:

Summary

The purpose of this report is to seek approval from Council to register the Shire's interest with the Noongar Boodja Trustee and the Ballardong Aboriginal Corporation via the Department of Planning, Lands and Heritage, in obtaining eleven (11) residential zoned subdivided lots in the Kondinin Townsite that have been proposed inclusion in the Noongar Land Estate.

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 Southwest Native Title Settlement.

The Department of Planning, Lands and Heritage have undertaken a series of referrals to the Shire with a list of the properties for proposed inclusion in the Settlement, which have been reported to Council, following which corresponding submissions have been submitted to the Department of Planning, Lands and Heritage for consideration.

The properties within the referral the subject of this Agenda Report were reported to the Ordinary Meeting of Council held on the 20 July 2022, in which Council resolved as follows:

RESOLUTION #3977

**Moved: Cr Bruce Browning
Green**

Seconded: Cr Kerrie

That Council authorises the Chief Executive Officer to prepare a submission to the Department of Planning Lands and Heritage with regards to the Shire of Kondinin's interest or consent in the blocks in question.

Carried: 7/1 (Cr Brett Smith opposed)

Following the Council meeting, the Shire's Administration prepared a submission to the Department of Planning, Lands and Heritage responding to the following questions asked in the referral.

- 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.

The Shire's Administration have been in regular contact with the Department of Lands, Planning and Heritage to ascertain the timing of this process with the latest advice being *'the offer remains pending a decision from the Noongar Boodja Trustee in consultation with the Ballardong Aboriginal Corporation.'*

More recently the Shire's Administration sought further information from the Department of Planning, Lands and Heritage on options to progress the matter and were advised to register their interest in obtaining the land for future housing development. The Department of Planning, Lands and Heritage advised that on receipt of confirmation from the Shire they would seek feedback from the Noongar Boodja Trustee and Ballardong Aboriginal Corporation to confirm the Shire's interest in the properties listed, and if there is interest, the possibility of a mutually beneficial outcome.

Statutory Environment

Land Administration (South West Native Title Settlement) Act 2016

Policy Implications

Nil

Financial Implications

Dependent on outcome of interest in land.

Strategic Implications

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

"CIVIC LEADERSHIP

4.2 We are a compliant and resourced Local Government."

Voting Requirement

Simple majority

9.2 MANAGER OF CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS – OCTOBER 2025

Author:	Vince Bugna – Manager Corporate Services
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	11 November 2025
Disclosure of Interest:	Nil
Attachments:	List of Accounts 01/10/2025 to 31/10/2025

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council receive the attached report – List of Accounts Due & Submitted to Council for the month of October 2025:

• Municipal Fund payment cheque numbers 19529 to 19532	\$12,098.16
• Municipal EFT21221 – 21396	\$1,641,601.73
• Direct Debits – Transport – Hyden Office	\$13,503.30
• Direct Debits – Transport – Kondinin Office	\$16,069.74
• Direct Debits – Credit Cards DD23170.1	\$6,434.75
• Direct Debits – Other	\$87,255.92
• EFTPOS Merchant Fees & Tyro	\$2,951.28
• Bank Fees – NAB Connect	\$154.98
• Payroll EFTs	\$142,132.37
TOTAL	\$1,922,202.23

For:

Against:

Carried:

Summary

To present to Council a list of accounts paid from Municipal and Trust Funds (when applicable) under the delegated authority to the CEO.

Background

The Chief Executive of a local government has delegated authority to make payments from Municipal and Trust Fund accounts pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

As required by sub regulation (1), a list of accounts paid by the CEO each month should show –

- (a) *the payee's name;*
- (b) *the amount of the payment;*
- (c) *the date of the payment;*
- (d) *sufficient information to identify the transaction*

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

- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) *recorded in the minutes of that meeting.*

Statutory Environment

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

All payments made to the Shire creditors have been in accordance with the 2025/26 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 Requirement

Simple Majority

9.2.2 FINANCIAL REPORTS – OCTOBER 2025

Author:	Vince Bugna – Manager Corporate Services
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	11 November 2025
Disclosure of Interest:	Nil
Attachments:	Monthly Financial Report for the period ending 31 October 2025

OFFICER RECOMMENDATION**Moved: Cr****Seconded: Cr**

That Council receive the attached reports entitled Monthly Financial Report (Containing the required Statement of Financial Activity and Statement of Financial Position) for the period ended 31 October 2025.

For:**Against:****Carried:****Summary**

To present to Council the Monthly Financial Report for the period ended 31 October 2025.

Background

The monthly Financial Report (Containing the Financial Activity and Financial Position) is presented in accordance with the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

Regulation 4(4) states that, *a statement of financial activity, and the accompanying documents (notes) referred to in sub regulation (2), are to be –*

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) recorded in the minutes of the meeting at which it is presented.*

The Statement of Financial Activity summarizes the Shire's financial activities for the period at which it relates.

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulation 1996

Policy Implications

Nil

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 2025/26 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

Comment

The highlights of the October 2025 financial reports are as follows:

Item	Reference
<ul style="list-style-type: none"> Cash at Bank The Shire's total cash as at 3 September 2025 was \$8,588,499 – composed of \$4,042,951 reserve accounts (restricted), \$54,193 LCDC fund, \$746,826 term deposit investments and \$3,744,529 general fund (Muni, OCDF & Petty cash). 	Page 9 – Note 6 Cash and Financial Assets Page 10 – Note 7 Reserve Accounts
<ul style="list-style-type: none"> Receivables Rates and Rubbish = \$2,336,608 collectible progressing cash inflow due to ratepayers payments within the discount period. Other receivables of \$503,695 – composed of \$219,174 sundry debtors, \$113,670 gst receivable and \$170,850 ESL and pensioner related receivables. 	Page 16 – Note 10 Receivables
<ul style="list-style-type: none"> Current Liabilities YTD balance is \$1,879,400 which includes \$485,162 of employees' annual and long service leave provision, \$241,446 Current portion of borrowings (payable within 12 months), \$278,795 unearned Capital Grants/Contributions and \$874,027 creditors invoices. 	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
<ul style="list-style-type: none"> Closing Funding Surplus (Deficit) YTD actual is \$5,889,013 – composed of \$11,678,328 Current Assets less \$1,879,400 Current Liabilities and \$(3,909,915) Net Adjustments to Net Current Assets. 	Page 5 – Note 2 Net Current Assets used in the Statement of Financial Activity
<ul style="list-style-type: none"> Significant Capital Projects: <ul style="list-style-type: none"> ✓ Roadworks budgeted for \$4.3m this financial year is 32% completed composed of: Safer Local Road and Infrastructure Program (SLRIP) funded Hyden Norseman Road and RTR funded Bushfire Rock Road, Nth Lake Grace-Karlgarin Road, RRG funded Lovering Road and Council funded Forbes Road. ✓ Plant and equipment budgeted for \$847,000 – one (1) vehicle purchased to date. ✓ Land and buildings have a total budget of \$3.6m for two (2) Shire housing for Hyden and Kondinin, Karlgarin Bowling & 	Page 7 – Key Information Page 11 to 14 – Note 8 Capital Acquisitions

Country Clubs Building and Kondinin Pavilion upgrade are 24% completed.	
<ul style="list-style-type: none"> • Grants, Subsidies and Contributions <ul style="list-style-type: none"> ✓ Operating grants total received to date = \$700,629 from MRWA Direct grant, FAGS, Diesel Fuel Rebate and DFES quarter 1. ✓ Capital grants total received to date = \$1,527,568 from RRG 40% claim, RTR Bushfire Rock Road, progress payment for SLRIP and initial DOT grants for Shared pathway. 	Pages 21 – Note 15 Grants, Subsidies and Contributions Page 22 – Note 16 Capital Grants, Subsidies and Contributions.

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. – Refer to page 6, Note 3 – Explanation of Material Variances.

Voting Requirement

Simple Majority

9.3 MANAGER OF WORKS

9.3.1 SUPPLY & COVER OF BITUMINOUS PRODUCTS

Author:	Mark Burgess – Manager Works
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	10 November 2025
Disclosure of Interest:	Nil
Attachments:	Nil

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

1. Notes and acknowledges that Bitutek Pty Ltd is a WALGA preferred supplier.
2. Notes and acknowledges that under the provisions of Local Government (Functions and General) Regulations 1996, Division 2, Section 11(2)(a), the Shire is exempt from the public invitation of tenders if the supply of goods and services is to be obtained through the WALGA Preferred Supplier Program.
3. Notes and acknowledges that RFT 02-2023-2024 for the supply and application of bituminous products (as previously reported to Council) was awarded to Bitutek Pty Ltd.
4. Endorses and approves the retention of Bitutek to supply and apply bituminous products to carry out the following schedule of works:

December 2025:

Lovering & Mt Walker Roads – Regional Roads Group funding - \$130,000 (ex GST).

December 2025 – January 2026:

Pederah West, North Lake Karlgarin and Smith Loop, Mouritz Street, Radbourne Drive, Unity and Federal Streets, Hyden – Roads to Recovery funding - \$230,000 (ex GST).

5. Authorises the Chief Executive Officer to approve the payment of \$360,000 (ex GST) to Bitutek Pty Ltd from the approved 2025-2026 budget for road works upon the successful completion of the scheduled road works.

For:

Against:

Carried:

Summary

This report seeks Council's endorsement and approval for the Chief Executive Officer to authorise the payment of \$360,000 (ex GST) to Bitutek Pty Ltd upon the successful completion of road works in Hyden and North Lake Karlgarin.

Background

During May 2023, a Request for Tender (02-2023-2024) for the Supply and Cover of Bituminous Products on the Hyden-Norseman Road and Lovering Road. Bitutek Pty Ltd was subsequently awarded the works. (Tender attached for reference). Works undertaken by Bitutek were of a high standard and fit for purpose.

Bitutek Pty Ltd is a preferred supplier on the WALGA pre-qualified panel of suppliers. Under the provisions of the Local Government (Functions and General) Regulations 1996, Division 2, Section 11(2)(b), the Shire is exempt from going to tender as the supply of goods or services is to be obtained through the WALGA Preferred Supplier Program.

Given the past performance of Bitutek, they have been retained to continue works in accordance with the following schedule:

December 2025:

Lovering & Mt Walker Roads – Regional Roads Group funding - \$130,000 (ex GST).

December 2025 – January 2026:

Pederah West, North Lake Karlgarin and Smith Loop, Mouritz Street, Radbourne Drive, Unity and Federal Streets, Hyden – Roads to Recovery funding - \$230,000 (ex GST).

Comment

This report is an administrative action to provide delegated authority to the CEO to authorise the payment of the Bitutek Pty Ltd invoices (in the aggregate) upon the successful completion of works during December 2025 and January 2026.

Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Policy Implications

Nil.

Financial Implications

Funding for these projects is within the 2025-2026 Capital Works Budget.

Strategic Implications

Strategic Community Plan 2022-2032

2.2 Achievement of our road construction program

Voting Requirement

Simple majority.

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 SHIRE OF KONDININ – 2026 SCHEDULE OF ORDINARY COUNCIL MEETINGS & 2025-2026 ANNUAL ELECTORS MEETING

Author:	Bruce Wright - Chief Executive Officer
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	10 November 2025
Disclosure of Interest:	Nil
Attachments:	Nil

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

1. Endorses and approves the schedule and locations for the 2026 Shire of Kondinin Ordinary Meetings of Council.
2. Endorses and approves the proposed date and location for the 2025-2026 Shire of Kondinin Annual Electors Meeting.

Date	Time	Location
January, 2026		No Meeting
Wednesday, 11 February 2026	4.00pm	Kondinin Shire Chambers
Wednesday, 11 February 2026 (Annual Electors Meeting)	6.00pm	Kondinin Recreation Centre
Wednesday, 18 March 2026	4.00pm	Hyden CRC Building
Wednesday, 22 April 2026	4.00pm	Kondinin Shire Chambers
Wednesday, 20 May 2026	4.00pm	Hyden CRC Building
Wednesday, 17 June 2026	4.00pm	Kondinin Shire Chambers
Wednesday, 22 July 2026	4.00pm	Hyden CRC Building
Wednesday, 19 August 2026	4.00pm	Kondinin Shire Chambers
Wednesday, 23 September 2026	4.00pm	Hyden CRC Building
Wednesday, 21 October 2026	4.00pm	Kondinin Shire Chambers
Wednesday, 18 November 2026	4.00pm	Hyden CRC Building
Wednesday, 16 December 2026	4.00pm	Karlgarin Country Club

For:

Against:

Carried:

Summary

This report seeks Council's endorsement and approval of the proposed schedule and locations of the Shire of Kondinin Ordinary Council Meetings for 2026 and the 2025-2026 Annual Electors Meeting.

Background

In accordance with Regulation 12(1) of the Local Government (Administration) Regulations 1996, Council is required to give local public notice of the date, time, and place of its Ordinary Council Meetings each year for the following 12 months.

Under the provisions of Subdivision 4, Section 5.27 of the Local Government Act 1995, Council is required to hold an Annual Electors Meeting once every financial year. The date of the meeting must be not more than fifty-six (56) days after the local government accepts the annual report for the previous financial year.

Council will be presented the 2024-2025 Annual Report at the Ordinary Meeting of Council on 17 December 2025. The proposed date for the 2025-2026 Annual Electors Meeting is scheduled for Wednesday 11 February 2026, precisely 56 days from the Ordinary Meeting of 17 December 2025.

Comment

The scheduling of the Shires 2026 Ordinary Meetings of Council and the 2025-2026 Annual Electors meeting are a statutory requirement.

Statutory Environment

Local Government Act 1995

- Section 5.4(b) - Ordinary and special meetings of council are to be called by the CEO in accordance with the decision of the council.
- Section 5.5(1) - The CEO must give at least 72 hours' notice to members of the date, time and place of a meeting.
- Section 5.27 – A general meeting of electors is to be held once every financial year on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

Local Government (Administration) Regulations 1996

- Regulation 12(1) — Requires annual public notice of Ordinary Council Meeting dates.
- Regulation 12(3) — Requires local public notice where there is a change to the date, time or place of a meeting.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority.

9.4.2 SHIRE OF KONDININ – 2026 EXTERNAL COMMITTEE APPOINTMENTS

Author:	Bruce Wright - Chief Executive Officer
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	10 November 2025
Disclosure of Interest:	Nil
Attachments:	Nil

OFFICER RECOMMENDATION**Moved: Cr****Seconded: Cr**

That Council:

1. Appoints Councillors and proxies as representatives of the Shire of Kondinin to the following external committees.
2. Approves the tenure of appointment of Councillors and proxies to the following external committees is for a period of two (2) years, concluding immediately after local government elections in October 2027.
3. Approves the payment of reasonable travel expenses to Mr Brett Smith acting as a proxy of the Shire when attending Eastern Wheatbelt Biosecurity Group meetings.

Committee / Group	Councillor / Proxy
Roe Tourism	Councillor: Councillor: Proxy: Chief Executive Officer
Wheatbelt South Regional Road Group – Department of Main Roads	Councillor: Councillor: Proxy: Chief Executive Officer Proxy: Manager of Works
Regional Road Group – Department of Main Roads	Councillor: Councillor: Proxy: Chief Executive Officer Proxy: Manager of Works
Sub-Regional Road Group	Councillor: Councillor: Proxy: Chief Executive Officer Proxy: Manager of Works
Roe Regional Organisation of Councils	Councillor Member: Deputy Member: Proxy: Chief Executive Officer
Eastern Wheatbelt Biosecurity Group	Councillor: Proxy: Mr Brett Smith Proxy: Chief Executive Officer

WALGA Great Eastern Zone	Councillor: Councillor: Proxy: Chief Executive Officer	
LGIS Risk Management Advisory Group	Councillor: Councillor: Proxy: Chief Executive Officer	
Upper Great Southern Regional Operations Advisory Committee (ROAC) – DFES	Councillor: Councillor: Proxy: Chief Executive Officer Proxy: Manager of Works	
Mid-West Wheatbelt Joint Development Assessment Panel	Member: Member: Alternate Member: Alternate Member:	
For: Against:		Carried:

Summary

This report seeks the appointment of Councillors and proxies to external committees of which the Shire is a member local government.

In addition, the report seeks Council endorsement and approval to appoint Mr Brett Smith as a proxy on behalf of the Shire at the Eastern Wheatbelt Biosecurity Group (EWBG) and to reimburse Mr Smith reasonable travel expenses for his attendance at group meetings.

Background

The Shire holds a seat at several external committees and groups throughout the eastern region of Western Australia. A review of current committee and group commitments has been conducted and the committees and groups that are the subject of this report are considered as being relevant to the Shire.

Former Shire Councillor Mr Brett Smith was previously appointed as the representative Councillor on the EWBG. Mr Smith has expressed an interest in continuing his association with the EWBG and has agreed to act as a proxy on behalf of the Shire at the EWBG. Mr Smith has a long standing association with biosecurity drawn from an extensive career in regional Western Australia. He maintains an active knowledge and extensive experience in biosecurity and presents as a strong representative of the Shire.

It is further recommended that the Council endorses the Chief Executive Officer and Manager of Works as proxies on the committees and groups nominated within the recommendation. This will provide contingency and active participation at times Councillors are unable to attend meetings because of conflicting priorities, leave of absence and/or unforeseen events.

Comment

The external committees and groups that the Shire holds membership of are considered as being essential to ongoing networking, maintaining cross organisational relationships and maintaining up to date currency with current and emerging matters that may affect the Shire.

Statutory Environment

- Local Government Act 1995 – Regional Roads Group.
- Main Roads Act 1930 - Regional Roads Group.
- Road Traffic Act 1974 - Regional Roads Group.
- Planning and Development (Development Assessment Panels) Regulations 2011 - Joint Development Assessment Panel (JDAP).

Policy Implications

Nil

Financial Implications

It is estimated that the cost of travel for Mr Smith will equate to circa \$600 per annum if all meetings are attended.

Strategic Implications

Strategic Community Plan

4. Civic Leadership – *RoeRoc and regional groupings deliver local benefit*

Voting Requirement

Simple majority.

9.4.3 SHIRE OF KONDININ – APPOINTMENT OF MEMBERS TO INTERNAL COMMITTEES OF COUNCIL

Author:	Bruce Wright - Chief Executive Officer
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	10 November 2025
Disclosure of Interest:	Nil
Attachments:	Terms of Reference – Infrastructure & Assets Committee - Draft Terms of Reference – Medical & Community Services Committee - Draft

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

1. Appoints the following Councillors as members of the Shire of Kondinin Infrastructure & Assets Committee.

Position	Member
Chairperson	Councillor:
Deputy Chairperson	Councillor
Member	Councillor:

2. Approves the tenure of appointment of Councillors to the Infrastructure & Assets Committee for a period of two (2) years, concluding immediately after local government elections in October 2027.
3. Endorses in principle, the attached Terms of Reference – Infrastructure & Assets Committee for presentation to the Infrastructure & Assets Committee for consideration at the first meeting of the Committee.
4. Appoints the following Councillors as members of the Shire of Kondinin Medical & Community Services Committee.

Position	Member
Chairperson	Councillor:
Deputy Chairperson	Councillor
Member	Councillor:

5. Approves the tenure of appointment of Councillors to the Medical & Community Services Committee for a period of two (2) years, concluding immediately after local government elections in October 2027.
6. Endorses in principle, the attached Terms of Reference – Medical & Community Services Committee for presentation to the Infrastructure & Assets Committee for consideration at the first meeting of the Committee.

For:
Against:

Carried:

Summary

This report seeks the appointment of Councillors as Members of the Shire of Kondinin Infrastructure and Assets & Medical and Community Services committees for a period of two (2) years, concluding immediately after local government elections during October 2027.

Background

The Assets and Infrastructure & Medical and Community Services Committees are established by Council under section 5.8 of the Local Government Act 1995 (WA) to provide advice and recommendations to Council on matters relating to”

- Infrastructure and assets.
- Community development, health, wellbeing, and social inclusion within the Shire.

Comment

The constitution of these committees will assist Council in the planning, coordination and delivery of initiatives that offer sustainable strategic, operational and commercially viable outcomes for Shire owned assets, health care and community services.

Statutory Environment

- Local Government Act 1995
- Strategic Asset Management
- Long Term Financial Planning

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan

4. Civic Leadership

Voting Requirement

Absolute majority.

9.4.4 SHIRE OF KONDININ – APPOINTMENT OF MEMBERS TO THE AUDIT RISK & IMPROVEMENT COMMITTEE

Author:	Bruce Wright - Chief Executive Officer
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	10 November 2025
Disclosure of Interest:	Nil
Attachments:	Terms of Reference – Audit, Risk and Improvement Committee - Draft Local Government Reform Fact Sheet – Reforms to Governance & Committees.

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

1. Appoints the following Councillors as members of the Shire of Kondinin Audit, Risk & Improvement Committee.

Position	Member
Independent Presiding Member	Mrs Catherine Mayfield
Independent Deputy Presiding Member	Mrs Tracey Utley
Member	Councillor:
Member	Councillor:
Member	Councillor:

2. Approves the tenure of appointment of Councillors to the Audit, Risk and Improvement Committee for a period of two (2) years, concluding immediately after local government elections in October 2027.
3. Endorses in principle, the attached Terms of Reference – Audit, Risk & Improvement Committee for presentation to the Audit, Risk & Improvement Committee for consideration at the inaugural meeting of the Committee.

For:

Against:

Carried:

Summary

This report seeks the appointment of Councillors as Members of the Shire of Kondinin Audit, Risk and Improvement Committee for a period of two (2) years, concluding immediately after local government elections during October 2027.

Background

The Audit, Risk and Compliance Committee (the ARC) is appointed by Council in accordance with the provisions of section 7 of the Local Government Act 1995 (the Act).

The Local Government Reform (2024) package incorporates amendments to the constitution and the operation of local government ARC Committees. A Department of Local Government, Sport and Cultural Industries fact sheet is attached for reference. Upon commencement of section 87 of the Local Government Amendment Act 2024, changes include, but are not limited to:

- Revision of the ARC to the Audit, Risk and Improvement Committee (ARIC).
- The appointment of an Independent Presiding and Deputy Presiding Member by the Council.

At the October 2025 Ordinary Meeting, the Council appointed Independent Presiding & Deputy Presiding Members of the Audit, Risk & Improvement Committee.

The appointment of Independent and Councillor members for the ARIC is consistent with the provisions of section 87 of the Local Government Amendment Act 2024; and represents strong and logical civic leadership in preparation for the new legislation.

Comment

The constitution of the Audit, Risk and Improvement Committee is a statutory requirement under the provisions of the Local Government Amendment Act 2024. The appointment of Councillors to the Committee is now required and upon appointment, the inaugural meeting of the committee will be scheduled.

Statutory Environment

- Local Government Act 1995
- Local Government Amendment Act 2024

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan
4. Civic Leadership

Voting Requirement

Absolute majority.

9.4.5 SHIRE OF KONDININ – APPOINTMENT OF MEMBERS TO THE LOCAL EMERGENCY MANAGEMENT COMMITTEE

Author:	Bruce Wright - Chief Executive Officer
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	10 November 2025
Disclosure of Interest:	Nil
Attachments:	Terms of Reference – Local Emergency Management Committee – Draft LEMC Handbook

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

1. Appoints the following Councillors and Officers as members of the Shire of Kondinin Local Emergency Management Committee under the provisions of Section 38(3) of the *Emergency Management Act 2005*:

Position	Member
Chairperson	Councillor:
Alternate Chairperson	Councillor
Member	Chief Executive Officer
Member	Manager of Works
Member	Manager Planning & Assets
Executive Officer (non voting)	Council Officer pending nomination

2. Approves the tenure of appointment of Councillors to the Local Emergency Management Committee for a period of two (2) years, concluding immediately after local government elections in October 2027.
3. Endorses in principle, the attached Terms of Reference – Local Emergency Management Committee for presentation to the Local Emergency Management Committee for consideration at the first meeting of the Committee.

For:

Against:

Carried:

Summary

This report seeks the appointment of Councillors as Members of the Shire of Kondinin Local Emergency Management Committee (LEMC) for a period of two (2) years, concluding immediately after local government elections during October 2027. Further, the report endorsement in principle of a draft Terms of Reference for the LEMC.

Background

Under the provisions of section 38(1) of the Emergency Management Act 2005, each local government is required to establish a Local Emergency Management Committee (LEMC) for its local government area. The role of the LEMC is to, among other things:

- Assist the local government in the development, review, and testing of its Local Emergency Management Arrangements (LEMA);
- Coordinate emergency management activities at the local level; and
- Provide advice and support to the District Emergency Management Committee (DEMC) and relevant hazard management agencies.

The Committee is chaired by a representative of the local government and includes the Local Emergency Coordinator, representatives of emergency services and relevant agencies, and local government officers.

An LEMC Handbook is attached for reference.

Comment

The appointment of Councillors and Officers to the LEMC is a statutory requirement.

Statutory Environment

Emergency Management Act 2005 (WA):

- Section 38 – Local emergency management committees;
- Section 39 – Functions of local emergency management committees;
- Section 41 – Local emergency management arrangements.

Policy Implications

The appointments are consistent with the State Emergency Management Framework and the Shire's Local Emergency Management Arrangements.

Financial Implications

There are no direct financial implications associated with this report.
Administrative support will be provided within existing staff resources.

Strategic Implications

Strategic Community Plan
4. Civic Leadership

Voting Requirement

Absolute majority.

9.4.6 SHIRE OF KONDININ – END OF YEAR CLOSURE 2025

Author:	Bruce Wright - Chief Executive Officer
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	10 November 2025
Disclosure of Interest:	Nil
Attachments:	Nil

OFFICER RECOMMENDATION**Moved: Cr****Seconded: Cr**

That Council:

1. Endorses the proposed closure of Shire operations from Monday, 22 December 2025 to Monday, 5 January 2026:

DATE	STATUS
Friday, 19 December 2025	OPEN for normal business
Saturday, 20 December 2025	CLOSED (Weekend)
Sunday, 21 December 2025	CLOSED (Weekend)
Monday, 22 December 2025	CLOSED (Leave)
Tuesday, 23 December 2025	CLOSED (Leave)
Wednesday, 24 December 2025	CLOSED (Leave)
Thursday, 25 December 2025	CLOSED (Public Holiday – Christmas Day)
Friday, 26 December 2025	CLOSED (Public Holiday – Boxing Day)
Saturday, 27 December 2025	CLOSED (Weekend)
Sunday, 28 December 2025	CLOSED (Weekend)
Monday, 29 December 2025	CLOSED (Leave)
Tuesday, 30 December 2025	CLOSED (Leave)
Wednesday, 31 December 2025	CLOSED (Leave)
Thursday, 1 January 2026	CLOSED (Public Holiday – New Year's Day)
Friday, 2 January 2026	CLOSED (Leave)

2. Notes and acknowledges that employees will utilise annual or accrued leave or leave without pay for the above periods which are not public holidays.
3. Notes and acknowledges that the above-mentioned closures are the subject of a contingency plan to ensure essential services continue to be provided to the community.
4. Notes that no interruption to kerbside waste collection services will occur in Hyden and Kondinin between 19 December 2025 and Friday 2 January 2026. Waste transfer stations will be closed on all Public Holidays.
5. Notes that the Kondinin Aquatic Centre will be closed from Wednesday 24th December, 2025 to Friday 26th December, 2025 and on Thursday 1st January, 2026.
6. Notes that the Hyden Swimming Pool will be closed on Thursday 25th December, 2025 to Friday 26th December, 2025 and on Thursday 1st June, 2026.

7. Notes the 2026 schedule of gazetted public holidays in Western Australia:

DATE	Public Holiday
Thursday 1 January 2026	New Year Public Holiday
Monday 26 January 2026	Australia Day
Monday 2 March 2026	Labor Day
Friday 3 April 2026	Good Friday
Monday 6 April 2026	Easter Monday
Saturday 25 April 2026, holiday recognised on Monday 27 April 2026	ANZAC Day
Monday 1 June 2026	Western Australia Day
Monday 28 September 2026	Kings Birthday
Friday 25 December 2026	Christmas Day
Saturday 26 December 2026, holiday recognised on Monday 28 December 2026	Boxing Day

For:**Against:****Carried:****Summary**

This report seeks Council approval for the closure of Shire operations over the end of year Christmas and New Year period 2025-2026.

Shire employees will avail themselves of annual leave or leave without pay for the periods outside of public holidays and in total, seven (7) days of leave will be required per employee subject to alternate arrangements for essential services.

Background

During the Christmas and New Year period it is a widely accepted practice for local governments to suspend Shire operations to all but essential services.

Arrangements have been made to ensure essential and out of hours essential services will be delivered to the community during the closure. Appropriate community public notices will be created to advise of the closures to minimise any inconvenience to communities.

Comment

The Shire has previously and successfully undertaken similar closures during the end of year festive season. Adequate contingency will be in place to support essential services and the Chief Executive Officer will remain in the district throughout the closure.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There are no direct financial implications associated with this report.

Strategic Implications

Nil

Voting Requirement

Simple majority.

9.4.7 SHIRE OF KONDININ POLICY REVIEW – DISCRIMINATION, HARASSMENT & BULLYING

Author:	Bruce Wright - Chief Executive Officer
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	10 November 2025
Disclosure of Interest:	Nil
Attachments:	Draft – Staff-010 <i>Discrimination, Harassment & Bullying</i> Shire Policy Staff-010 – Current Version

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

1. Endorses and adopts Shire Policy, *Staff-010 Discrimination, Harassment & Bullying*.

For:

Against:

Absent:

Carried:

Summary

This report seeks Council's endorsement and adoption of the *Staff-010 Discrimination, Harassment & Bullying* policy as a part of the on-going review of existing Shire policies.

Background

The Shire is currently conducting a review of policies that have either:

- Become outdated.
- Are lacking contemporary relevance.
- Are capable of being translated into Business Operating Procedures.
- Or require updating in accordance with legislative changes.

On 16 August, 2017, Council adopted policy *Staff-010 Equal Employment Opportunity and Harassment*. Since the time of adoption, the Work Health and Safety Act 2024 (WA) has been enacted and prescribed references are required for inclusion into the existing Shire policy.

The amended Shire policy *Staff 0-10 Discrimination, Harassment & Bullying* provides further clarity of existing themes and incorporates the provisions of the Work Health and Safety Act 2024.

Comment

The amending and updating of policy is considered as being a responsible administrative action to meet evolving and new legislative requirements.

Statutory Environment

- Local Government Act 1995
- Work Health and Safety Act 2020 (WHS Act)
- Equal Opportunity Act 1984
- Sexual Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1976 (Cth)
- Human Rights Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)

Policy Implications

Staff-010 Discrimination, Harassment & Bullying supersedes Staff-010 Equal Employment Opportunity and Harassment

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority.

9.5. CONFIDENTIAL ITEMS

RECOMMENDATION:

Moved: Cr

Seconded: Cr

That Council move into a closed session to hear and determine a report of a confidential nature.

For:

Carried:

Against:

Absence:

9.5.1 NO. 6 (LOT 276) COTTLE WAY, KONDININ – PROPOSED DISPOSAL OF PROPERTY

Author:	Tory Young – Manager Planning & Assets
Authorising Officer:	Bruce Wright - Chief Executive Officer
Date:	11 November 2025
Disclosure of Interest:	Nil
Confidential Attachments:	Land Valuation Aerial Plan Offer to Purchase

OFFICER RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

1. **ACCEPTS** in principle, an offer of \$XXXX for the purchase of No. 6 (Lot 276) Cottle Way, Kondinin by XXXXXXXXXX; and
2. **AUTHORISES** the Chief Executive Officer to give local public notice of the proposed disposition of No. 6 (Lot 276) Cottle Way, Kondinin pursuant to section 3.5.8 (3) of the Local Government Act 1995 and report the matter back to Council following the advertising period accordingly.

For:

Against:

Carried:

CONFIDENTIAL REPORT

This report is confidential under the provisions of the Local Government Act 1995, Section 5.23(2)(c) and Section 5.23(2)(e)(ii)-(iii). The Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to public interest as it deals with:

1. *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,*
2. *A matter that if disclosed, would reveal:*
 - I. *information that has a commercial value to a person; and*
 - II. *information about the business, professional, commercial or financial affairs of a person.*

RECOMMENDATION:

Moved: Cr

Seconded: Cr

That Council move out of the closed sessions and back into the ordinary session of Council

For:

Carried:

Against:

Absence:

9.6 COMMITTEE ITEMS

Nil

10. BUSINESS OF AN URGENT NATURE

11. CLOSURE

Being no further business, the meeting was closed at pm.